

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

Project Information

Project Name: St.-Paul-Terrace

HEROS Number: 900000010401175

Start Date: 05/27/2024

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

RE Preparer: Asavari Devadiga

State / Local Identifier:

Certifying Officer: Scott Gilman, Director, HHCS

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

Point of Contact: James Williams

Consultant (if applicable): BayDesert, Inc

Point of Contact: Eugene T Flannery

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

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

Project Location: 2024 Ashby Ave, Berkeley, CA 94703

Additional Location Information:

2024 Ashby Ave, Berkeley, CA 94703-2507 Longitude: -122.267913 Latitude: 37.854943

Direct Comments to: Submit written comments to HCSAdmin@berkeleyca.gov, City of Berkeley, Health, Housing and Community Services Department. Comments should specify which Notice they are addressing.

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

Community Housing Development Corporation of North Richmond (CHDC) in partnership with St. Paul African Episcopal Methodist Church of Berkeley (AME) proposes to develop the St. Paul Terrace affordable housing project on a 0.34-acre site comprised of four contiguous parcels (APNs 053-1592-019, -020, -021 and -022) with addresses 2024 Ashby Avenue, Berkeley, Alameda County, California 94703. The site is located on Ashby Avenue between Adeline Street and Shattuck Avenue. The site currently contains a church, annex building and parking lot. The proposed project will consist of demolishing the annex building and the parking lot and constructing a 7-story residential building with basement. The total housing area will be approximately 55,376 square feet. The building will have a total of 50 units with a mix of 11 studios, 6 one-bedrooms, 18 two-bedrooms, and 15 three-bedrooms. The project is an affordable housing development for low-income households. Of the 50 units, 49 units will be available for households with 20% to 60% area median income (AMI), out of which 13 units will be set aside for homeless seniors who may also be experiencing or at risk of homelessness. One two-bedroom unit will be an unrestricted manager's unit. The building design incorporates principles that will allow accessibility, convenience, security, and a sense of home for families. A total of 10 parking spaces will be provided on-site. The project will include offsite improvements including public surface improvements (street work, curbs, gutters, and sidewalks); public utility improvements (water and sewer lines and connections); and drainage improvements.

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

The provision of 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. The population in Berkeley (City) 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 an eight-year period (in the 2023 - 2031 cycle) and have allocated the need among Bay Area jurisdictions. The Regional Housing Needs Allocation (RHNA) for the City of Berkeley is 8,934 new units between 2023 and 2031. The total number of housing units and the distribution by income category require 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 St. Paul Terrace. The City of Berkeley General Plan policies call for increased development of affordable housing. * Policy H-1: Extremely Low, Very Low-, Low- and Moderate-Income Housing: Allow increases in density to promote production of below market rate housing in consistency with the State Housing Density Bonus law * Policy H-12: Transit Oriented New Construction: City seeks to encourage the construction of medium and high-density housing along transit corridors and in proximity to BART stations * Policy H-26: Affordable Accessible Housing: City seeks to expand the supply of accessible, permanently affordable housing units, particularly to those with extremely low-income. The City's Housing Element identifies objectives for increased construction of housing. * Housing Affordability: Berkeley residents should have access to quality housing at a range of prices and rents. Housing is least affordable for people at the lowest income levels, and City resources should focus on this area of need. * Expansion of the Housing Supply: New housing should be developed to expand housing opportunities in Berkeley to meet the needs of all income groups. * Special Needs Housing and Homelessness Prevention: Berkeley should expand the supply of housing for special needs groups, including housing affordable to households and individuals with extremely low incomes. St. Paul Terrace presents a unique opportunity to build affordable housing in a desirable Berkeley neighborhood. The project is consistent with the goals, policies and objectives articulated in both the City of Berkeley General Plan and the Housing Element. The project would accommodate a portion of the citywide demand for new housing that is near transit, jobs, retail services, and regional transportation. The project would provide 49 units of affordable housing, which would satisfy a portion of identified affordable housing needs for Berkeley. Sources: (1) (2)

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

The supply of affordable housing in the City is limited and not adequate to serve the needs of a growing population. According to the United States 2020 Census, the median household income for Berkeley (in 2022 dollars) for 2018-2022 was \$104,716. Per capita income for the past twelve months was \$63,310. Despite these income levels 17.7% of Berkeley residents live in poverty. The average household in the United States spends \$61,334 a year on expenses. On average, 34.9% of spending or roughly \$1,784 a month, is dedicated to housing and housing-related costs. The median price of a single-family home in the United States is \$273,992. Nationwide, the average rent for a two-bedroom apartment runs \$1,154 a month. California has the nation's third-highest cost of living index at 142. 2. Housing in California is twice the national average, with a typical single-family home priced at \$683,996. The average rent for a two-bedroom apartment in California is \$1,884. Costs run much higher in major metropolitan areas, such as the San Francisco Bay Area. Berkeley's housing expenses are 198% higher than the national average and the utility prices are 30% higher than the national average. Transportation expenses such as bus fares and gas prices are 34% higher than the national average. The site lies in Census Tract 4239.01 Alameda County. The tract has an estimated population of 2,258. Characteristics of the tract include: 960 housing units of which 72 are vacant (7.5%); Renter-occupied housing units (64%); Adults who are college graduates (65%); Population living below poverty line (8.9%); Unemployment rate (31%); Latinos comprise 13.92% of the population, Asians 9.57%, Blacks 12.48%. American Indian 0.55%; Mixed Race 13.13%; and White 50.30%. The site is located along the southern side of Ashby Street, between Adeline and Shattuck Avenues. The site is relatively level. Currently, the site is occupied by two church buildings and a parking lot. Sources: (2) (3) (4)

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

- [St Pauls Map.pdf](#)
- [Photo Set ST Paul.pdf](#)
- [Location Maps - St Pauls Terrace.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:

- [St Paul EA Signature Page Signed.pdf](#)

7015.15 certified by Certifying Officer on:

7015.16 certified by Authorizing Officer on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name	Funding Amount
TBD	Public Housing	Project-Based Voucher Program	\$10,051,440.00

Estimated Total HUD Funded, Assisted or Insured Amount: \$10,051,440.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$69,421,461.00

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is not located in an airport land use plan area. The nearest public airport is Oakland International Airport, approximately 12 miles south of the project site. The project site does not lie within any airport clear zone or accident potential zone. The project site is located several miles outside of the of the 60 dBA and 65 dBA Community Noise Equivalent Level (CNEL) airport noise contours. The project complies with Airport Hazards requirements. Sources: (6), (7)

<p>Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project is located in a state that does not contain CBRS units. There are no Coastal Barrier Resource System (CBRS) Units or CBRS buffer zones, as defined under the Coastal Barrier Resources Act of 1982 (PL 97-348), as amended by the Coastal Barrier Improvement Act of 1990 (PL 101-591) located within California. The project site is not located within a CBRS Unit or CBRS buffer zone. This project is in compliance with the Coastal Barrier Resources Act. Source: (8)</p>
<p>Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The 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. Sources: (9) (10)</p>
<p>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5</p>		
<p>Air Quality Clean Air Act, as amended, particularly section 176(c) & (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 marginal attainment status for the following: 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. Emissions of the precursors from construction are below the federal General Conformity de minimis levels and the average daily construction emissions are below BAAQMD's thresholds. Operational emissions are below both the federal de minimis levels and BAAQMD thresholds. Compliance with the local Air District's (BAAQMD) Best Management Practices (BMPs) for controlling fugitive dust</p>

		<p>during soil disturbing activities would control construction-related fugitive dust, such that there would be no adverse impacts. Fugitive Dust, Toxic Air Contaminants, Cancer Risks and non-cancer risks resulting from both mobile and stationary sources. are discussed infra at Other Factors. Hazards. Greenhouse Gases (GHG) are discussed in the GHG Section. Please see attached Air Quality Discussion for complete information regarding the Air Quality analysis. Sources: (10) (11) (12) (13) (14) (15)</p>
<p>Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project site is inland of the Coastal Zone boundary. The project is 9,300 feet east of the coastal area. A consistency determination is not required. Source: (16)</p>
<p>Contamination and Toxic Substances 24 CFR 50.3(i) & 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, ASTM Phase II 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 low levels of radon or consideration of radon not occur following construction. Adverse environmental impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements. Source Documents:18, 19, 20</p>
<p>Endangered Species Act 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 has been determined to have No Effect on listed species. This project is in compliance with the Endangered Species Act without mitigation. The property has not been identified as containing species identified as candidate sensitive, or special status in any local or regional plans, policies, or regulations U.S. Fish and Wildlife Service. The site is not a</p>

		<p>critical habitat. Therefore, no impact would occur. The project site and its vicinity are not part of any draft or adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan. The proposed project would not conflict with the provisions of any adopted conservation plan. Due to the urbanized nature of the area surrounding the project site and the lack of a major water body the project site does not support habitat for native resident or migratory species or contain native nurseries. The proposed project would not interfere with wildlife movement or impede the use of native wildlife nursery sites and no impact would occur. Project implementation will not impact wetland or riparian habitats. There are no areas of surface water (ponds, pits, lagoons), wetlands or riparian habitats within the property boundaries. The U.S. Fish and Wildlife was contacted for a list of Threatened and Endangered species that may occur within the boundary of the proposed project and/or may be affected by the proposed project. The list of species is attached. Site development will not result in impacts to listed federal wildlife species. No critical habitats are present at the Site. Sources: (23) (24)</p>
<p>Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C</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 flammable hazard requirements. A review of the Aboveground Storage Tank (AST) list, as provided by EDR, has revealed that there are five AST sites within approximately one mile of the Site. Four tanks are of a sufficient</p>

		distance from the Site meet the Acceptable Separation Distance (ASD) standard for HUD funded projects for ASD for Thermal Radiation for People (ASDPPU) and ASD for Thermal Radiation for Buildings (ASDBPU). The fifth tank's volume has not been reported but for it to not meet the ASD standards it would need to exceed a capacity of 200,000 gallons, which is highly unlikely. Source Document(s): (26) (27)
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. Source Documents: (28)
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106. Mitigation measures associated with cultural resources are included in the mitigation section.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A Noise Assessment was conducted. The noise level was normally unacceptable: 72.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation with mitigation. Source Documents:14, 29, 30, 31, 32
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. Source: (32)
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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. Review of the National Wetland Inventory provided by the U.S. Fish and Wildlife Service (USFWS) identified no wetlands or riparian areas within the project site. The nearest waterbody (Derby Creek) is approximately 5,700 feet from the project site. No further consultations are required. Source: (23)
Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. The closest Wild and Scenic River (American River Lower Branch) is approximately 73 miles from the project site. Sources: (34) (35)
HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Adverse environmental impacts are not disproportionately high for low-income and/or minority communities. The project is in compliance with Executive Order 12898.

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.

Environment al Assessment Factor	Impac t Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Conformance with Plans / Compatible	1	The project will be consistent with Berkeley's long-range goals and policies as articulated in the General Plan and the Adeline Corridor	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
Land Use and Zoning / Scale and Urban Design		<p>Specific Plan. The site is in the C-AC Adeline Corridor Commercial Zoning District. Permitted uses include multi-family residential developments, mixed-use developments (e.g., residential/commercial; office/other commercial), religious assembly, retail stores, offices, food service establishments, vehicle sales, industrial and heavy commercial. The General Plan land use designation for the site is Avenue Commercial, which is characterized by a "pedestrian-oriented commercial development and multi-family residential structures." The proposed project is comprised of 88 percent multi-family residential uses and 12 percent religious uses. The threshold for this land use designation for residential uses is 66.6 percent, which the project exceeds. Policy LU-23 of the General Plan encourages transit-oriented development that includes allows greater residential density and reduced residential parking requirements in areas with above-average transit service such as the Ashby BART area. The project has a proposed density of 49 Units (160 dwelling units per acre) and will limit parking to 19 spaces. Policy LU-25 encourages development of affordable housing in transit-oriented locations. (Also see Housing Policy H-16.). The project is 100 percent affordable and is within walking distance of the Ashby BART station. The project is within the North Adeline sub-area of the Adeline Corridor Specific Plan Area. The project explicitly furthers the goals for the sub-area by introducing a wholly affordable housing development combined with community uses. The City has determined that the project conforms to the City of Berkeley Design Standards applicable to new construction in the Adeline Corridor Specific Plan. The project conforms to the surrounding neighborhood in scale, density, and mass.</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Directly across from the project site is the newly developed Maudelle Miller Shirek Community affordable housing complex which is six stories in height and of similar mass and density. The project is being developed in such a way that it implements measures that further HUD's Policy goals regarding greenhouse gas emissions and climate impact. The project will utilize the GreenPoint Rating System as authored by Build It Green. The GreenPoint Rating system assesses various aspects of a building's energy efficiency, water conservation, indoor air quality, and overall environmental impact to ensure a more sustainable and environmentally friendly living environment for residents. By achieving a GreenPoint Rating for multifamily housing, the developer is demonstrating commitment to sustainability in an effort to reduce the project's carbon footprint. Additionally, in accordance with the City of Berkeley's Green Code the project will include a photovoltaic system, electric vehicle chargers, 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. The landscape design will comply with all CalGreen, East Bay Municipal Utility District requirements and Bay Friendly Requirements. Source Document(s): (1) (43) (44) (45) (46) (47) (48)</p>	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	3	<p>Alan Kropp and Associates conducted a Geotechnical Evaluation for the site in 2022 and found that the site suitable for the construction of the proposed project from a geotechnical standpoint. The report's conclusions and recommendations should be incorporated in the design and construction of the project to minimize geotechnical problems. The primary considerations for geotechnical design at the site are: *</p>	<p>The Geotechnical Evaluation Report's conclusions and recommendations prepared by Alan Kopp and Associates should be incorporated in the design and</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Potentially contaminated subgrade soils; * Potentially expansive surficial soils; * The presence of existing fill soils at the site; * Groundwater considerations; * Excavations and temporary shoring; * Foundation selection; * Earthquake hazards. Slope: The site and the surrounding area are relatively flat. The ground elevation ranges from 130 to 135 feet above mean sea level. The site topography which would preclude the potential for landslides and/or slope instability. Surface water at the site consists of direct precipitation onto the property. Construction of the project would result in ground surface disturbance during excavation and grading, which could create the potential for soil erosion to occur. In addition, excavation activities would be necessary to accommodate the proposed project. Groundwater was encountered at depths of 20 to 25 feet below existing grade. Seismic: The site is in a seismically active region. The major active faults in the area are the San Andreas, San Gregorio, and Hayward Faults. However, the project site is not located within a mapped seismic hazards zone. The U.S. Geological Survey's 2007 Working Group on California Earthquake Probabilities has determined that the overall probability of moment magnitude 6.7 or greater earthquake occurring in the San Francisco Bay Region during the next 30 years is 63%. The ground shaking intensity felt at the project site will depend on the magnitude, the distance from the site to the fault source, the directivity, and subsurface conditions. Liquefaction susceptibility at the site is low. 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</p>	<p>construction of the project to minimize geotechnical problems.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>an earthquake. With implementation of these provisions the potential impacts from ground shaking would be minimized to the greatest extent feasible. Erosion. As required by the Berkeley Municipal Code, earthwork and ground-disturbing activities, unless below minimum requirements, require a grading permit, compliance with which minimizes erosion, and the City's grading permit requirements ensure that construction practices include measures to protect exposed soils such as limiting work to dry seasons, covering stockpiled soils and use of straw bales and silt fences to minimize offsite sedimentation. Once construction is complete and exposed areas are revegetated or covered by buildings, asphalt, or concrete, the erosion hazard is substantially eliminated or reduced. Drainage/Storm Water Runoff: The project site, a paved parking area and church building, this area will be replaced by residential structure, and for the most part will remain impervious, similar to its existing condition. Stormwater runoff from project construction would continue to drain into the city's collection system. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC s.17.20 and the Conditions set forth in Paragraph49 of Attachment C of the SB 35 Zoning Certificate (#PLN2021-0072). Source Document(s) (49) (45) (50) (51) (52) (Berkeley Municipal Code Chapter 23.204.020)</p>	
<p>Hazards and Nuisances including Site Safety and Site-Generated Noise</p>	<p>3</p>	<p>Site Safety: The project will not create a risk of explosion, release hazardous substances or cause other dangers to public health. The project is not located near any hazardous operations. Faulting and Seismicity: See discussion in Soil Suitability. Traffic Noise: The project would result in an incremental</p>	<p>1. The project sponsor (Developer) is required to develop a site-specific noise reduction</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>increase in traffic volumes. The project would generate short-term noise during the construction. The project was estimated to generate 208 daily vehicle trips. The project area is exposed to noise from vehicles traveling on Ashby Avenue and Adeline Street. Existing traffic volumes on these roadways are 30,000 and 18,000 of average daily traffic respectively. Typically, roadway traffic volumes must double to result in a noticeable (i.e., three dBA) noise increase. Existing roadway volumes in the project area would not double as a result of project-generated traffic. And roadway noise levels would not increase by three dBA or more. Project-generated traffic would not result in an adverse noise impact. Pedestrian Safety: The Adeline Corridor Specific Area Plan includes redesigned street right-of-way including improvements at the intersection of Adeline Street and Ashby Avenue to support all modes of transportation, new bicycle facilities integrated with the citywide bicycle network, new pedestrian improvements focused on intersection crossing safety, universal accessibility and improvements to improve safety for those with disabilities, and improvements to transit stops and service in coordination with AC Transit. Operational Noise: Operations will not generate noise that would be adverse in terms of existing or future noise levels in the area. Future noise levels in the project vicinity will continue to result from local transportation-related noise sources. Operational noise generated by the proposed project would be the result of vehicles traveling to and from the site and the project rooftop heating, ventilation, and air conditioning (HVAC) equipment. The location, type, and design of proposed HVAC equipment must meet the City's exterior noise requirements in BMC Section 13.40.050.</p>	<p>(Construction Noise Reduction Program) program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. 2. Compliance with paragraph 17 of the Conditions of Approval is required to mitigate the potential hazard from vibration during construction.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Construction Noise: Construction activities generate considerable amounts of noise, especially during the construction of project infrastructure when heavy equipment is used. Construction noise impacts are greatest when construction occurs during noise-sensitive times of the day (early morning, evening, or nighttime hours), when the construction occurs in areas immediately adjoining noise sensitive land uses, or when the duration of construction extends for a long period of time. Construction of the proposed project would take approximately twelve months to complete. The project sponsor is required to develop a site-specific noise reduction (Construction Noise Reduction Program) program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction as measures needed to ensure that construction complies with Berkeley Municipal Code 13.40.070 and comply with the requirements contained in the Conditions (Conditions) listed in Attachment C of the SB35 Zoning Certificate (#PLN202). Because the duration of substantial noise generating activities would be limited and the project includes measures to reduce construction noise as required by the City of Berkeley, the construction noise impact is not considered adverse. Vibration: Short-term vibration noise would be generated during project construction. The use of heavy equipment or impact tools generate vibration levels that could cause harm to adjacent buildings, Compliance with paragraph 17 of the Conditions is required to mitigate this potential hazard. Sources: (1) (38) (39) (45) (47) (53) (54) (55)</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
SOCIOECONOMIC			
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 as well as supportive services for the adjacent church. Commercial space on the ground floor will be occupied by facilities for supportive services for the Church's clients and facilities to provide services related to housing stability for project residents. Construction of the project site would result in temporary construction job growth at the project site. It is expected that construction work and operational work at the project would be accommodated by the existing employment pool. No adverse impacts are anticipated on employment and income within the project area from project development Source Document: (57)</p>	
Demographic Character Changes / Displacement	2	<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 49 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. No impact is expected to result from the proposed project, as it would not create a significant change to the demographics of the area. Displacement: The Uniform Relocation Act (URA), passed by Congress in 1970 establishes minimum standards for federally funded programs and projects that require the acquisition of real property (real estate) or displace persons</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>from their homes, businesses, or farms. The URA's protections and assistance apply to the acquisition, rehabilitation, or demolition of real property for federal or federally funded projects. No residences or businesses will be displaced as a result of project development. Source Document(s): (58) (59)</p>	
Environmental Justice EA Factor	2	<p>See discussion above in Environmental Justice. The effects are related to temporary construction activities with the exception of seismic issues which confront most residents of the City.</p>	
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)	2	<p>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 development. The District has determined the blended student generation rate for the school district to be 0.186. This results in a contribution of 9 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.</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Senate Bill 50, Chapter 373, Statutes of 2019 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 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 & Culture Complex; African American Shakespeare Company; AfroSolo Theater Company; American Indian Film Institute; Art and Soul Festival; Asian American Film Festival; Asian Pacific Islander Cultural Center; Berkeley Art Museum & Pacific Film Archive; Berkeley Repertory Theatre; Brazilian Arts; Cal Performances; Japanese Cultural and Community Center of Northern California; Korean Center; La Pena Cultural Center & Cafe; Latino Film Festival; Lawrence Hall of Science; Museum of Performance + Design; Pacific Islanders Cultural Association; Phoebe</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		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: (60) (61) (62)	
Commercial Facilities (Access and Proximity)	2	Commercial uses such as shops, restaurants, services, and offices are dominant in the Plan Area, occupying over one-third of the total area, but residential, public and civic uses are also prevalent. The commercial uses range in scale from 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. There is a cluster of antiques/furniture stores around the intersection of Ashby Avenue and Adeline Street. In addition to locally owned food and beverage outlets, personal services such as yoga studios, hair salons and laundromats are scattered throughout the Plan Area. The project site is within adequate and convenient distance to retail services that provide essential items such as food, medicine, banks and other convenience shopping. These commercial facilities are accessible by public transit or within walking distance. Source Document: (46)	
Health Care / Social Services (Access and Capacity)	2	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	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>and people with disabilities. Social services are located both within a convenient and reasonable distance to residents of the project. The project does not represent a significant change to the demographics of the area or on area social services as it serves the existing population. Implementation of the project represents a less than significant impact to social services. There is adequate public transportation available from the project to these services. * Residents will have access to a variety of health care services including no-cost health coverage for uninsured children and pregnant women, programs such as Healthy Families and Medi-Cal, community health clinics, urgent care centers, hospitals, mental health support, substance abuse treatment, and assistance for individuals with disabilities. Additionally, there are specialty care, urgent care, mental health services, dental care, and preventive care options through public health clinics, private practices, and community health centers. Residents can also access Medi-Cal, a public health care coverage program for low-income families and individuals, as well as mental health services provided by the city. The Health, Housing, and Community Services Department in Berkeley offers primary care, mental health services, substance abuse treatment, preventive care, and support for individuals experiencing homelessness. * *</p> <p>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. Some of the notable options include Alta Bates Summit Medical Center, Kaiser Permanente Berkeley Medical Center, and Lifelong Urgent Care. These facilities offer a</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		range of services, including emergency care, primary care, diagnostic testing, and specialized treatments * Source Documents: (63) (64)	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	<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 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+ drive-in 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 (CalRecycle, Solid Waste Information System (SWIS), 2020a). The City of Berkeley has achieved a solid waste diversion rate of 69 percent of its solid waste from landfills through recycling and/or composting efforts (City of Berkeley 2021). It is assumed the City will continue to divert at</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>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): (65)</p>	
<p>Waste Water and Sanitary Sewers (Feasibility and Capacity)</p>	<p>2</p>	<p>The City's collection system includes approximately 254 miles of City-owned sanitary sewers, 7,200 manholes and other sewer structures, seven sewage pump stations, and approximately 31,600 service laterals. The City is responsible for maintenance and repair of the lower portion of the service laterals (located within the public right-of-way) from the property line cleanout to the connection to the City's sewer main. The City's system also receives wastewater from small adjacent areas of the City of Albany, City of Oakland, and the Stege Sanitary District (Kensington). Wastewater generated in the City's collection system is conveyed to the East Bay Municipal Utility District (EBMUD) wastewater interceptor system and is treated at EBMUD's Main Wastewater Treatment Plant (MWWTP) located near the eastern terminus of the San Francisco-Oakland Bay Bridge. EBMUD also receives flows from six other "Satellite" collection system agencies: the cities of Alameda, Albany, Emeryville, Oakland, and Piedmont, and the Stege Sanitary District. The project is not expected to have any impact upon the capacity of the collection system. Source Document(s): (66)</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
Water Supply (Feasibility and Capacity)	2	<p>Water Supply The East Bay Municipal Utility District (EBMUD)) provides water for the City of Berkeley The water that the East Bay Municipal Utility District (EBMUD) provides to Alameda and Contra Costa County comes from the watershed of the Mokelumne River in the Sierra Foothills. The Pardee Reservoir. 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 East Bay Municipal Utility District (EBMUD) with demand management measures required by EBMUD. EBMUD completed 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 2015 (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 implemented to meet projected long-term</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>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 as discussed below, may also need to acquire supplemental supplies to meet demand. New development under the proposed HEU would be subject to the same drought restrictions that apply to all 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: (67) (68) (65)</p>	
Public Safety - Police, Fire and Emergency Medical	2	<p>Police The Berkeley Police Department provides police protection services to the Plan Area. Police headquarters are located at 2100 Martin Luther King Jr. Way, approximately 0.5 miles north of Plan Area's northern border. The Berkeley CA Police Department's Patrol Unit maintains a minimum staffing level of 60 sworn officers divided into 7 teams, covering 16 beats around the clock. The department is</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>authorized to hire approximately 180 police officers but currently has fewer than 120 officers due to budget constraints, retirements, and attrition. This staffing shortage has led to increased workloads for officers and challenges in maintaining public safety. The department aims to increase the hiring rate to reach the authorized staffing level and is offering hiring bonuses of up to \$25,000 to attract more personnel. The staffing level of the Berkeley CA Police Department is currently the fourth highest in Alameda County, indicating a strong commitment to public safety and law enforcement within the community. 60 in town n Berkeley, California, the ratio of police officers to residents is 2.31 per 1,000 people, which means there are 2.3 police officers for every 1,000 residents in the city. This results in a police presence of 36.2 officers per 100,000 residents in Berkeley. Additionally, the data from 2022 shows that the ratio of police to residents in Berkeley is approximately 1 police officer per 450 residents. The Police Department currently provides regular patrols to 16 beats within Berkeley. Beats 5, 8, 9, and 10 serve the Plan Area. Additional policing of the Plan Area is undertaken by the Bay Area Rapid Transit (BART) Police Department. The BART Police Department serves as the primary law enforcement authority for the BART District. The proposed project represents an incremental increase in population at best and would not adversely affect the ability of the police to respond in a timely manner. Wowhttps://www.governing.com/archive/police-officers-per-capita-rates-employment-for-city-departments.html The Berkeley Fire Department provides 24-hour response for emergencies including fire suppression, medical emergencies, hazardous materials</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>events, water rescue, disaster response, and other life-threatening situations. There are approximately 144 paid firefighters employed by the Berkeley Fire Department in seven fire stations. These firefighters serve the City of Berkeley, which includes the University of California Berkeley campus and a total population of over 120,000 residents. They respond to a wide range of emergencies, including fires, medical incidents, and hazardous material situations, handling over 16,000 service calls each year. The project site is located in Area Five and is 1.5 miles distant. The fire department runs the ambulance service in Berkeley. The Berkeley CA fire department currently has a total of 8 ambulances available for emergency response. Each ambulance is staffed with 2 firefighter/paramedics who are trained in both disciplines. If all of Berkeley's ambulances are committed to emergency calls, ambulances from neighboring fire departments who transport (Albany, Piedmont, and Alameda) or Paramedics Plus will respond to the call. However, since there are paramedics on all of the engines and trucks, there is no delay in patient care or treatment. The incremental increase in population represented by the project would not adversely affect the ability of the fire department to respond in a timely manner. Source Document: (69) (46) (70)</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 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</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>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 population, the project would not cause the ratio of parkland to population to fall below the City's standard. Source Document: (65)</p>	
<p>Transportation and Accessibility (Access and Capacity)</p>	<p>2</p>	<p>Transportation 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 the Peninsula. The Ashby BART station is located underground around the corner from the project site. The City's General Plan Transportation Element identifies the Shattuck Avenue/Adeline Street corridor as a primary transit route. AC Transit is the primary bus service provider in 13 cities and adjacent unincorporated areas in Alameda and Contra Costa Counties, with Transbay service to destinations in San Francisco, San</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Mateo and Santa Clara Counties. The project area is served by the following AC Transit Bus routes: 12, 43, 49, 7, 851, 18, 88, and Tunnel Rd & Domingo Av (Ashby Av) on Route 5.</p> <p>Pedestrians The 2000 block of Ashby has been identified as a high risk area for pedestrians and The 2000 Pedestrian Plan has targeted that section of Ashby Street and the Ashby-Adeline Corridor as high priority injury areas for safety improvements. The estimated volume of pedestrian traffic at the Ashby-Adeline intersection is in excess of 20,000 pedestrians daily. Twenty percent of pedestrians in Berkeley are between the ages of 45 64. On Adeline Street there were 5 fatal or severe pedestrian injury and on Ashby there were 10 resulting from collisions during 2008 to 2017. The estimated number of auto collisions on Ashby Street over the ten year period ending in 2017 was 8 and for Adeline it was 42 collisions over the same period. The proposed improvements for the Adeline-Ashby intersection include installing a raised crossing which will provide vertical deflection to slow drivers and increase yielding for crossing and a hardened centerline to create a physical separation between travel directions, guides motorists, and reduces their turning speed. Implementation of these improvements will increase safety, lowering the number of pedestrian collisions and decreasing collision risk for pedestrians. A total of 29 automobile parking spaces will be provided onsite along with 60 bicycle parking spaces. Twenty percent of the automobile parking spaces will be "EV" ready. P pedestrian, bicycle and transit facilities are expected to adequately serve the proposed project. The project impacts are considered less than significant. T Accessibility Site development, common use areas, access and adaptability of the units shall comply with the</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		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. Source Document(s): (28) (47) (55)	
NATURAL FEATURES			
Unique Natural Features /Water Resources	2	The site does not support wetland or riparian habitats. It is a fully developed urban site with no permeable surfaces. Improvements include an auxiliary building for the adjoining church and a parking lot. Groundwater was encountered at depths of twenty to twenty-five feet below existing grade.	
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 several trees on the border adjoining the property. To avoid harm to nesting birds and comply with the Migratory Bird Treaty Act efforts should be taken to avoid disturbance of any Migratory Birds that may be present. Source Document(s): (22)	1. 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. 2. If nesting season avoidance is not feasible, the applicant (Developer) shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and

Environment al Assessment Factor	Impact Code	Impact Evaluation	Mitigation
			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 the 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

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
			<p>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 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.</p>
Other Factors 1	3	Fugitive Dust and Toxic Air Contaminants The project will implement Best Management Practices (BMPs) in compliance with the	1. Implement BAAQMD Best Management

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>BAAQMD regulations for controlling fugitive dust during soil disturbing activities. These methods would control construction related fugitive dust, such that there would be no adverse project related impacts. Construction may result in the generation of TACs that pose a risk to human health; specifically, diesel particulate matter (DPM). All off-road construction equipment used for the project will comply with the measures identified in paragraph 40 of the SB 35 Zoning Certificate (Air Quality - Diesel Particulate Matter Controls during Construction) and BAAQMD BMPs. The Site is 250 feet east of Adeline Street, an arterial street, and abuts Ashby Avenue which is a major artery (State Route 13). The Average Daily Traffic on Adeline Street is 18,000 vehicles and 30,000 on Ashby. The Site is within the BAAQMD's threshold distance of 1,000 feet for mobile source screening. BAAQMD's Highway Screening Analysis Tool was used to estimate cancer risks, hazards, and PM2.5 concentrations. The combined estimated Noncancer Chronic Hazard Index is 0.15 and the combined estimated Acute 1 Hour Noncancer Hazard is 0.269. The thresholds are: PM2.5 levels must not exceed > 0.3 g/m3 on an annual average; for chronic noncancer hazards any increase over 1.0 hazard index (whether chronic or acute) is considered significant; in terms of acute 1-hour cancer risk, any increase exceeding >10.0 in a million poses a higher risk of cancer development. The risks for the project are below the BAAQMD thresholds. The risk of harm from Stationary Source emissions was determined by referencing the BAAQMD Stationary Source Screening Map. There are 3 permitted stationary sources within a 1,000 foot radius of the Site. The combined (cumulative) Cancer Risk is 51.79, which is below the cumulative threshold of</p>	<p>Practices for Fugitive Dust Control. 2. The building slated for demolition was constructed prior to bans using ACBMs, LBP, and PCBs in electrical equipment came into effect in 1989, 1978, and 1978, respectively. No testing is known to have been performed to evaluate ifACBMs, LBP, or PCBs are present at the Site. Prior to demolition conduct a survey for ACBMs, LBP, and PCBs. The surveys should be performed to identify if ACBMs, LBP, or PCBs are present and to ensure proper handling and disposal and to allow for measures to protect both worker and building occupant safety during routine building</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>100 in one million. The Chronic Hazard Index is 0.226, which is below the threshold of 1.</p> <p>Lead and Asbestos: Considering the age of the structures the presence of asbestos-containing materials (ACM) and lead-based paint (LBP) at the Site is likely. Asbestos: Compliance with applicable laws and regulations regarding removal and disposal of ACM, including but not limited to the National Emissions Standards for Hazardous Air Pollutants, CCR, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code s.s.25915- 25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, is required. Asbestos trained workers must follow all pertinent regulations, as per Title 8 CCR 1529.</p> <p>Lead: Construction activities that disturb materials or paints containing any amount of lead are subject to requirements of the Cal/OSHA lead standard contained in Title 8, CCR s. 1532.1. Additional Total Threshold Lead Concentration (TTLC) sampling should be conducted of generated debris, including waste soil, for waste characterization. If the TTLC is 50 ppm or greater, then a Soluble Threshold Limit Concentration (STLC) analysis should be performed. Waste soil containing lead is classified as hazardous if the lead exceeds these concentrations. To ensure the safety of personnel during construction activities, lead-safe work practices shall be maintained and comply with all local, regional, state, and federal requirements concerning lead. Notification and Certification Requirement: California Health and Safety Code s.19827.5 requires local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. BAAQMD is to</p>	<p>maintenance, renovation, or demolition A. Compliance with applicable laws and regulations regarding removal and disposal of ACM, including but not limited to the National Emissions Standards for Hazardous Air Pollutants, CCR, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code s.s.25915- 25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, is required. B. Lead-based paint remediation and stabilization must comply with the HUD Lead Safe Housing Rule 24 CFR Part 35, Subpart R -- Methods and Standards for Lead-Paint Hazard</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>be notified of any demolition or renovation project that involves the removal of 100 square feet or more of ACM materials 10 days in advance of the work. The local CalOSHA office must also be notified. (1) (13) (14) (15) (45) (37)</p>	<p>Evaluation and Hazard Reduction Activities. C. Additional Total Threshold Lead Concentration (TTLC) sampling should be conducted of generated debris, including waste soil, for waste characterization. D. To ensure the safety of personnel during construction activities, lead-safe work practices shall be maintained and comply with all local, regional, state, and federal requirements concerning lead. 3. Preparation of a Soil and Groundwater Management Plan is required.</p>
Other Factors 2	1	<p>Greenhouse Gases (GHG) Berkeley's GHG Reduction Strategy requires that all new buildings should be required to use electricity (or other non-carbon-based power) for space heating and water heating. Project will be all electric.</p>	
CLIMATE AND ENERGY			
Climate Change	2	<p>Adopted in 2009, the City of Berkeley's Climate Action Plan (CAP) recommends emissions reduction actions for seven</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>categories of action. The categories are Transportation, Land Use, Building Energy Use, Waste Reduction and Recycling, Community Outreach and Preparation for Climate Change. The Climate Action Plan recommends strategies that support individuals' and businesses' efforts to consume less energy and produce less waste. Implementing the plan will increase access to public transit and improve bicycle and pedestrian safety, incentivize improvements to home and business energy efficiency and increase the convenience of recycling and composting waste. Berkeley's emissions reduction target is an 80% reduction below 2000 levels by 2050. The CAP presents a comprehensive assessment of policies, programs, and ordinances that collectively represent Berkeley's GHG reduction strategy in compliance with BAAQMD guidelines. Projections from the United States Environmental Protection Agency (EPA) Environmental Justice Screening and Mapping Tool (Version 2.3) indicate that the Site is not subject to Flooding or Sea Rise Risk; nor is it subject to Wildfire Risk. It is subject to a moderate risk of exposure to extreme heat (<20%). A hot day in Berkeley is considered to be any day above a "feels like" temperature of 82oF. Berkeley is expected to experience 7 hot days this year. Due to a changing climate, Berkeley will experience 15 days above 82oF in 30 years. ClimateCheck has assessed the risk for the Project Site for storms (High at 49%). Yearly rainfall is projected to increase from about 23.1" historically to about 23.8" in 2050. An extreme storm for this location is a 48-hour rainfall total greater than 0.8". Historically, about 13.4" of rain fell over 10 extreme storms each year. In 2050, about 14.8" of rain will fall over 11 extreme storms each year. Drought Risk has been assessed as</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		Significant (36%), however the drought risk is 51% lower than average for California (74%). State of the art surface coverings, conservation techniques and HVAC systems will reduce the effect of increased temperature on project residents and participants. 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. LEED Platinum certification (administered by the U.S. Green Building Council) or GreenPoint Rated points would be met by incorporating a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections. Source Documents: (44) (64) (65)	
Energy Efficiency	2	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 to pursue an acceptable goal. Find out what points they hope to achieve. Additionally, in accordance with the City of Berkeley's Green Code the project will include a photovoltaic system, electric vehicle chargers, 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: (56)	

Supporting documentation

[2017 Air Quality Plan.pdf](#)

[EJScreen Community Report.pdf](#)

[CalEnviroScreen Report.png](#)

[BMC 13 40 050 Exterior Noise Standards.pdf](#)

[2020 Pedestrian-Plan.pdf](#)

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

[Adeline Corridor Specific-Plan.pdf](#)

[SB35 Compliance 2024 Ashby.pdf](#)

[Climate Action Plan.pdf](#)

[Zoning Map.pdf](#)

Additional Studies Performed:

Please see list of sources, agencies, and persons consulted.

Field Inspection [Optional]: Date and completed

by:

Eugene Flannery

5/29/2024 12:00:00 AM

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

See attached List

[Bibliography and Source Documentation Saint Paul Affordable housing Development.docx](#)

List of Permits Obtained:

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

Public Outreach [24 CFR 58.43]:

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

Cumulative Impact Analysis [24 CFR 58.32]:

Cumulative impacts analysis 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 Environmental Protection Agency advises that a cumulative impacts analysis for a project in a heavily urbanized environment should limit the analysis to the condition of 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 analysis examines the resources of Air, Water, Police and Schools. The cumulative impact analysis for this EA is based on 2023-2031 Housing Element Update, the Adeline Specific Corridor Specific Plan, the Plan Bay Area 2040 and 2017 Clean Air Plan for the San Francisco Bay Area Air Basin. The project is located in the Adeline Corridor Plan Area, The Adeline Corridor Specific Plan Draft EIR found that the implementation of the Plan would not adversely affect air quality, water resources, police services and schools. Furthermore, the 2023-2031 Housing Element Update Draft Environmental Impact Report found that with implementation of identified mitigation measures development of the amount of housing contemplated in the Housing Element Update would not adversely affect these resources. As an individual project contemplated in both the Update and the Area Plan the project would not significantly contribute to a cumulative adverse impact upon water, air, police and schools. Sources: (10) (12) (54) (35) (60)

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

The original project was a 6-story building consisting of affordable rental apartments and related services and amenities, with supportive spaces for the adjacent church. However, to increase economies and provide more housing, the proposed project consists of a 50-unit building with services. The environmental impacts for each project are the same with minimal difference between their effects on the environment. The 50-unit alternative is the preferred alternative as it provides more housing and more spacious design. Development of the project at another location is outside of the purview of the developer as owner of development of the project at another location is outside of the purview of the developer as owner of the site and owner has no recourse to an alternative site. If it were possible the development of the project elsewhere would also negate the entitlements achieved to date.

No Action Alternative [24 CFR 58.40(e)]

No change to the site would occur. The impacts discussed in the Environmental Assessment would not occur. The site would continue in its current state. The additional affordable housing units provided by the project would not be built and achievement of state mandated housing goal would be jeopardized.

Summary of Findings and Conclusions:

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

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

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be

incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Mitigation Plan	Complete
Contamination and Toxic Substances	Installation of a vapor barrier and a vapor intrusion mitigation system is required.	N/A		
Noise Abatement and Control	To meet the interior noise criteria, between STC 32 and 35 windows and exterior doors are necessary at occupied residential and retail spaces.	N/A		
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	The Geotechnical Evaluation Report's conclusions and recommendations prepared by Alan Kopp and Associates should be incorporated in the design and construction of the project to minimize geotechnical problems.	N/A	Please see attached Mitigation Plan	
Hazards and Nuisances including Site Safety and Site-Generated Noise	1. The project sponsor (Developer) is required to develop a site-specific noise reduction (Construction Noise Reduction Program) program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. 2. Compliance with paragraph 17 of the Conditions of Approval is required to mitigate the potential hazard from vibration during construction.	N/A	Please see attached Mitigation Plan	
Vegetation / Wildlife (Introduction, Modification,	1. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February	N/A	Please see attached Mitigation Plan	

<p>Removal, Disruption, etc.)</p>	<p>1 to August 30), if feasible. 2. If nesting season avoidance is not feasible, the applicant (Developer) shall retain a qualified biologist to conduct a preconstruction nesting bird 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 the 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 breeding/nesting is completed, and the young have fledged the nest. Nesting bird surveys are</p>			
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	<p>not required for construction activities occurring between August 31 and January 31.</p>			
<p>Other Factors 1</p>	<p>1. Implement BAAQMD Best Management Practices for Fugitive Dust Control. 2. The building slated for demolition was constructed prior to bans using ACBMs, LBP, and PCBs in electrical equipment came into effect in 1989, 1978, and 1978, respectively. No testing is known to have been performed to evaluate if ACBMs, LBP, or PCBs are present at the Site. Prior to demolition conduct a survey for ACBMs, LBP, and PCBs. The surveys should be performed to identify if ACBMs, LBP, or PCBs are present and to ensure proper handling and disposal and to allow for measures to protect both worker and building occupant safety during routine building maintenance, renovation, or demolition A. Compliance with applicable laws and regulations regarding removal and disposal of ACM, including but not limited to the National Emissions Standards for Hazardous Air Pollutants, CCR, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code s.s.25915- 25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, is required. B. Lead-based paint remediation and stabilization must comply with the HUD Lead Safe Housing Rule 24 CFR Part 35, Subpart R -- Methods and Standards for Lead-Paint</p>	<p>N/A</p>	<p>Please see attached Mitigation Plan</p>	

	<p>Hazard Evaluation and Hazard Reduction Activities. C. Additional Total Threshold Lead Concentration (TTL) sampling should be conducted of generated debris, including waste soil, for waste characterization. D. To ensure the safety of personnel during construction activities, lead-safe work practices shall be maintained and comply with all local, regional, state, and federal requirements concerning lead. 3. Preparation of a Soil and Groundwater Management Plan is required.</p>			
<p>Historic Preservation CR-5 Unanticipated Discovery of Tribal Cultural Resources</p>	<p>CR-5. If cultural resources of Native American origin are identified during grading or excavation of the proposed project, all ground disturbing activities within 100 feet shall cease until an archeologist has evaluated the nature and significance of the find as a cultural resource and a representative from the Confederated Villages of Lisjan Nation is consulted by the government agency. The archeologist will stake the area of discovery, placing stakes no more than 10 feet apart, forming a circle having a radius of no less than 100 feet from the point of discovery. If the entity in consultation with the consulting Tribe(s), determines that the resource is a Tribal Cultural Resource and thus significant under CEQA and/or the Tribe, the entity shall retain a qualified archeologist and a Tribal monitor, at the</p>	<p>N/A</p>	<p>Please see attached Mitigation Plan</p>	

	<p>applicant's expense, to prepare a mitigation plan, which shall be implemented by the entity in accordance with state guidelines and in consultation with the consulting Tribe. The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe and, if applicable, a qualified archeologist. Examples of appropriate mitigation for the Tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, protecting the confidentiality of the resources, or heritage recovery.</p>			
<p>Historic Preservation CR-1 - Cultural Resource Plan and Reporting</p>	<p>CR-1. Development and Implementation of a Cultural Resource Monitoring Plan; Following the completion of monitoring efforts, a Cultural Resources Monitoring Report (CRMR) shall be prepared to provide a summary of the methods and results of all monitoring conducted. The CRMR shall list the dates of monitoring, construction activities monitored, and Project area conditions and subsurface sediments observed. The report will describe all cultural resources recorded and field checked during monitoring and provide NRHP and CRHR eligibility recommendations for each</p>	<p>N/A</p>	<p>Please see attached Mitigation Plan</p>	

	<p>resource. Any inadvertent effects to cultural resources that occur during construction shall be described in the CRMR, with a discussion of the measures that were taken to address or mitigate any adverse effects under Section 106 of the NHPA and any significant impacts under CEQA.</p>			
<p>Historic Preservation CR-2 Archeologist and Worker Environmental Awareness Training</p>	<p>CR-2. Prior to the initiation of construction activities, an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology should conduct WEAP training for construction personnel at the site or off-site improvements prior to the start of construction activity. The Archaeologist should be present on-site to monitor all earth-disturbing activities.</p>	<p>N/A</p>	<p>Please see attached Mitigation Plan</p>	
<p>Historic Preservation CR-3: Native American Monitoring</p>	<p>CR-3. Prior to ground disturbing activities, a Confederated Villages of Lisjan Nation (CVLN) Tribal monitor(s) shall be retained. Confederated Villages of Lisjan Tribal monitor(s) will have the authority to halt and redirect work should any archeological or tribal cultural resources be identified during monitoring. If archeological or Tribal cultural resources are encountered during ground disturbing activities, work within 100 feet of the find must halt and the find must be evaluated for listing in the CRHR and NRHP. Monitoring may be reduced or halted at the discretion of the CVLN monitor, in consultation with the lead agency, as warranted</p>	<p>N/A</p>	<p>Please see attached Mitigation Plan</p>	

	<p>by conditions such as encountering bedrock, sediments being excavated are fill, negative findings during the first 50 percent of the entire area of ground disturbance, etc. If monitoring is reduced to spot checking, spot checking shall occur when ground disturbing activities move to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).</p>			
<p>Historic Preservation CR-4 Historic Era Resources</p>	<p>CR-4. (Archaeological Resources): Project applicant shall be responsible for implementing the following on site procedures: If cultural resources are encountered, all activity within 100 feet of the find shall halt until it can be evaluated by a qualified archaeologist and a Native American representative. If the archaeologist and Native American representative determine that the resources may be significant, they shall notify the City of Berkeley and shall develop an appropriate treatment plan for the resources. The archaeologist shall consult with Native American monitors or other appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. In considering any suggested measures proposed by the archaeologist and Native</p>	<p>N/A</p>	<p>Please see attached Mitigation Plan</p>	

	<p>American representative to mitigate impacts to cultural resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed in other parts of the project area while mitigation for cultural resources is being carried out. Pursuant to NHPA Guidelines, Mitigation Measures Related to Impacts on Historical Resources, the project sponsor will, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered for a project involving an archaeological site:</p>			
<p>Historic Preservation CR-6. Halt work/Coroners Evaluation/Impact to previously undiscovered human remains.</p>	<p>CR-6. If human remains are encountered during construction and ground disturbing activities, all work within 100 feet of the remains 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 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</p>	<p>N/A</p>	<p>Please see attached Mitigation Plan</p>	

	<p>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 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</p>			
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	<p>kept confidential and secure to prevent any further disturbance.</p>			
<p>Historic Preservation CR-7. Preservation in Place</p>	<p>CR-7. 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 California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the</p>	<p>N/A</p>	<p>Please see attached Mitigation Plan</p>	

	<p>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 lead agency 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 CR-8. Paleontological Resources.</p>	<p>CR-8. (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 Guidelines (SVP, 1995; SVP, 1996). Project applicant and its contractor(s) shall halt construction within 100 feet of paleontological resources. Project applicant (Developer) shall retain a paleontologist to assess</p>	<p>N/A</p>	<p>Please see attached Mitigation Plan</p>	

	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 Plan

[St Paul EA Mit Plan_HEROS.pdf](#)

Supporting documentation on completed measures

APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

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

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

✓ No

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

Yes

Screen Summary

Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is not located in an airport land use plan area. The nearest public airport is Oakland International Airport, approximately 12 miles south of the project site. The project site does not lie within any airport clear zone or accident potential zone. The project site is located several miles outside of the of the 60 dBA and 65 dBA Community Noise Equivalent Level (CNEL) airport noise contours. The project complies with Airport Hazards requirements. Sources: (6), (7)

Supporting documentation

[Google Map Distance to OAK.pdf](#)

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

Are formal compliance steps or mitigation required?

Yes

✓ No

Coastal Barrier Resources

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

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

Compliance Determination

This project is located in a state that does not contain CBRS units. There are no Coastal Barrier Resource System (CBRS) Units or CBRS buffer zones, as defined under the Coastal Barrier Resources Act of 1982 (PL 97-348), as amended by the Coastal Barrier Improvement Act of 1990 (PL 101-591) located within California. The project site is not located within a CBRS Unit or CBRS buffer zone. This project is in compliance with the Coastal Barrier Resources Act. Source: (8)

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 2024 Ashby Avenue.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. Sources: (9) (10)

Supporting documentation

[FIRMETTE 2024 Ashby Avenue\(2\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Air Quality

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

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

Yes

No

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

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

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

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

Carbon Monoxide

Lead

Nitrogen dioxide

Sulfur dioxide

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

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

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:

Bay Area Air Quality Management District and EPA Green Book Nonattainment Areas for Alameda County

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:

Ozone	0.13	ppb (parts per million)
Particulate Matter, <2.5 microns	0.02	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 marginal attainment status for the following: 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. Emissions of the precursors from construction are below the federal General Conformity de minimis levels and the average daily construction emissions are below BAAQMD's thresholds. Operational emissions are below both the federal de minimis levels and BAAQMD thresholds. Compliance with the local Air District's (BAAQMD) Best Management Practices (BMPs) for controlling fugitive dust during soil disturbing activities would control construction-related fugitive dust, such that there would be no adverse impacts. Fugitive Dust, Toxic Air Contaminants, Cancer Risks and non-cancer risks resulting from both mobile and stationary sources. are discussed infra at Other Factors. Hazards. Greenhouse Gases (GHG) are discussed in the GHG Section. Please see attached Air Quality Discussion for complete information regarding the Air Quality analysis. Sources: (10) (11) (12) (13) (14) (15)

Supporting documentation[Air Quality Discussion Final.docx](#)[Healthy Places Map.pdf](#)[BAAQMD Chapter 5 Project Air Quality Impacts.pdf](#)[Alameda County Attainment Status.pdf](#)[BAAQMD Highway Screening Analysis Tool.pdf](#)[Stationary Source Map.pdf](#)[CalEEMod Air Emissions.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

The project site is inland of the Coastal Zone boundary. The project is 9,300 feet east of the coastal area. A consistency determination is not required. Source: (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)
Reference		
https://www.onecpd.info/environmental-review/site-contamination		

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

ASTM Phase I ESA

ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening.

None of the above

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

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

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

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

No

Explain:

✓ Yes

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

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

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

Yes

Explain:

✓ No

* Notes:

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

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

Yes

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

No

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

Yes

No

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

Explain:

File Upload:

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

Non-radon contamination was found in a previous question.

6. How was radon data collected?

All buildings involved were tested for radon

A review of science-based data was conducted

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

1.69

Provide the documentation* used to derive this value:

In 1993, solvent-impacted soil and groundwater was reportedly encountered during construction of the elevator. The City of Berkeley recommended that the property owner conduct soil and groundwater sampling at the Site to assess if the solvent presence was limited to the Site, or part of a larger area. No additional information was provided to evaluate if soil, groundwater, or soil vapor was further investigated. Limited Phase II sampling by RMD Environmental Solutions in 2022 indicated the presence of impacted groundwater and soil vapor in the vicinity of the northern portion of the Site, including near the elevator. Most concentrations were reported to be below their respective Commercial Environmental Screening Levels established by the Water Board within the areas sampled, with the exception of detections of benzene (up to 346 ug/L), ethylbenzene (up to 2,700 ug/L), and naphthalene (up to 143 ug/L) in groundwater samples that exceeded their ESLs. No soil vapor or groundwater samples were collected from the eastern part of the Site beneath the asphalt parking lot. Soil within the sample collected at GW-2 (located along the northern portion of the Site, close to the elevator) reportedly contained 5,560 mg/kg of total petroleum hydrocarbons as gasoline and 28.1 mg/kg of ethylbenzene, both exceed their respective ESLs for commercial development. The petroleum hydrocarbons detected appear likely to be associated with one or more off-Site sources. The property at 2001 Ashby Avenue, located north of the Site across Ashby Avenue, has a history of commercial uses and multiple investigations into releases to the subsurface. In 2021, during preparation for planned redevelopment, investigation identified the presence of elevated concentrations of TPHd, benzene, and MTBE close to the northern boundary of the Site, and elevated concentrations of TCE in soil vapor on the 2001 Ashby Avenue property. A significant remediation effort began at this property in 2022 and is ongoing, under the oversight of Alameda County Environmental Health Department. Based on the distance from this property, and proximity to nearby current and former gasoline service stations, it is possible that on-Site soil vapor may be impacted outside of the three locations sampled in 2022 by RMD Environmental Solutions. We recommend that the building incorporate appropriate vapor intrusion mitigation measures.

File Upload:

[FINAL - Ashby Ave Phase I ESA Report 31JAN2025\(1\).pdf](#)
[FINAL - Ashby Ave Phase I ESA Report 31JAN2025.docx](#)

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**.

Installation of a vapor barrier and a vapor intrusion mitigation system is required.

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, ASTM Phase II 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 low levels of radon or consideration of radon not occur following construction. Adverse environmental impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements. Source Documents:18, 19, 20

Supporting documentation

[VC Report 2024 2001 Ashby.pdf](#)
[2024 Ashby Av Phase I ESA Update Letter 013024 \(3\).pdf](#)

Are formal compliance steps or mitigation required?

St.-Paul-Terrace

Berkeley, CA

900000010401175

✓ Yes

No

Endangered Species

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

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

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

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

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

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

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

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

3. What effects, if any, will your project have on federally listed species or designated critical habitat?

- ✓ No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat. in the action area.

Document and upload all documents used to make your determination below. Documentation should include a species list and explanation of your conclusion, and may require maps, photographs, and surveys as appropriate

May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. 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. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.

Mitigation as follows will be implemented:

- ✓ No mitigation is necessary.

Explain why mitigation will not be made here:

The site and surrounding area has been developed since 1900. The site is currently occupied by two connected church structures and a paved parking lot There are no plants or trees on the property. The only plants in the project area are two small trees on the parcel adjoining the Site. . There are no critical habitats present.

Screen

Summary

Compliance Determination

This project has been determined to have No Effect on listed species. This project is in compliance with the Endangered Species Act without mitigation. The property has not been identified as containing species identified as candidate sensitive, or special status in any local or regional plans, policies, or regulations U.S. Fish and Wildlife Service. The site is not a critical habitat. Therefore, no impact would occur. The project site and its vicinity are not part of any draft or adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan. The proposed project would not conflict with the provisions of any adopted conservation plan. Due to the urbanized nature of the area surrounding the project site and the lack of a major water body the project site does not support habitat for native resident or migratory species or contain native nurseries. The proposed project would not interfere with wildlife movement or impede the use of native wildlife nursery sites and no impact would occur. Project implementation will not impact wetland or riparian habitats. There are no areas of surface water (ponds, pits, lagoons), wetlands or riparian habitats within the property boundaries. The U.S. Fish and Wildlife was contacted for a list of Threatened and Endangered species that may occur within the boundary of the proposed project and/or may be affected by the proposed project. The list of species is attached. Site development will not result in impacts to listed federal wildlife species. No critical habitats are present at the Site. Sources: (23) (24)

Supporting documentation

[2024 Ashby Ave - Google Maps.pdf](#)
[Wetlands Mapper\(1\).pdf](#)
[IPaC_ Explore Location resources.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Explosive and Flammable Hazards

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

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

No

Yes

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

No

Yes

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

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

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

No

Yes

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

Yes

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

No

Screen Summary

Compliance Determination

There is a current or planned stationary aboveground storage container of concern within 1 mile of the project site. The Separation Distance from the project is acceptable. The project is in compliance with explosive and flammable hazard requirements. A review of the Aboveground Storage Tank (AST) list, as provided by EDR, has revealed that there are five AST sites within approximately one mile of the Site. Four tanks are of a sufficient distance from the Site meet the Acceptable Separation Distance (ASD) standard for HUD funded projects for ASD for Thermal Radiation for People (ASDPPU) and ASD for Thermal Radiation for Buildings (ASDBPU). The fifth tank's volume has not been reported but for it to not meet the ASD standards it would need to exceed a capacity of 200,000 gallons, which is highly unlikely. Source Document(s): (26) (27)

Supporting documentation

[Map of ASTs.pdf](#)

[Acceptable Separation Distance \(ASD\) Electronic Assessment Tool - HUD Exchange.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.)	7 CFR Part 658

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

Yes

✓ No

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

The area is designated Urban by the United States Census

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 does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. Source Documents: (28)

Supporting documentation

[Census Geocoder.pdf](#)

[Tiger Web Map Alameda County.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 information¹ to determine flood elevation. Include documentation and an explanation of why this is the best available information² for the site. Note that newly constructed and substantially improved³ 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.

¹ 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.

² 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.

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

5. Does your project occur in the FFRMS floodplain?

Yes

✓ No

Screen Summary

Compliance Determination

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

Supporting documentation

[Flood map_Alameda County.pdf](#)

[Flood Insurance Study.pdf](#)

[FIRMETTE 2024 Ashby Avenue\(3\).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" https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf

Threshold

Is Section 106 review required for your project?

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the PA Database to find applicable PAs.)
 No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

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

Step 1 – Initiate Consultation

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

- ✓ State Historic Preservation Offer (SHPO) Completed
- ✓ Advisory Council on Historic Preservation Not Required
- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)
 - ✓ Amah Mutsun Tribal Band Mission San Juan Bautista Completed

- | | |
|--|-----------|
| ✓ California Valley Miwok Tribe | Completed |
| ✓ Costanoan Rumnsen Carmel Tribe | Completed |
| ✓ Guidiville Rancheria of California | Completed |
| ✓ Indian Canyon Mutsun Band of Costanoan | Completed |
| ✓ Muwekma Ohlone Indian Tribe of the SF Bay Area | Completed |
| ✓ Northern Valley Yokuts Tribe | Completed |
| ✓ The Confederated Villages of Lisjan Nation | Completed |
| ✓ The Ohlone Indian Tribe | Completed |
| ✓ Wuksachi Indian Tribe/Eshom Valley Band | Completed |
- ✓ Other Consulting Parties
- ✓ Landmarks Preservation Commission City of Berkeley Completed

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

Tribal Contacts were obtained from the California Native American Heritage Commission. The TDAT link was not operating and a 404 message was received.

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

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

- Yes
No

Step 2 – Identify and Evaluate Historic Properties

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

See attached map of APE.

In the chart below, list historic properties identified and evaluated in the APE. Every

historic property that may be affected by the project should be included in the chart.

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

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
-------------------------------	--------------------------	------------------	-----------------------

Additional Notes:

Please see attached list of properties identified for Section 106 review and the results of that analysis (report by ESA). ESA recommends that no buildings located within the APE appear to be individually eligible for listing in the National Register of Historic Places (National Register), nor does any grouping of buildings within the APE appear to constitute or contribute to a known or potential National Register District. As such, ESA recommends a finding of No Historic Properties Affected for the project.

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:

Please see completed report that includes a survey conducted of the properties within the APE by ESA, Inc and submitted to the City of Berkeley Landmarks Preservation Commission. No properties were found to be eligible for listing in the National Register of Historic Places. The archaeological APE was analyzed in the Archaeological Survey Report: St. Paul Terrace Project, Berkeley, Alameda County, California prepared by Alta Archaeological Consulting (Alta) in October 2024. Nicholas Radtkey and ALTA archaeologist Andrea Levinson conducted a field survey of the APE on June 5, 2024. Project design drawing, project maps and aerial imagery were used to correctly identify the APE. Ground surface visibility was poor, under 5%, throughout the survey area due to extensive paving. Visible soils in the D- APE were surveyed. The APE was surveyed using intensive survey coverage with transects no greater than 10-meter intervals. A shovel was used to turn over the ground at regular 15-meter intervals during pedestrian survey. A total

of six shovel pits were conducted at regular intervals throughout the D-APE. Digital photos were taken of the APE and surroundings. No cultural resources were identified within the D-APE as a result of Native American outreach or archaeological field survey. Soils in the D-APE appeared fully comprised of mottled grayish-brown imported fill, and were heavily compacted below one foot. Throughout all soils in all six shovel pits, fragments of modern plastic, bottle glass, and aluminum were encountered. No native soils were encountered in pedestrian survey or excavation of shovel pits.

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 there are no historic properties present. The project is in compliance with Section 106. Mitigation measures associated with cultural resources are included in the mitigation section.

Supporting documentation

[NAHC Response.pdf](#)

[Landmarks Preservation Board LPB Submission.pdf](#)

[Cultural Resource Survey Report.pdf](#)

[SLF \(1\).pdf](#)

[Standard Mitigation Measures for the Confederated Villages of Lisjan Nation.pdf](#)

[ST Paul Letters to NA Tribes.pdf](#)

[SHPO Letter Recd St Paul Terrace Project Berkeley.pdf](#)

[NATIVE aMERICAN eMAIL.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:

To meet the interior noise criteria, between STC 32 and 35 windows and exterior doors are necessary at occupied residential and retail spaces.

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: 72.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation with mitigation. Source Documents:14, 29, 30, 31, 32

Supporting documentation

[Saint Paul Noise Report.pdf](#)

[05 Transportation Element - FINAL_0.pdf](#)

[DNL Calculator - HUD Exchange 06272024.pdf](#)

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

[Traffic Projection Spreadsheet.xlsx](#)

[ArcGIS - Traffic Volumes AADT.pdf](#)

Are formal compliance steps or mitigation required?

✓ Yes

No

Sole Source Aquifers

General requirements	Legislation	Regulation
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.	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. Source: (32)

Supporting documentation

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

Are formal compliance steps or mitigation required?

Yes

✓ No

Wetlands Protection

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

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

No

Yes

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

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

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

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

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

Screen Summary

Compliance Determination

The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. 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. Review of the National Wetland Inventory provided by the U.S. Fish and Wildlife Service (USFWS) identified no wetlands or riparian areas within the project site. The nearest waterbody (Derby Creek) is approximately 5,700 feet from the project site. No further consultations are required. Source: (23)

Supporting documentation

[potter_derby_creeks-powell_street 1.pdf](#)
[Wetlands Mapper.pdf](#)
[FIRMETTE 2024 Ashby Avenue\(1\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Wild and Scenic Rivers Act

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

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

No

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

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

Screen Summary

Compliance Determination

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. The closest Wild and Scenic River (American River Lower Branch) is approximately 73 miles from the project site. Sources: (34) (35)

Supporting documentation

[Distance to American River.pdf](#)
[California _ Rivers.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Environmental Justice

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

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

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

Yes

No

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

Yes

No

Explain:

TBD

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

Screen Summary

Compliance Determination

Adverse environmental impacts are not disproportionately high for low-income and/or minority communities. The project is in compliance with Executive Order 12898.

Supporting documentation

[EJScreen Community Report\(1\).pdf](#)
[CalEnviroScreen Report\(1\).png](#)

Are formal compliance steps or mitigation required?

Yes

✓ No