U.S. Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410
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espanol.hud.gov

Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5

Pursuant to 24 CFR 58.35(a)

Project Information

Project Name: 1600 Harrison Street Project

Responsible Entity: City of Oakland

Grant Recipient (if different than Responsible Entity): City of Oakland

State/Local Identifier: ESX23003

Preparer: Raney Planning and Management, Inc.
Rod Stinson, Vice President
rods@raneymanagement.com
Phone: 916-372-6100
Fax: 916-419-6108

Certifying Officer Name and Title: William Gilchrist, City of Oakland,
Planning and Building Director

Grant Recipient (if different than Responsible Entity): Tom Deloye, OHA Chief Officer of
Real Estate Development

Consultant (if applicable): Raney Planning and Management, Inc.

Direct Comments to: Heather Klein, City of Oakland, Planner IV
250 Frank Ogawa Plaza, Suite 2114
Oakland, CA 94612
(510) 238-3659
hklein@oaklandca.gov

Project Location: 1600 Harrison Street, Oakland, California, 94612
Assessor's Parcel Number 008 062603001

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]**:**
The 0.27-acre project site is located at 1600 Harrison Street in the City of Oakland, California (see Figure 1 and Figure 2). The site is identified by Assessor's Parcel Number 8-626-30-1 and bound by Harrison Street to the west and a surface parking lot to the south.

Figure 1
Regional Vicinity Map

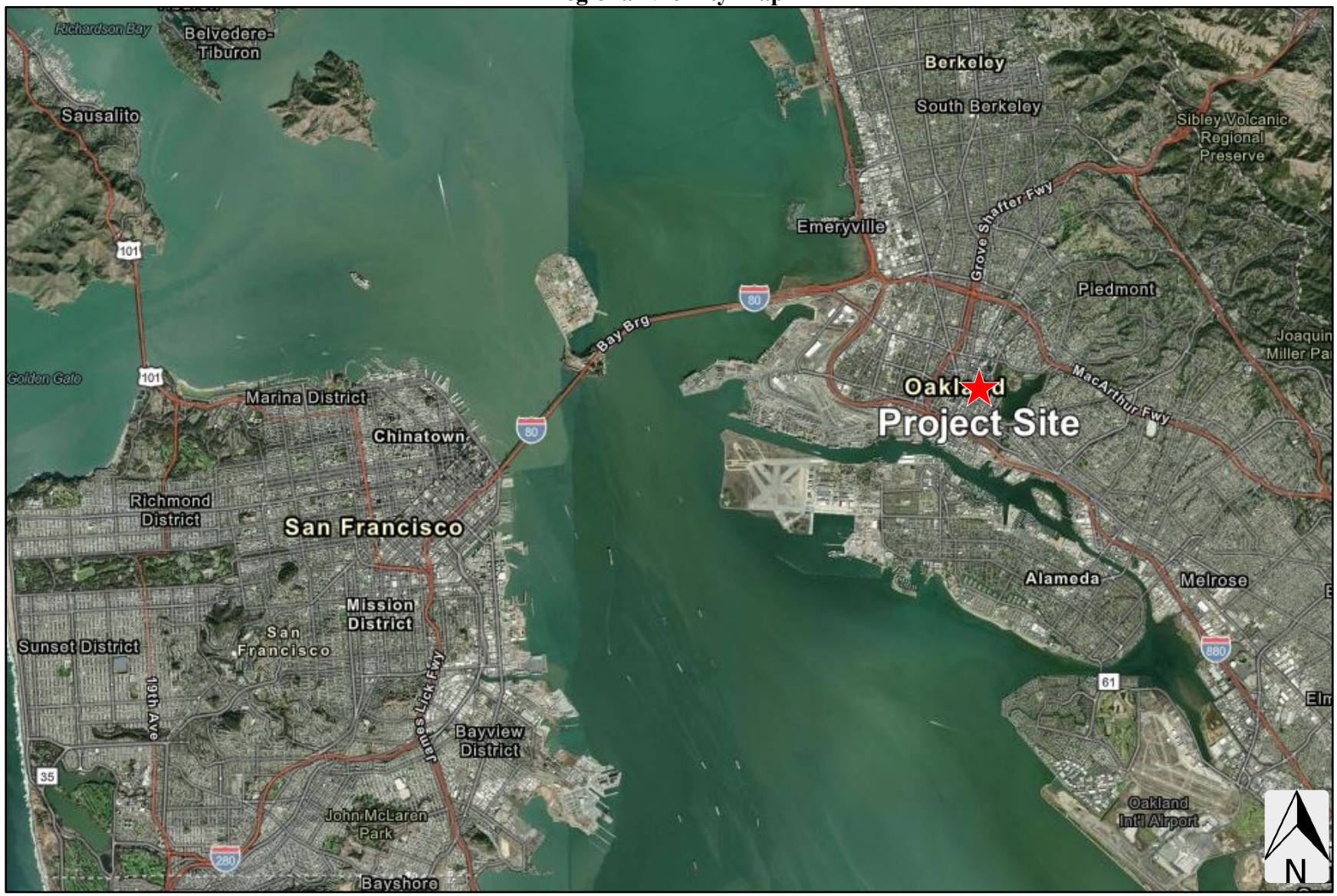


Figure 2
Project Site Boundaries

Currently, the site is developed with an 11,500-square-foot (sf) building, which was previously used for commercial purposes. Surrounding existing land uses include a legal advocacy nonprofit (Root & Rebound), a mobile invoicing company (InvoiceASAP), and a philanthropy-related nonprofit (Bright Funds) immediately to the north; multi-family residences further to the north; multi-family residences to the east and south; and a building previously used for public agency purposes, the Oakland Housing Authority (OHA) Executive Office, and OHA senior housing (Harrison Towers and Harrison Street Senior Housing) to the west, across Harrison Street.

As part of the proposed project, the OHA intends to purchase the project site and use the existing building as an office space. The project would include safety improvements to the existing structure, including seismic retrofitting, as well as new interior partition walls, installation of cubicles, and other upgrades to enhance the building's functionality as an office space. The project would not require ground-disturbing activities and/or excavation.

As the project involves acquisition, rehabilitation of a nonresidential structure where the facilities are in place and will be retained without change in size or capacity, and does not involve a change of use, a Categorical Exclusion Subject To (CEST) related laws and authorities is the appropriate Level of Environmental Review.

Level of Environmental Review Determination:
Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5:

Funding Information

Grant Number	HUD Program	Funding Amount
CFDA No. 14.881	MTW	$3,800,000

Estimated Total HUD Funded Amount: $3,800,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]**: $3,800,000**

Figure 3
Nearest Airport to the Project Site

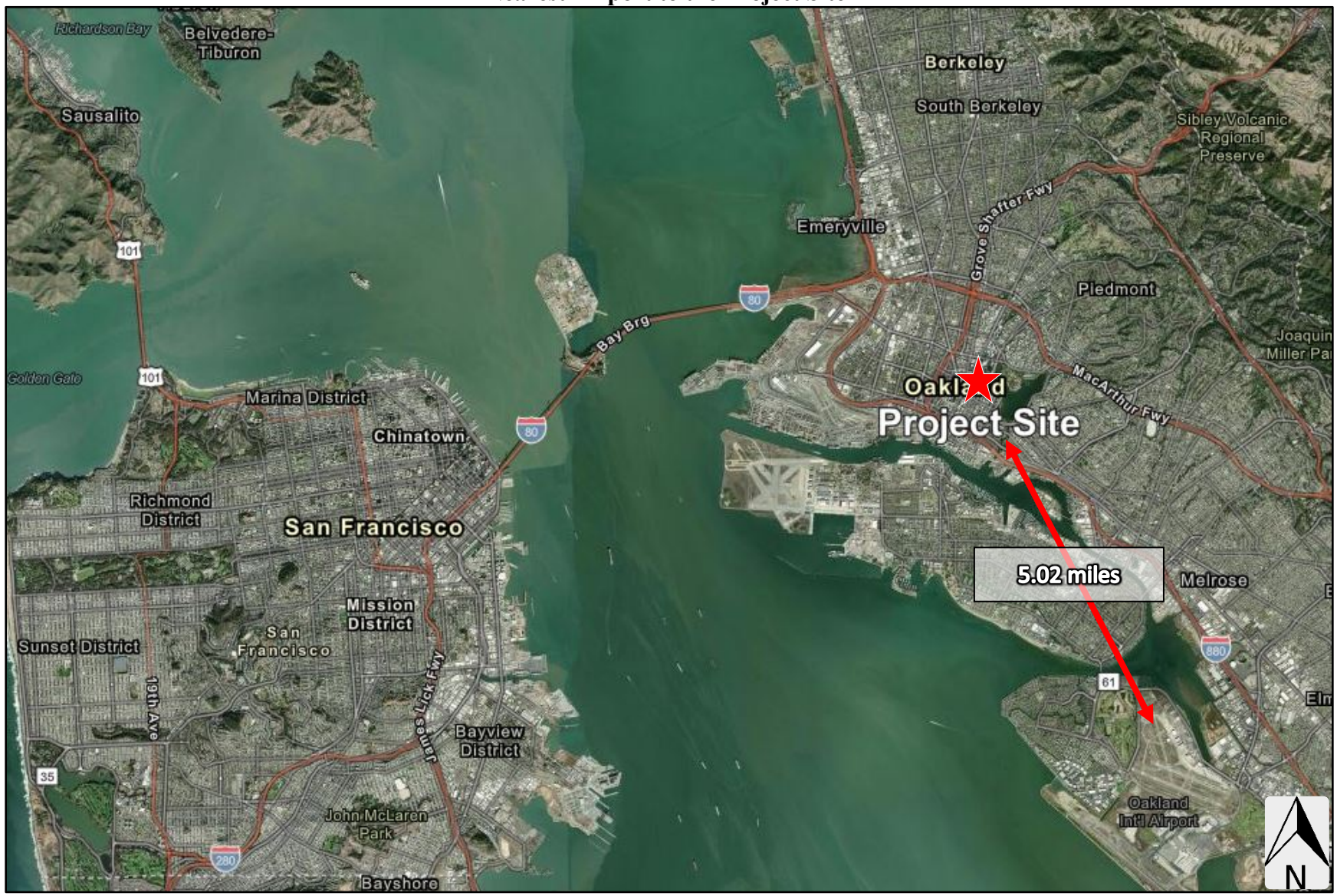


Figure 4
Coastal Barrier Resources System Mapper

Source: U.S. Fish & Wildlife Service, Coastal Barrier Resources System Mapper, 2023.

Figure 5
FEMA Flood Insurance Rate Map

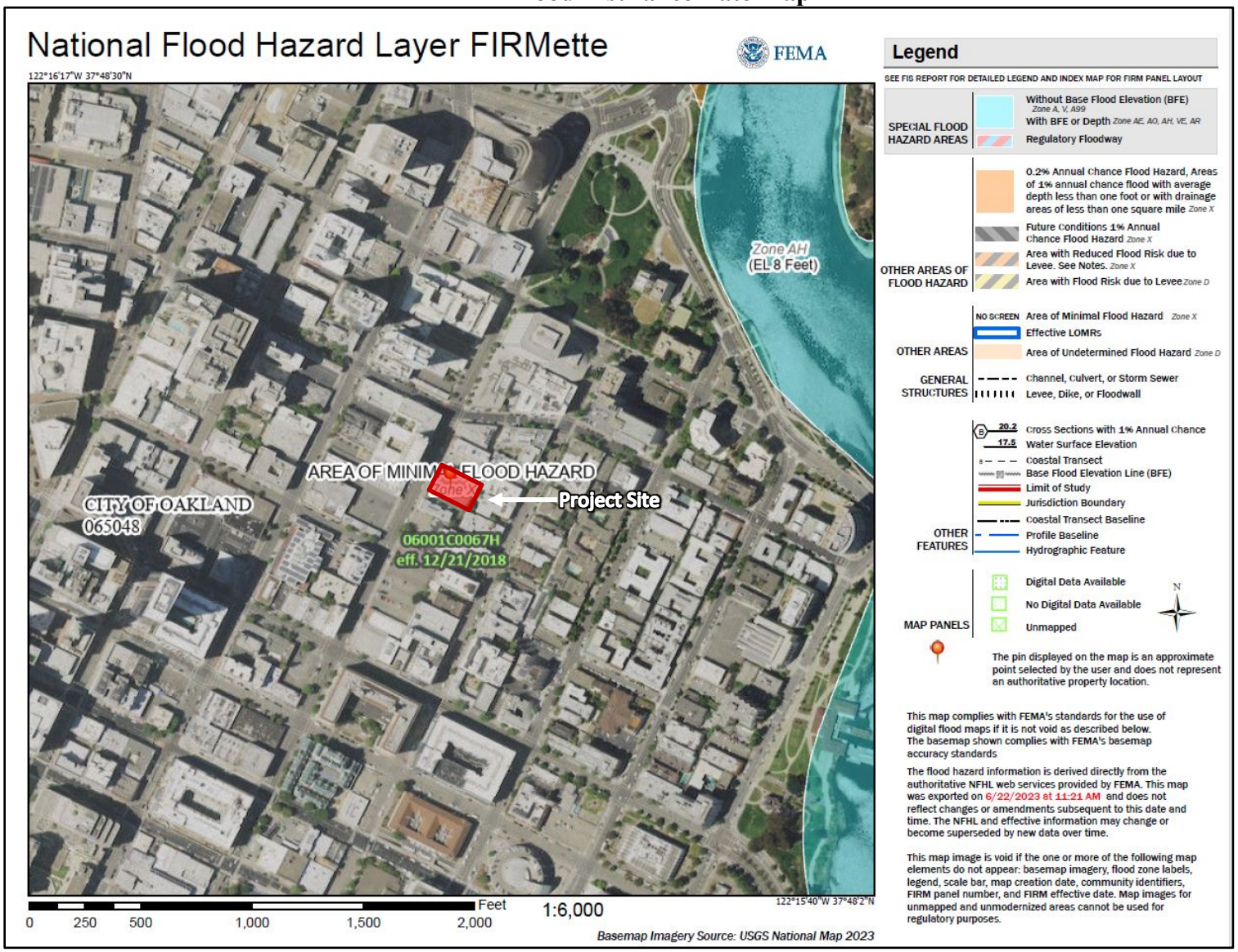


Figure 6
NWI Wetlands Map

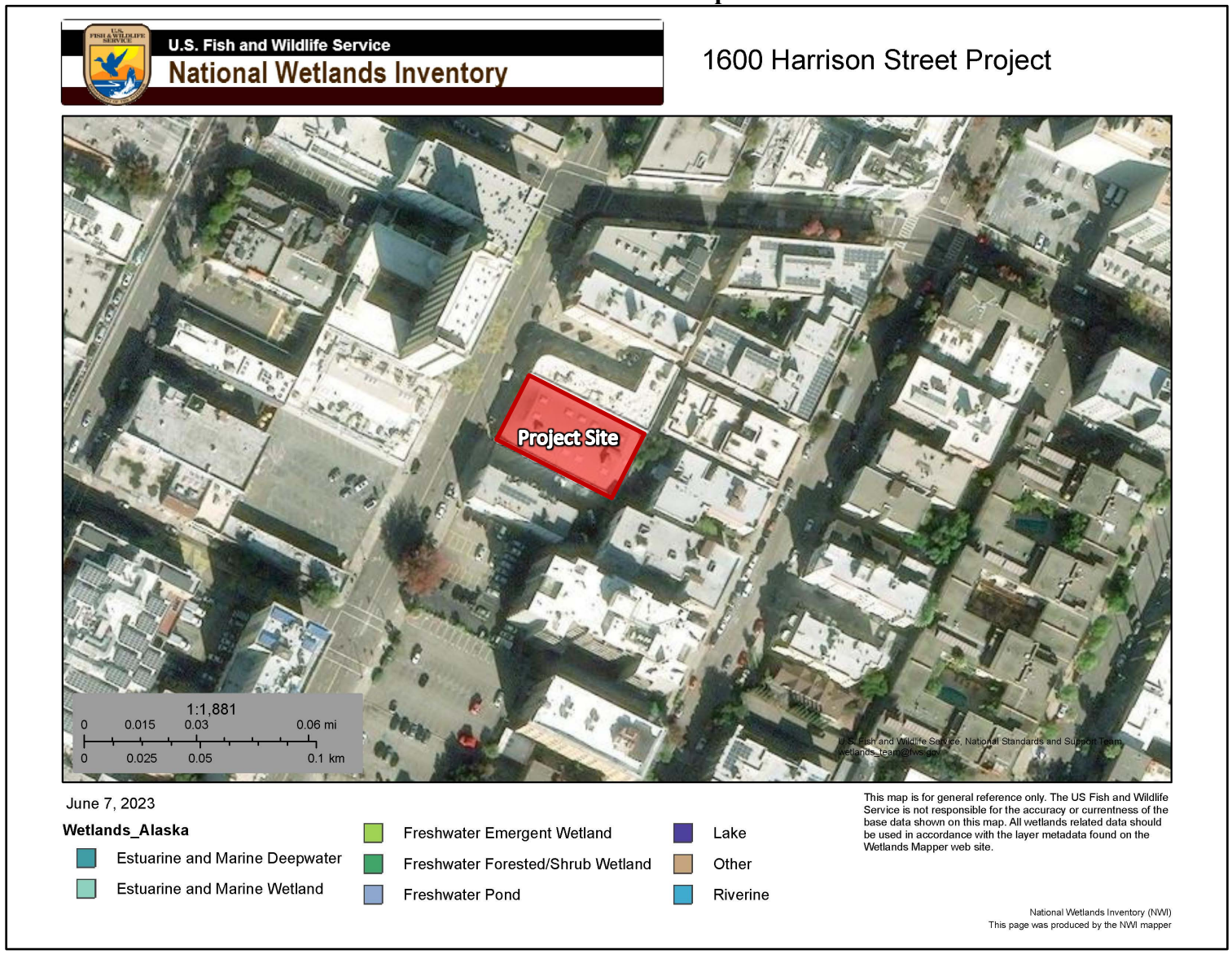
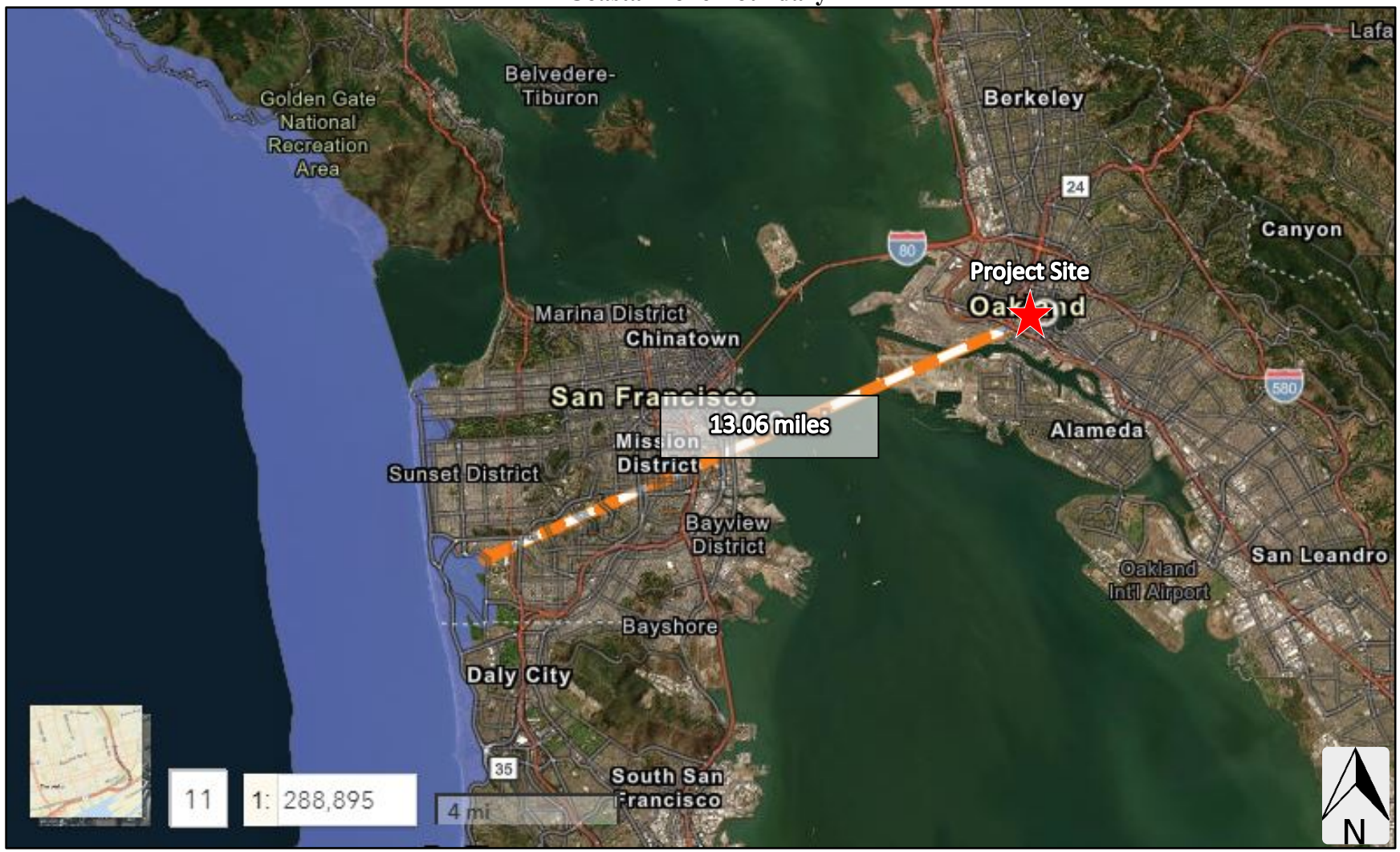


Figure 7
Coastal Zone Boundary



Source: California Department of Fish and Wildlife, BIOS, 2023.

Figure 8
Road and Railroad Noise Proximity

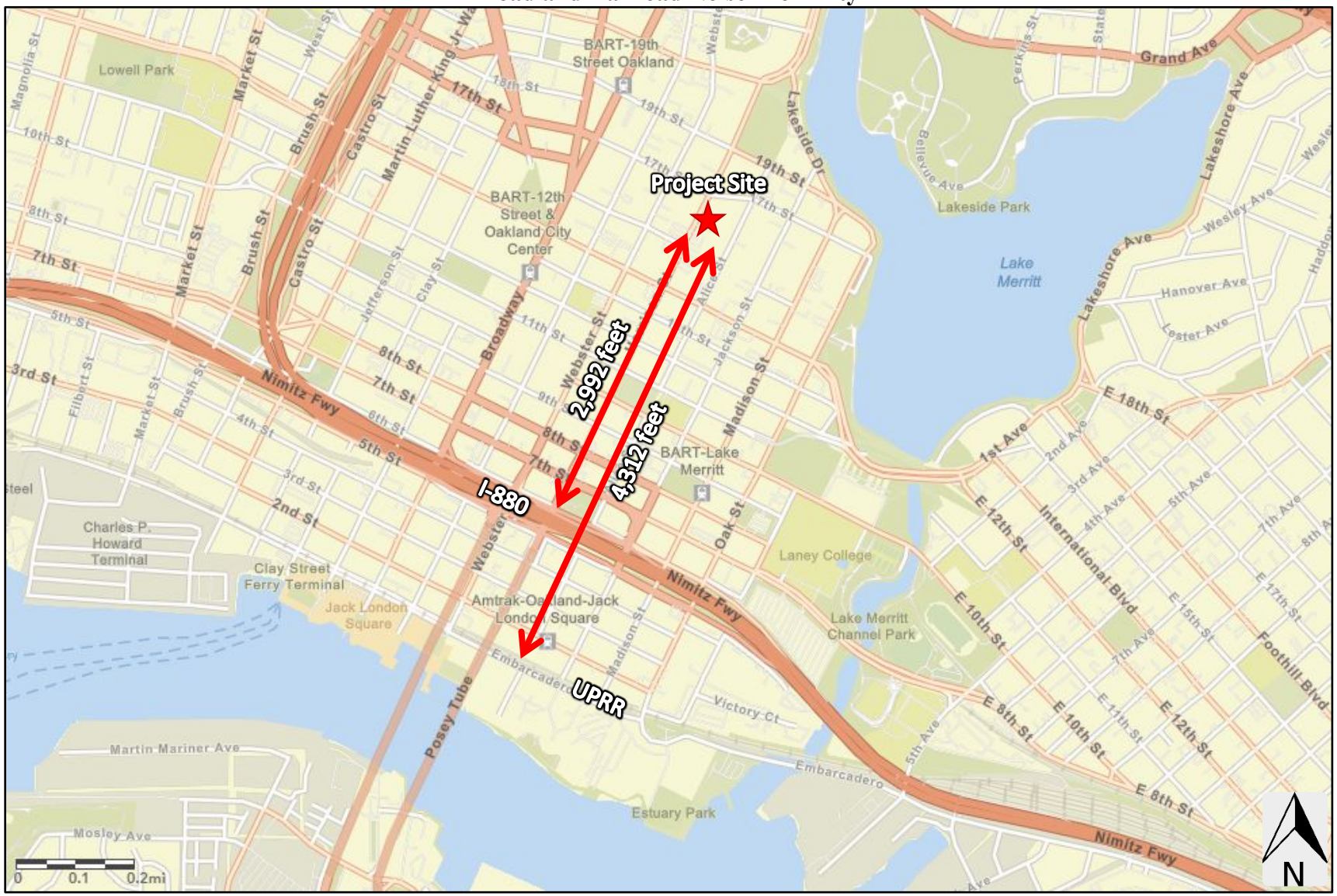
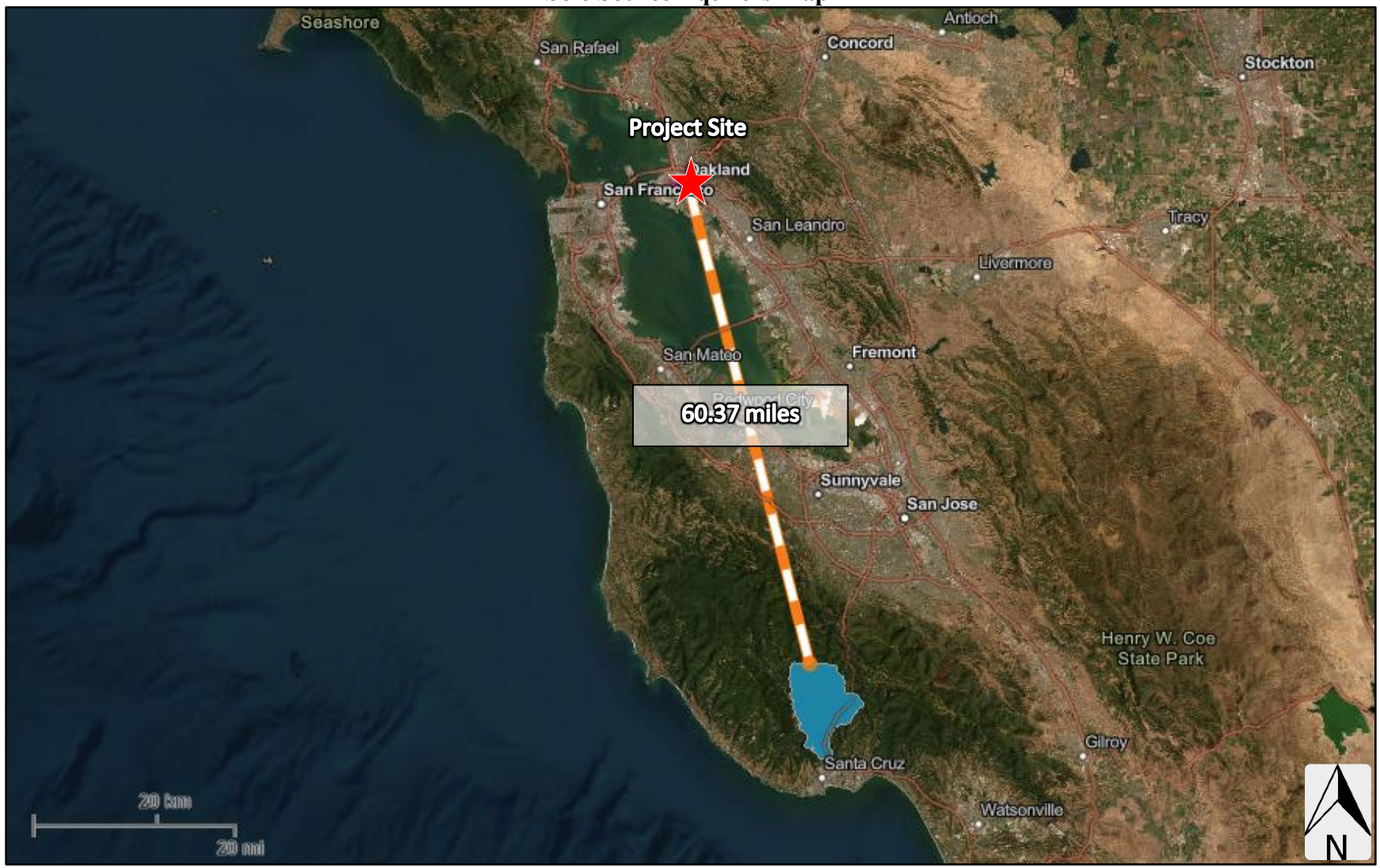
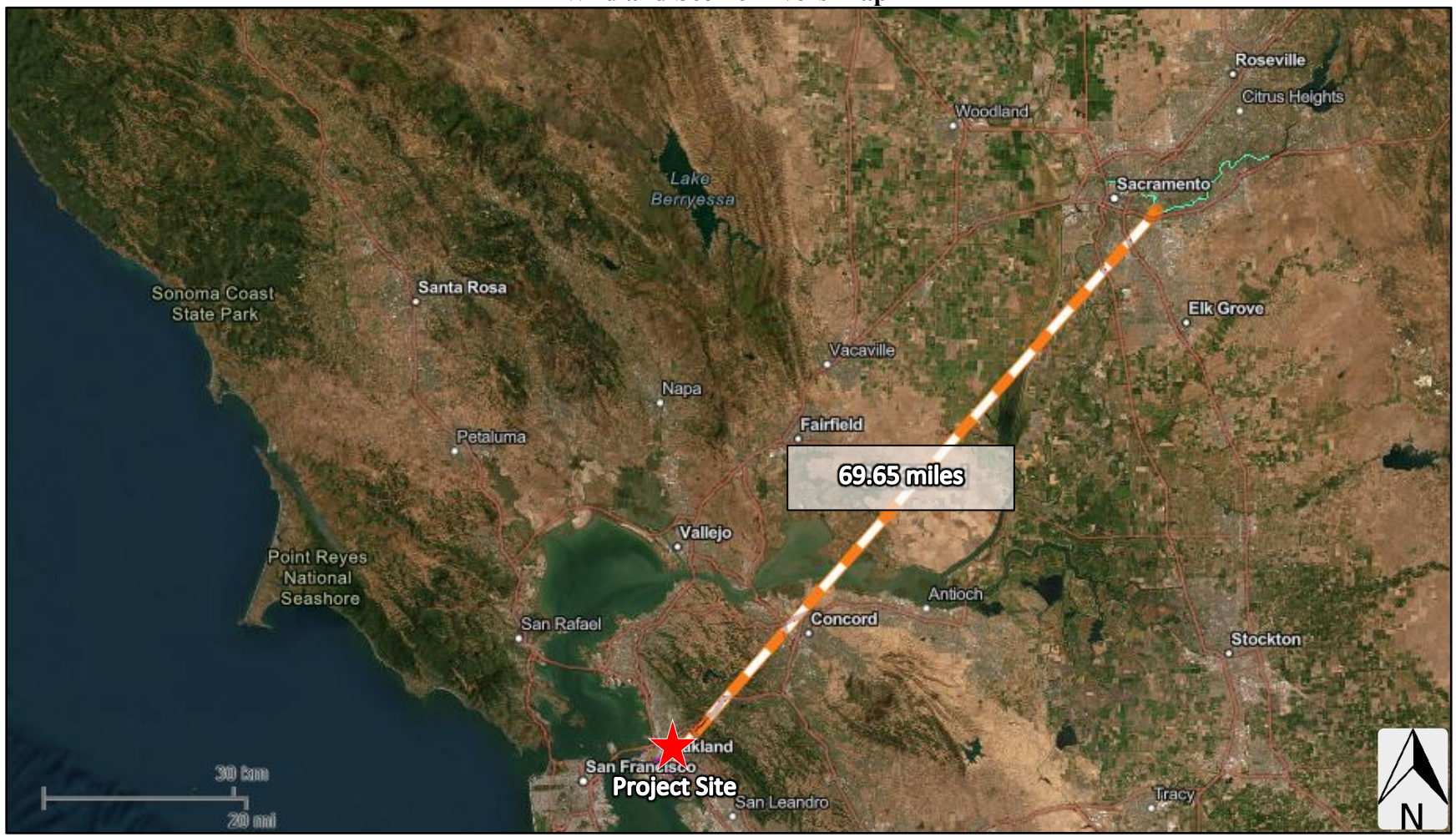


Figure 9
Sole Source Aquifers Map



Source: U.S. Environmental Protection Agency, NEPAssist, 2023.

Figure 10
Wild and Scenic Rivers Map



Source: U.S. Environmental Protection Agency, NEPAssist, 2023.

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

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes ☐ No ☒	HUD's policy is to apply standards to prevent incompatible development around civil airports or military airfields, consistent with Title 24 of the Code of Federal Regulations (CFR), Part 51, Subpart D. The nearest civilian airport, Oakland International Airport, is located approximately 5.02 miles southeast of the project site. Additionally, the nearest military airport, the National Guard Air Base, is located approximately 28.42 miles southeast of the project site. Thus, the project site is not located within 2,500 feet (0.47 miles) of the end of a civilian airport or within 15,000 feet (2.84 miles) of a military airport. Therefore, the proposed project would not be located within an Airport Runway Clear Zone or an Accident Potential Zone, as defined in 24 CFR 51 D, and impacts related to Airport Clear Zones and/or Accidental Potential Zones would not occur. <u>Document Citation</u> Figure 3, Raney Planning and Management, Inc. *ArcGIS Online*. June 2023.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes ☐ No ☒	The Coastal Barrier Resources Act (CBRA) of 1982 designated relatively undeveloped coastal barriers along the Atlantic and Gulf coasts as part of the John H. Chafee Coastal Barrier Resources System (CBRS), and made these areas ineligible for most new federal expenditures and financial assistance. The Coastal Barrier Improvement Act (CBIA) of 1990 reauthorized the CBRA; expanded the CBRS to include undeveloped

		coastal barriers along the Florida Keys, Great Lakes, Puerto Rico, and U.S. Virgin Islands; and added a new category of coastal barriers to the CBRS called "otherwise protected areas" (OPAs). OPAs are undeveloped coastal barriers that are within the boundaries of an area established under federal, State, or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes. The project is located in HUD Region IX. Designated coastal barrier resources do not occur in HUD Region IX. Therefore, the proposed project would not conflict with either the CBRA or CBIA. <u>Document Citation</u> Figure 4, U.S. Fish & Wildlife Service. *Coastal Barrier Resources Act.* Available at: https://www.fws.gov/program/coastal-barrier-resources-act. Accessed June 2023.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes ☐ No ☒	The Flood Disaster Protection Act of 1973 (42 USC 4012a) requires that projects receiving federal assistance and located in an area identified by FEMA as being within a Special Flood Hazard Area (SFHA) be covered by flood insurance under the National Flood Insurance Program. According to the FEMA FIRM 06001C0067H, effective December 21, 2018, the project site is not located within a Special Flood Hazard Area or any Other Areas of Flood Hazard. As such, the proposed project would not require coverage under the National Flood Insurance Program. Based on the above, impacts related to the Flood Disaster Protection Act and National Flood Insurance Reform Act of 1994 would not occur. <u>Document Citation</u> Figure 5, Federal Emergency Management Agency. *FEMA's National Flood Hazard Layer (NFHL) Viewer*. Available at: https://www.fema.gov/flood-maps/national-flood-hazard-layer. Accessed June 2023.

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes ☐ No ☒	The Clean Air Act was implemented to remedy the damaging effects that bad air quality can have on human health and the environment and was most recently revised in 1990, when major changes were enacted. The Clean Air Act is administered by the U.S. Environmental Protection Agency (USEPA), which sets National Ambient Air Quality Standards (NAAQS). NAAQS are limits on certain "criteria" air pollutants, including limits on how much of the pollutants can be in the air anywhere in the U.S. Geographic areas that are in compliance with the NAAQS are called "attainment areas," while areas that do not meet the standards are called "nonattainment" areas. According to HUD guidance, if a project does not involve new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities, or five or more dwelling units, the assumption can be made that the project's emissions are below de minimis levels and the project is in compliance with the Clean Air Act. The proposed project would be limited to safety improvements to the existing structure, including seismic retrofitting, as well as new interior partition walls, installation of cubicles, and other minor upgrades to enhance the building's functionality as an office space. As such, the project would not involve new construction, nor would the project include the conversion of land use. Thus, project emissions are reasonably assumed to be below de minimis levels, in accordance with HUD guidance. Based on the above, the proposed project would be consistent with HUD Policy and impacts to the Clean Air Act would not occur.
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes ☐ No ☒	The Coastal Zone Management Act Section 1453, Definitions, defines the term "coastal zone" as "…the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches…" and extending "…inland from the

		shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise." The project site is located in Alameda County, located in the East Bay of the San Francisco Bay Area. The San Francisco Bay Conservation and Development Commission (BCDC) developed the San Francisco Bay Plan (Plan), which is intended to protect and conserve the San Francisco Bay (Bay) as a regional resource and single body of water. The Plan guides the uses of the Bay and shoreline. A permit is necessary prior to the undertaking of new work in the Bay or within 100 feet of the shoreline, including filling, dredging, dredged sediment disposal, shoreline development, and other work. The project site is located outside of the Coastal Zone Boundary. Additionally, the proposed project would not include ground-disturbing activities and would only involve an interior rehabilitation for office space and a seismic retrofit. Therefore, the proposed project would not affect a Coastal Zone, and impacts related to the Coastal Zone Management Act would not occur. <u>Document Citation</u> Figure 7, California Department of Fish and Wildlife. *California Department of Fish and Wildlife BIOS*. Available at: https://apps.wildlife.ca.gov/bios/. Accessed June 2023.
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes ☒ No ☐	HUD policy, as described in Section 50.3(i) and Section 58.5(i)(2), states the following: (1)... all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. (2) HUD environmental review of multifamily and non-residential properties shall include evaluation of previous uses of the site and other evidence of contamination on or near the site, to

		assure that occupants of proposed sites are not adversely affected by the hazards. (3) Particular attention should be given to any proposed site on or in the general proximity of such areas as dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes. (4) The responsible entity shall use current techniques by qualified professionals to undertake investigations determined necessary... Sites known or suspected to be contaminated by toxic chemicals or radioactive materials include, but are not limited to, sites: (i) listed on an Environmental Protection Agency (EPA) Superfund National Priorities or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) List, or equivalent State list; (ii) located within 3,000 feet of a toxic or solid waste landfill site; or (iii) with an underground storage tank (UST) (which is not a residential fuel tank). A Phase I Environmental Site Assessment (ESA) was prepared for the proposed project by Rincon Consultants, Inc. to ascertain the existing conditions of the project site and identify any potential on-site Recognized Environmental Conditions (RECs). A REC indicates the presence or likely presence of any hazardous substances in, on, or at a property due to any release into the environment, under conditions indicative of a release to the environment, or under conditions that pose a material threat of a future release to the environment. The Phase I ESA included, but was not limited to, a review of applicable federal, State, and local environmental record databases to confirm the presence of hazardous material sites on the project site and/or at properties within the project vicinity. In addition, the Phase I ESA consisted of a review of historical records, including aerial photographs, historical topographic maps, Sanborn fire insurance rate maps, and City of Oakland building permit records. The Phase I ESA additionally included a site reconnaissance, conducted on November 13, 2022. The Phase I ESA found that the project site was formerly used as an automotive repair shop from at least 1938 to 1992. The former automotive repair usage could have included the use of

		subsurface features, including, but not limited to, sumps, drains, and hoists. Petroleum hydrocarbons and solvents are often associated with automotive repair shops; thus, the Phase I ESA concluded that the former use of the site as an automotive repair is considered a REC. In addition, although not listed as release sites, several nearby properties within 0.13-mile of the site were listed on the historical auto stations or historical cleaner databases. For instance, a former gas station (1933 to 1972) with a leaking UST was identified 115 feet from the site at 1633 Harrison Street. Another leaking UST site was found at a former automotive repair shop (1967 to 1970) at 1532 Harrison Street, located 380 feet from the site. Additional historical auto repair shops and laundry cleaners near the site may also have resulted in adverse effects related to potential vapor intrusion concerns. Additionally, based on the age of the on-site structure (constructed as early as 1919), asbestos-containing materials (ACMs) and lead-based paint (LBP) may be present on the project site. Finally, although per- and polyfluoroalkyl substances (PFAS) was not reported in drinking water wells within 13 miles of the project site, PFAS was detected in groundwater monitoring wells at levels above their respective notification and response levels at a Cleanup Program site located approximately 0.8-mile southwest of the site. Therefore, groundwater impacted with PFAS has the potential to be present beneath the project site. Due to the findings of the Phase I ESA, a hazardous materials survey was conducted by SCA Environmental, Inc. of the project site to further evaluate the potential for ACMs and LBPs to occur on-site. Additionally, a Phase II ESA was prepared by SCA Environmental, Inc. to evaluate existing soil and soil vapor on-site conditions. With respect to potential ACMs within the building, samples of suspect materials were collected following modified sampling protocols set forth by 40 CFR Part 763. A total of 30 suspect materials were tested or visually inspected. Of the total, only three were found to contain asbestos over one percent. The materials include (1) off-white painted black tar on the exterior of the

		building's parapet, (2) black roofing mastic/tar, and (3) exterior equipment curbs and skylights. Because the project would include only safety improvements to the existing structure and interior upgrades, the project would not result in exposure to the identified building ACMs. With respect to LBPs, SCA performed bulk lead sampling of representative interior/exterior coatings and building materials to confirm the presence and extent of lead-containing paints. Interior samples were collected from stabilized and peeling paint within the northwest and southwest corners of the project site's structure, as well as near the interior of the building's eastern wall. According to laboratory testing, the samples resulted in detection of lead at levels that ranged between 4.5 and 11,000 parts per million (ppm) in paints and building materials. As discussed, the proposed project would include use of the existing structure as an office space. As lead was identified in most paints and a detailed inventory of paints was not performed for the project, all coated surfaces are considered to contain some amount of lead. Thus, loose and flaking paint requiring stabilization as part of the proposed renovation activities within the interior of the building could result in exposure of construction workers to lead. Due to the levels of lead present in interior building samples, the stabilization of loose and flaking paint as part of the proposed project would be required, pursuant to applicable regulations set forth by the California Division of Occupational Safety and Health (Cal/OSHA) in California Code of Regulations (CCR) Title 8, Section 1532.1. The regulations contain requirements for lead air monitoring, work practices, respiratory protection, etc. that are triggered by the presence of any detected levels of lead. In addition, as the age of the building predates 1978, the City would require that the project applicant obtain an LBP Abatement Permit and comply with the conditions established therein. Such conditions include that renovation, repair, and painting projects that disturb LBP in buildings constructed prior to 1978 must be performed by firms certified by the USEPA or certified renovators who are trained by USEPA-approved training providers and follow lead-safe work practices. Additionally,

		a Lead Abatement Work Plan prepared as part of the LBP Abatement Permit would be required to include a description of the method that will be used to reduce the hazard, a plan to contain LBP during construction activities, the disposal method for lead-containing substances, the firm performing the work, and any other information requested by the City of Oakland Planning and Building Department. Compliance with the aforementioned requirements, including the regulations established by 8 CCR 1532.1 would be enforced through the City's building permit process. Based on the above, through compliance with 8 CCR 1532.1 and the provisions established by the City's LBP Abatement Permit, potential effects related to exposure to LBPs would not occur. With respect to soil test conditions completed as part of the Phase II ESA, soil borings were excavated to five feet below ground surface (bgs) to collect discrete samples at depths of one foot and five feet bgs. The soil borings were tested for the presence of arsenic and lead, in accordance with the San Francisco Bay Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs) for a residential land use, commercial land use, and construction worker exposure scenario. Arsenic was measured in all samples at concentrations above respective ESLs for residential land use, commercial land use, and construction worker exposure, and ranged from 1.3 milligrams per kilogram (mg/kg) to 3.2 mg/kg. However, the results are within the range of typical background arsenic levels in the Bay Area (up to 11 mg/kg), as well as Cal/OSHA's regulation of definition of arsenic containing material (200 mg/kg). Thus, the Phase II ESA concluded that remedial action related to arsenic is not required. With respect to lead concentrations, lead was detected in one sample (SB3-1) with a result of 200 mg/kg, which exceeds the residential land use ESL of 80 mg/kg and construction worker exposure ESL of 160 mg/kg, but remains below the commercial land use ESL of 320 mg/kg. SCA recommended that if the site were to be redeveloped and the concrete slab removed or the subsurface impacted, additional sampling would be required. However, as previously discussed,

		the project would not require ground-disturbing activities and/or excavation. The project would include only safety improvements to the existing structure, as well as new interior partition walls, installation of cubicles, and other upgrades to enhance the building's functionality as an office space. Thus, the concrete slab would not be removed as part of the project, and further remedial action related to lead is not required. With respect to on-site soil vapor conditions, SCA installed vapor pins beneath the slab, which were allowed to remain undisturbed for two hours. SCA then purged each location to allow for removal of stagnant air from each sampling system to collect a representative sample of subsurface conditions. Various volatile organic compounds (VOCs) were detected in the samples, which were compared to the ESLs for a potential residential and commercial vapor intrusion concern. The elevated soil vapor concentrations reported at the project site, specifically for Benzene and Naphthalene, indicate that subsurface contamination at the site is present and most likely attributed to nearby sites with documented subsurface contamination. Based on the results, the Phase II ESA concluded that a State-licensed engineer with extensive experience in vapor mitigation should review the data and design a Vapor Intrusion Mitigation System (VIMS) for the site, with the VIMS design approved by the Alameda County Department of Environmental Health prior to development of the proposed project. Mitigation is required. Finally, although PFAS was detected in groundwater monitoring wells at levels above their respective notification and response levels at a Cleanup Program site located within approximately 0.8-mile the site. PFAS was not reported in drinking water wells within 13 miles of the site. Additionally, the proposed project, which would not include ground-disturbing activities of any kind and would be used as an office space for the OHA, and thus, would not exacerbate the existing levels of PFAS within groundwater monitoring wells in the project vicinity. Based on the above, the proposed project would be consistent with HUD policy, as described in 24

		CFR Part 50.3(i) and 24 CFR 58.5(i)(2), and the project would not result in impacts related to contamination and toxic substances except for vapor intrusion. <u>*Mitigation Required*</u>*:* <u>*CTS-1*</u>*: The project applicant shall retain a qualified State-licensed engineer with extensive experience in vapor mitigation to review the data in the Phase I and Phase II documents and design a Vapor Intrusion Mitigation System (VIMS) for the site. The VIMS system shall be approved by the Alameda County Department of Environmental Health and implemented as part of the building permit.* <u>Document Citation</u> Rincon Consultants, Inc. *Phase I Environmental Site Assessment, 1600 Harrison Street Oakland, California*. December 2022. (Appendix A) SCA Environmental, Inc. *Limited Destructive Pre-Renovation Hazardous Materials Survey*. June 13, 2023. (Appendix B) SCA Environmental, Inc. *Limited Phase II Environmental Site Assessment Report, 1600 Harrison Street, Oakland, CA 94612*. June 16, 2023. (Appendix B)
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes ☐ No ☒	The Endangered Species Act of 1973, as amended, and its implementing regulations are designed to protect and recover species in danger of extinction and the ecosystems that they depend upon. When passed, the Endangered Species Act spoke specifically to the value – tangible and intangible – of conserving species for future generations. In passing the Endangered Species Act, Congress recognized a key fact that subsequent scientific understanding has only confirmed: the best way to protect species is to conserve their habitat. According to HUD guidance, the environmental review of a proposed project must consider potential impacts to endangered and threatened species and critical habitats. A No Effect determination can be made if none of the activities involved in the project have potential to affect species or habitats.

		The USFWS offers consultation on threatened and endangered wildlife and plant species, as well as critical habitats, on a project-by-project basis. According to the USFWS Environmental Conservation Online System (ECOS) Information for Planning and Consultation (IPaC), the project site does not contain critical habitat. Ground disturbance, excavation, or tree removal would not occur as a result of the proposed project. Furthermore, the project, which would be limited to safety improvements to the existing structure, including seismic retrofitting, as well as new interior partition walls, installation of cubicles, and other minor upgrades to enhance the building's functionality as an office space, would not alter the use of the site relative to its current condition. As such, the project would not result in potential substantial adverse effects to plant and wildlife species protected under the Endangered Species Act. Based on the above, potentially substantial adverse effects related to species and habitat protected under the Endangered Species Act would not occur. <u>Document Citation</u> U.S. Fish & Wildlife Service. *IPaC: Information for Planning and Consultation*. Available at: https://ecos.fws.gov/ipac/. Accessed June 2023. (Appendix D)
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes ☐ No ☒	Regulations set forth in 24 CFR Part 51 Subpart C require HUD-assisted projects to be separated from hazardous facilities that store, handle, or process hazardous substances by a distance based on the contents and volume of the facilities' aboveground storage tank (AST), or to implement mitigation measures. The requisite distances are necessary, because project sites that are too close to facilities handling, storing, or processing conventional fuels, hazardous gases, or chemicals of an explosive or flammable nature may expose occupants or end-users of a project to the risk of injury in the event of a fire or an explosion. However, according to HUD guidance, if a project does not involve (1) development, construction, and/or rehabilitation that would increase residential densities, or (2) conversion of a use, further compliance or

		documentation pertaining to ASTs is not necessary. The proposed project would be limited to safety improvements to the existing structure, including seismic retrofitting, as well as new interior partition walls, installation of cubicles, and other minor upgrades to enhance the building's functionality as an office space and would not alter the use of the site relative to its current condition. As such, further compliance or documentation pertaining to ASTs is not necessary. Based on the above, the proposed project would not result in impact associated with the siting of HUD-assisted project near explosive and flammable hazards, as regulated by 24 CFR Part 51 Subpart C.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes ☐ No ☒	The importance of farmlands to the national and local economy requires the consideration of the impact of activities on land adjacent to prime or unique farmlands. The purpose of the Farmland Protection Policy Act (7 USC Section 4201 et seq, implementing regulations 7 CFR Part 658, of the Agriculture and Food Act of 1981, as amended) is to minimize the effect of federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural uses. According to the California Department of Conservation (DOC) California Important Farmland Finder, the entire project site is designated as "Urban and Built-up Land." The DOC defines Urban and Built-up Land as land that is "used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes." As such, the project site does not contain farmland. Based on the above, the proposed project would not convert farmland to nonagricultural uses, and impacts related to the Farmland Protection Policy Act would not occur. <u>Document Citation</u>

		California Department of Conservation. *California Important Farmland Finder*. Available at: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed June 2023. (Appendix D)
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes ☐ No ☒	The provisions of Executive Order 11988, Floodplain Management, require federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable. For projects located within the 100-year floodplain, HUD policy provides that projects involving critical actions are subject to an eight-step process set forth in 24 CFR Part 55.20. As previously discussed, according to the FEMA FIRM 06001C0067H, effective December 21, 2018, the entirety of the project site is not located within a Special Flood Hazard Area or any Other Areas of Flood Hazard. As such, the project site is not located within a FEMA-designated floodplain. Therefore, the proposed project would not result in impacts related to conflicts with Executive Order 11988. <u>Document Citation</u> Figure 5, Federal Emergency Management Agency. *FEMA's National Flood Hazard Layer (NFHL) Viewer*. Available at: https://www.fema.gov/flood-maps/national-flood-hazard-layer. Accessed June 2023.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes ☐ No ☒	The National Historic Preservation Act (NHPA) (16 USC 470 et seq.) directs each federal agency, and those tribal, State, and local governments that assume federal agency responsibilities, to protect historic properties and to avoid, minimize, or mitigate possible harm that may result from agency actions. The review process, known as Section 106 review, is detailed in 36 CFR Part 800. Early consideration of historic places in project planning and full consultation with interested parties are key to effective compliance with Section 106. The State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) are primary consulting parties in the process.

		In accordance with Section 106 of the NHPA, a Sacred Lands File search was completed, which indicated a positive result. As a rehabilitation project, the Area of Potential Effects (APE) was determined to be limited to the subject property itself. Although the project does not involve ground-disturbing activities, letters to consult were sent to specific tribes identified by the Native American Heritage Commission (NAHC) as potentially having knowledge of cultural resources in the project area. A request for consultation was distributed on June 13, 2023 to identified tribes. The tribal representatives did not request consultation. Given the age of the property, the City of Oakland, as the Responsible Entity, initiated consultation with the State Historic Preservation Officer (SHPO) with a letter and historic analysis on June 20, 2023. The letter requested concurrence with the City's finding of No Historic Properties Affected by the undertaking. SHPO responded the same day, and. did not object to the City's finding. Based on the above, the proposed project would not conflict with the requirements of the NHPA. Thus, impacts related to historic preservation would not occur. <u>Document Citation</u> Historic Resource Associates. *Phase 1 Historical Resource Assessment.* June 2023. (Appendix C)
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes ☐ No ☒	According to HUD's noise standards set forth in 24 CFR Part 51, Subpart B, all sites whose environmental or community noise exposure exceeds the day night average sound level (DNL) of 65 decibels (dB) are considered noise-impacted areas. HUD guidance includes screening criteria to assist in evaluating a project's consistency with the foregoing standard. Pursuant to HUD guidance, potentially significant noise generators within the vicinity of a project include major roadways, if within 1,000 feet of a project site, railroads, if within 3,000 feet, and military or Federal Aviation Administration-regulated (FAA) airfields, if within 15 miles. Documentation that a project is not within the applicable distances to the foregoing noise generators demonstrates compliance with HUD's

		noise standard. If within the aforementioned distance, a project may show the noise level is at or below 65 dB to demonstrate consistency with the Noise Control Act of 1972. The nearest major roadway to the project site is Interstate 880, which is approximately 2,992 feet to the south. With respect to railroads, Union Pacific Railroad tracks run in a northwest-to-southeast direction approximately 4,312 feet to the south of the site. As such, the project is not located within 1,000 feet of a major roadway or 3,000 feet of a railroad, and therefore, would not result in an increase in community noise exposure relative to existing conditions. Finally, as previously discussed, the Oakland International Airport is located 5.02 miles southeast of the project site (see Figure 3). However, according to Figure 3-3 of the Airport Land Use Compatibility Plan for the Oakland International Airport, the project site is not within the 65 dBA noise contour for either airport and aircraft-related noise levels. Based on the above, impacts related to the Noise Control Act of 1972 would not occur. <u>Document Citation</u> Figure 3, Raney Planning and Management, Inc. *ArcGIS Online*. June 2023. Figure 8, Raney Planning and Management, Inc. *ArcGIS Online*. July 2023. Alameda County. *Oakland International Airport Airport Land Use Compatibility Plan.* Adopted December 2010. (Appendix D)
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes ☐ No ☒	Aquifers and surface water are drinking water systems that may be impacted by development. The Safe Drinking Water Act of 1974 requires protection of drinking water systems that are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health. The project site is not located within an area designated by the USEPA as being supported by a sole source aquifer. The project site is located 60.37 miles to the north of the nearest sole source

		aquifer, which is the Santa Margarita Aquifer. As such, the project site is not within the vicinity of a region that depends solely on an aquifer for access to water, or located within a sole source aquifer recharge area. Therefore, the proposed project would not conflict the Safe Drinking Water Act of 1974, as amended, and potential project impacts related to sole source aquifers would not occur. Document Citation Figure 9, U.S. Environmental Protection Agency. *NEPAssist.* Available at: https://nepassisttool.epa.gov/nepassist/nepamap.aspx. Accessed June 2023.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes ☐ No ☒	According to the USEPA, wetlands are characterized by hydrology, soils, and vegetation. Pursuant to the NWI, aquatic resources of any kind do not occur on-site. Based on the above, the proposed project would not conflict with Executive Order 11990. Thus, impacts related to wetlands protection would not occur. Document Citation Figure 6, U.S. Fish & Wildlife Service. *National Wetlands Inventory*. Available at: https://www.fws.gov/wetlands/data/Mapper.html. Accessed June 2023.
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes ☐ No ☒	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) 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). The NWSRS was created by Congress in 1968 to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The project site is not located near any NWSRS river, including designated Wild and Scenic Rivers, study rivers, and Nationwide Rivers Inventory (NRI) river segments. The nearest designated Wild and Scenic River is the American River, located 69.65 miles to the northeast. Therefore, the proposed project would not result

		in impacts related to the Wild and Scenic Rivers Act of 1968. Document Citation Figure 10, U.S. Environmental Protection Agency. *NEPAssist.* Available at: https://nepassisttool.epa.gov/nepassist/nepamap.aspx. Accessed June 2023.
Climate Change	Yes ☐ No ☒	The project site is located in an area subject to flooding, sea level rise, wildfires, or landslides, though, the site is not located in an area subject to drought and extreme heat. The project proposes to reuse an existing commercial building for offices without the need to construct new facilities. There is a small benefit in this regard. Furthermore, the project will comply with the state's Calgreen green building requirements. Document Citation Figure 5, Federal Emergency Management Agency. *FEMA's National Flood Hazard Layer (NFHL) Viewer*. Available at: https://www.fema.gov/flood-maps/national-flood-hazard-layer. Accessed June 2023. Figure 7, California Department of Fish and Wildlife. *California Department of Fish and Wildlife BIOS*. Available at: https://apps.wildlife.ca.gov/bios/. Accessed June 2023.
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes ☐ No ☒	Environmental justice means ensuring that the environment and human health are protected fairly for all people regardless of race, color, national origin, or income. Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations requires certain federal agencies, including HUD, to consider how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and low-income populations. In order to better meet the agency's responsibilities related to the protection of public

health and the environment, the USEPA has developed the EJScreen mapping and screening tool, which provides socioeconomic and environmental information for a selected area. Pursuant to EJScreen Environmental Justice Indexes, which highlight block groups with the highest intersection of low-income populations, people of color, and a given environmental indicator, the project site is identified as being within Blockgroup 0600150029002, which has a population of 803 residents in a 0.02-square-mile area. Table 1 summarizes the percentiles at which the blockgroup ranks relative to the entire State and nation for various environmental indicators (i.e., particulate matter 2.5 microns in diameter [$PM_{2.5}$], ozone, diesel PM [DPM], air toxics cancer risks, air toxics respiratory health impacts, traffic proximity, LBP, Superfund proximity, Risk Management Program [RMP] facility proximity, hazardous waste proximity, USTs, and wastewater discharge).

Table 1
EJ Indexes – State and National Percentiles

Environmental Indicator	State	Federal
$PM_{2.5}$	62	77
Ozone	12	5
DPM	92	94
Air Toxics Cancer Risk	69	83
Air Toxics Respiratory Hi	54	75
Toxic Releases to Air	80	81
Traffic Proximity	91	95
LBP	84	90
Superfund Proximity	96	96
RMP Facility Proximity	56	77
Hazardous Waste Proximity	94	96
USTs	96	95
Wastewater Discharge	17	46

Source: U.S. Environmental Protection Agency, EJScreen, 2023.

According to Table 1, Blockgroup 0600150029002 ranks above the 75th percentile for the majority of environmental indicators. However, as previously discussed throughout this Environmental Review, the project would be limited to safety improvements to the existing structure, including seismic retrofitting, as well as minor interior upgrades to enhance the building's functionality as an office space. As such, the project would not include substantial alterations to the structure of the building, nor would the

		project result in the construction of new dwelling units. Additionally, the project site is zoned Central Business District General Commercial and adjacent to similar existing uses as those proposed by the project. Furthermore, as discussed throughout this CEST, substantial adverse effects related to various environmental topic areas would not occur. Thus, the project would not introduce new uses that could result in disproportionately high and adverse human health or environmental effects on existing minority and low-income populations in the project vicinity, nor would the project induce population growth in an area subject to health risks due to poor environmental conditions. Based on the above, the proposed project would not result in adverse human health or environmental effects on minority and low-income populations, and impacts related to Executive Order 12898 would not occur. <u>Document Citation</u> U.S. Environmental Protection Agency. *EJScreen*. Available at: https://www.epa.gov/ejscreen. Accessed July 2023. (Appendix D)

Additional Studies Performed:

- Rincon Consultants, Inc. *Phase I Environmental Site Assessment, 1600 Harrison Street Oakland, California*. December 2022. (Appendix A)
- SCA Environmental, Inc. *Limited Destructive Pre-Renovation Hazardous Materials Survey*. June 13, 2023. (Appendix B)
- SCA Environmental, Inc. *Limited Phase II Environmental Site Assessment Report, 1600 Harrison Street, Oakland, CA 94612*. June 16, 2023. (Appendix B)
- Historic Resource Associates. *Phase 1 Historical Resource Assessment.* June 2023. (Appendix C)

Field Inspection (Date and completed by)**:**

- Rincon Consultants, Inc. on November 13, 2022;
- SCA Environmental, Inc. on May 16, 17, and 19, 2023: and
- Historic Resource Associates in June 2023.

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

- Alameda County. *Oakland International Airport Land Use Compatibility Plans.* Adopted December 2010. (Appendix D)

- California Department of Conservation. *California Important Farmland Finder*. Available at: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed June 2023. (Appendix D)
- U.S. Fish & Wildlife Service. *IPaC: Information for Planning and Consultation*. Available at: https://ecos.fws.gov/ipac/. Accessed June 2023. (Appendix D)
- U.S. Environmental Protection Agency. *EJScreen*. Available at: https://www.epa.gov/ejscreen. Accessed July 2023. (Appendix D)

Summary of Findings and Conclusions: The proposed project would not negatively impact the surrounding environment and the project location would not have an adverse environmental or health effect on end users. The proposed project would comply with NEPA and other related federal and State environmental laws, as well as City of Oakland Standard Conditions of Approval, and does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below 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
Contamination and Toxic Substances	*CTS-1: The project applicant shall retain a qualified State-licensed engineer with extensive experience in vapor mitigation to review the data in the Phase I and Phase II documents and design a Vapor Intrusion Mitigation System (VIMS) for the site. The VIMS system shall be approved by the Alameda County Department of Environmental Health and implemented as part of the building permit.*

Also, it should be noted that with respect to LBPs, compliance with Cal/OSHA requirements would be enforced through the City of Oakland's building permit approval process.

Determination:

☐ This categorically excluded activity/project converts to Exempt, per 58.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at §58.5. **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR

☒ This categorically excluded activity/project cannot convert to Exempt because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain "Authority to Use Grant Funds"** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR

☐ This project is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature: _____ Date: 7/25/23

Name/Title/Organization: Rod Stinson/Vice President/Raney Planning and Management, Inc.

Responsible Entity Agency Official Signature:

William A. Gilchrist

_____ Date: Jul 27, 2023

Name/Title: William Gilchrist/Planning and Building Director

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

1600 Harrison Street CEST

Final Audit Report 2023-07-27

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