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

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: 401 Santa Clara Avenue Project

Responsible Entity: City of Oakland

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

State/Local Identifier: ESX24003

Preparer: Raney Planning & Management, Inc.
Rod Stinson, Vice President/Air Quality Specialist
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, Oakland Housing Authority
Chief Officer of Real Estate Development

Consultant (if applicable): Raney Planning & 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: 401 Santa Clara Avenue, Oakland, California, 94610
Assessor's Parcel Numbers (APNs) 010-0823-015-05 and 010-0823-039-02

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

The 0.93-acre project site is located at 401 Santa Clara Avenue in the City of Oakland, California (see Figure 1 and Figure 2). The site is comprised of two parcels, which are identified by APNs 010-0823-015-05 and 010-0823-039-02.

Figure 1
Regional Vicinity Map

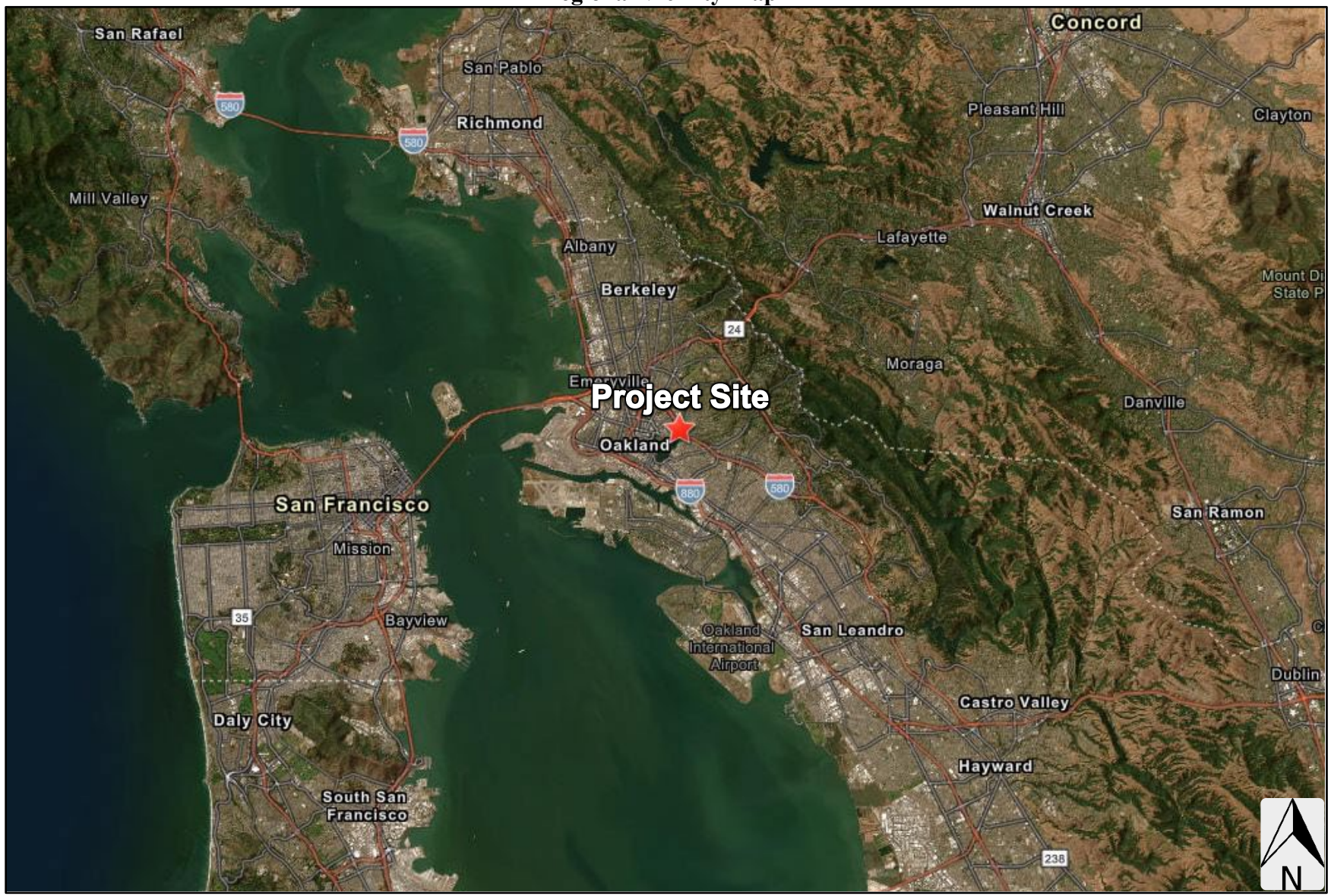
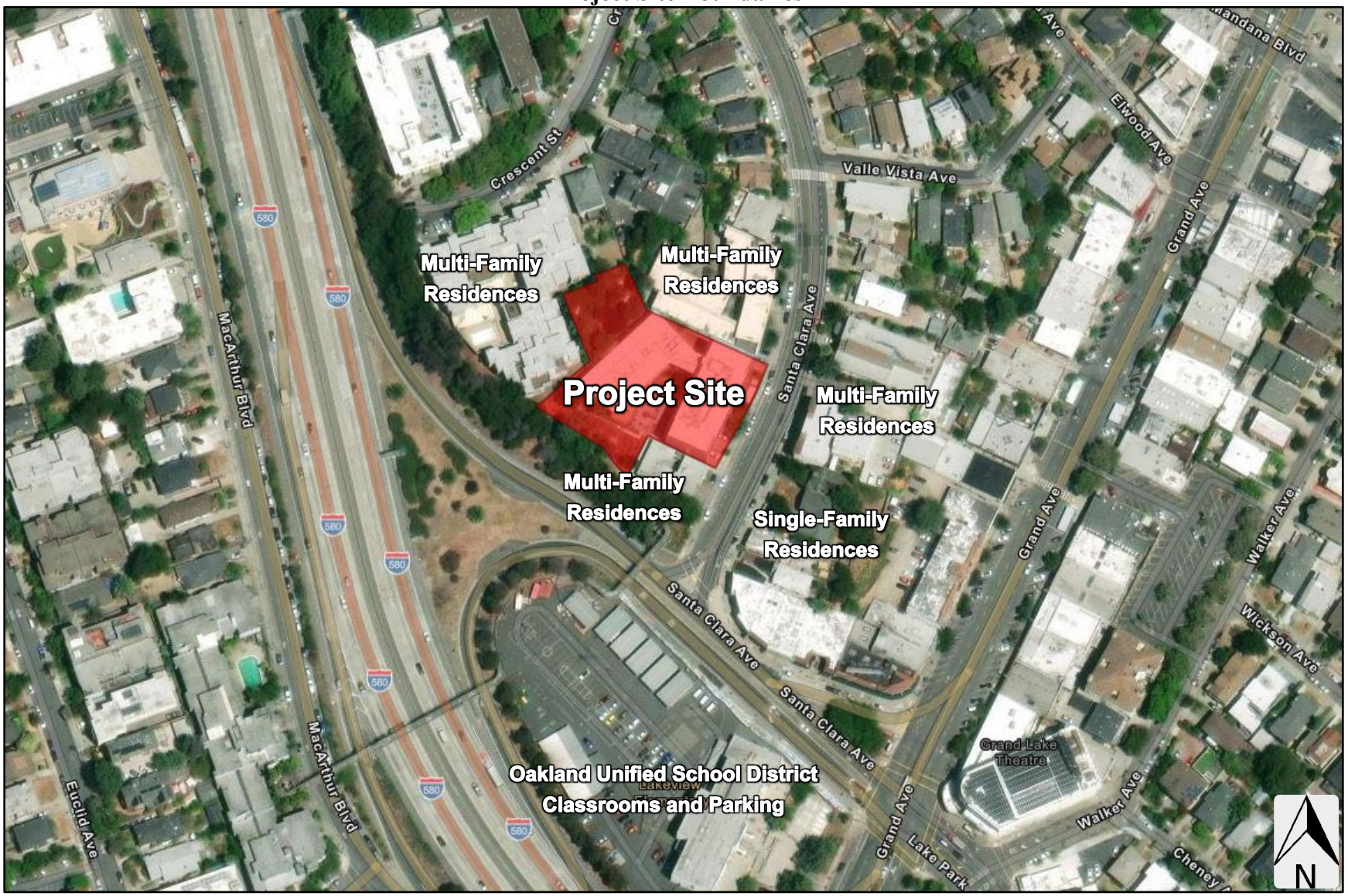


Figure 2
Project Site Boundaries



Currently, the project site is developed with a seven-story, 77,076-square-foot (sf) multi-family residential building constructed in 1966. The existing building previously operated as "Grand Lake Gardens," but has been vacant since 2022 after suffering fire damage. Surrounding existing uses include multi-family residences immediately to the north; single-family and multi-family residences to the east, across Santa Clara Avenue; multi-family residences immediately to the south; Oakland Unified School District (OUSD) classrooms and surface parking areas further to the south; and multi-family residences to the west. The City's General Plan designates the project site as Urban Residential and the site is zoned Urban Residential-3 Zone (RU-3).

The 401 Santa Clara Avenue Project (proposed project) would consist of renovations to the existing on-site residential building, which would eventually serve as affordable housing. The project applicant, the Oakland Housing Authority, intends to purchase the property and rehabilitate the building to livable conditions, anticipating the addition of five residential units for a new total of 108 units. Because the building was constructed in 1966, the proposed project would also include seismic retrofitting improvements to ensure the building is in compliance with current building standards.

The project would require limited ground disturbance, which would be associated with trenching for new footings to support new exterior walls constructed for the purposes of load-bearing support. The new footings and exterior walls would be adjacent to the existing structure and would require excavation in nine areas to the depths of the existing footings, which are approximately two to nine feet below the existing slab-on-grade (see Figure 3, Figure 4, and Figure 5). The areas of disturbance would range from 200 sf to 500 sf. Other potential renovation and repair activities to restore the property from the previously incurred fire damage and resulting concrete distress would not require modifications to the building foundations or ground excavation.

The National Environmental Policy Act (NEPA) mandates that federal agencies consider the environmental ramifications of a wide variety of proposed actions. Due to funding from federal sources (as discussed further below), the proposed project is subject to environmental review under NEPA. Pursuant to Title 24 Code of Federal Regulations (CFR) Section 58.35, development projects consisting of multi-family building rehabilitation and improvements qualify for a Categorical Exclusion Subject To (CEST) related laws and authorities Level of Environmental Review when the unit density would not be changed more than 20 percent, the project does not involve changes in land use from residential to non-residential, and the estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

The proposed project, which anticipates an increase in the project site's existing unit total from 103 units to 108 units, would not increase the unit density by more than 20 percent, nor convert the existing land use from residential to non-residential. Additionally, an appraisal prepared by Nibbi Brothers General Contractors estimates the cost of the proposed project to be $31 to $35 million. Based on current affordable housing development costs in Oakland, OHA estimates costs of replacement after rehabilitation would be approximately $100 million. Therefore, the proposed project is also consistent with the rehabilitation cost criterion established by 24 CFR 58.35. Based on the above, a CEST Environmental Review is the appropriate level of NEPA analysis.

Figure 3
Ground Floor Areas of Disturbance

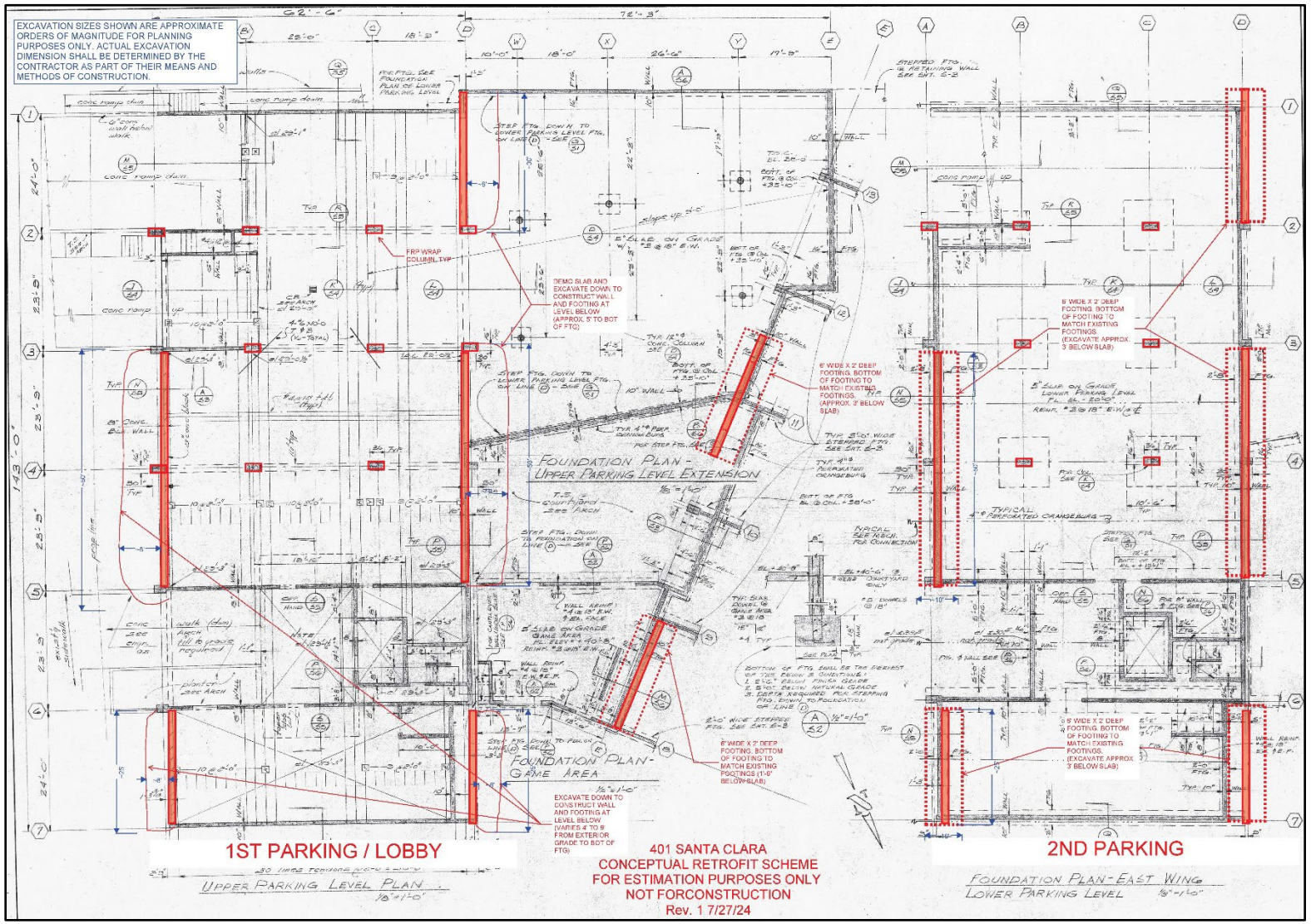


Figure 4
First Floor Areas of Disturbance

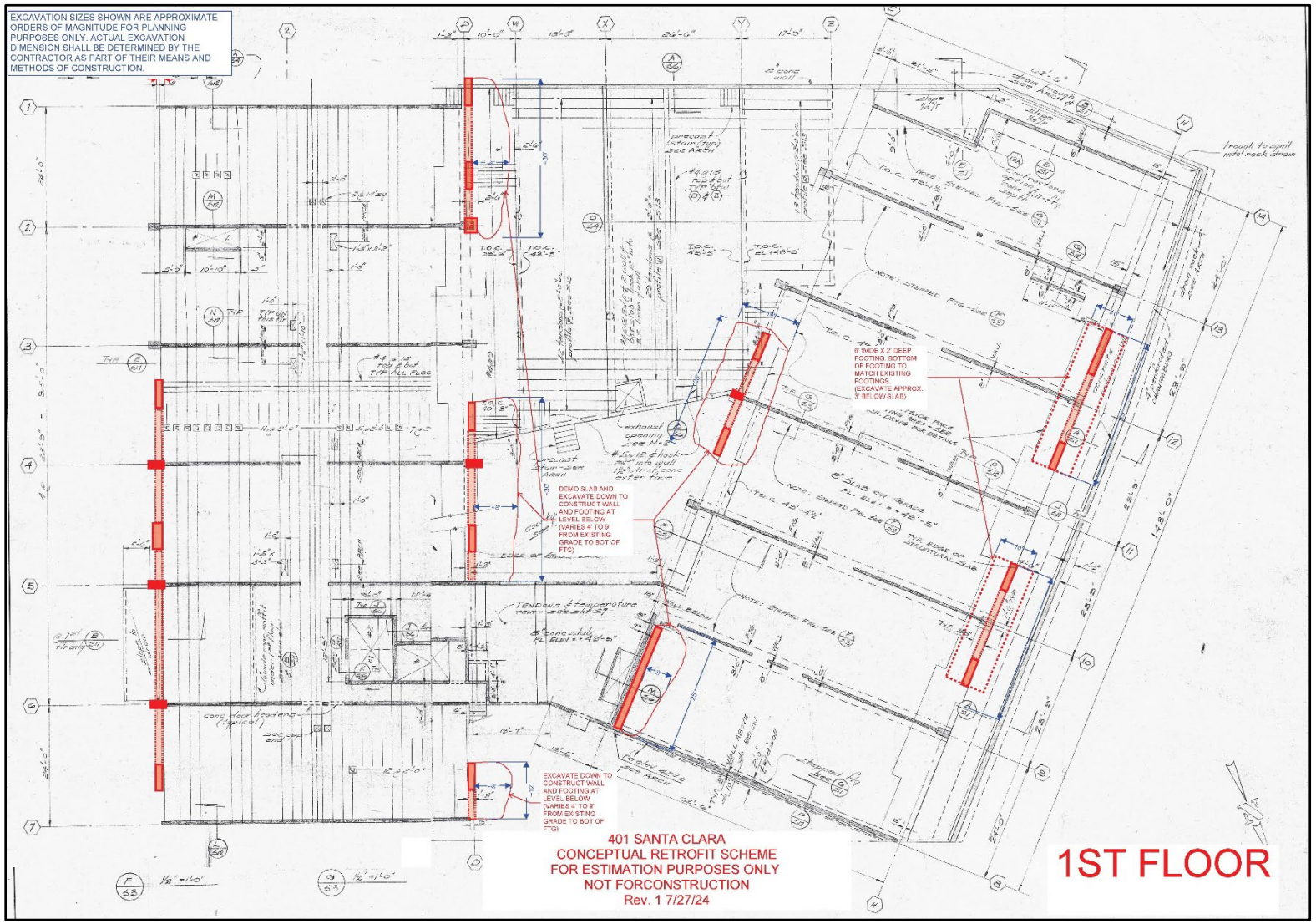


Figure 5
Building Section Areas of Disturbance

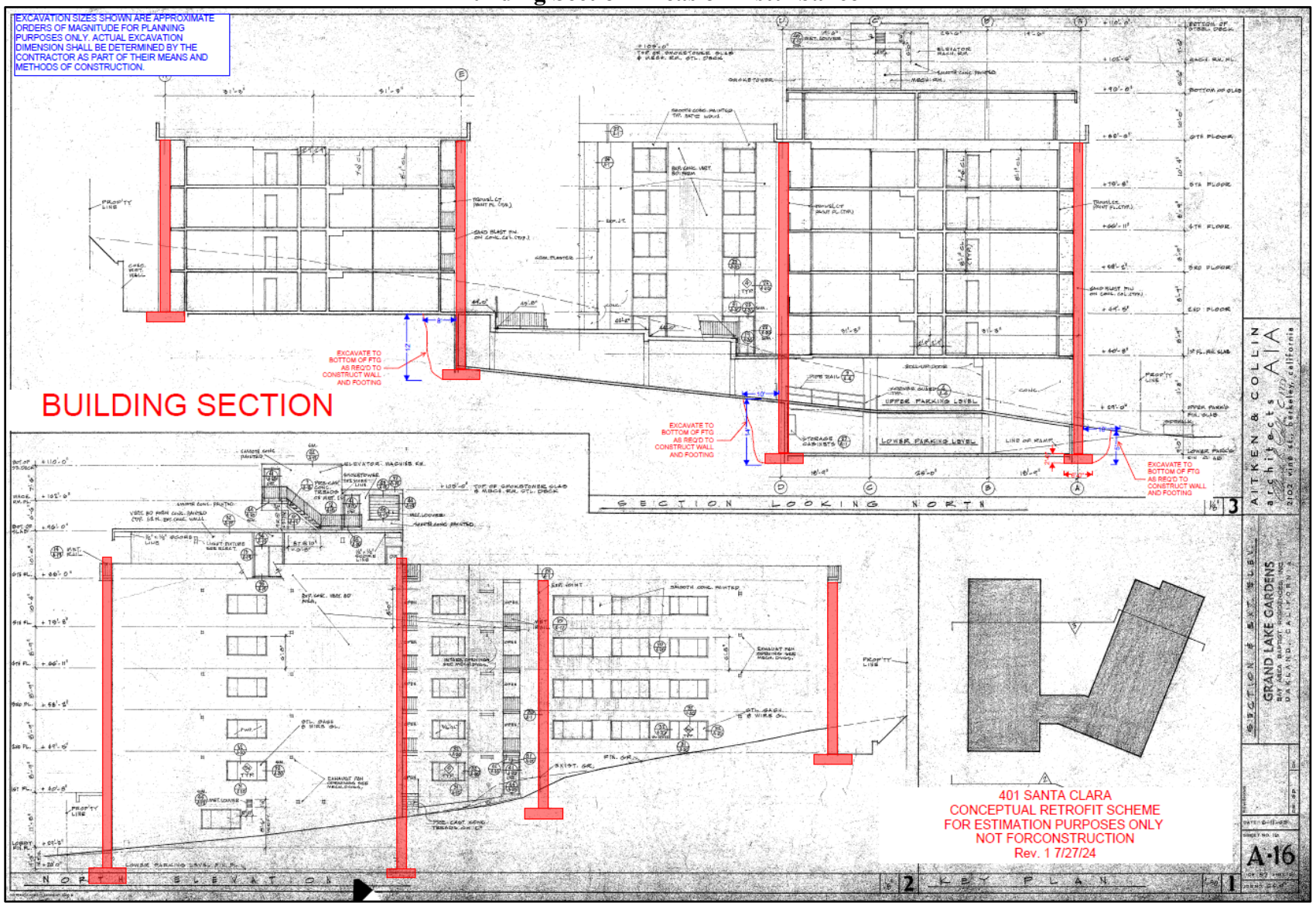


Figure 6
Nearest Airport to the Project Site

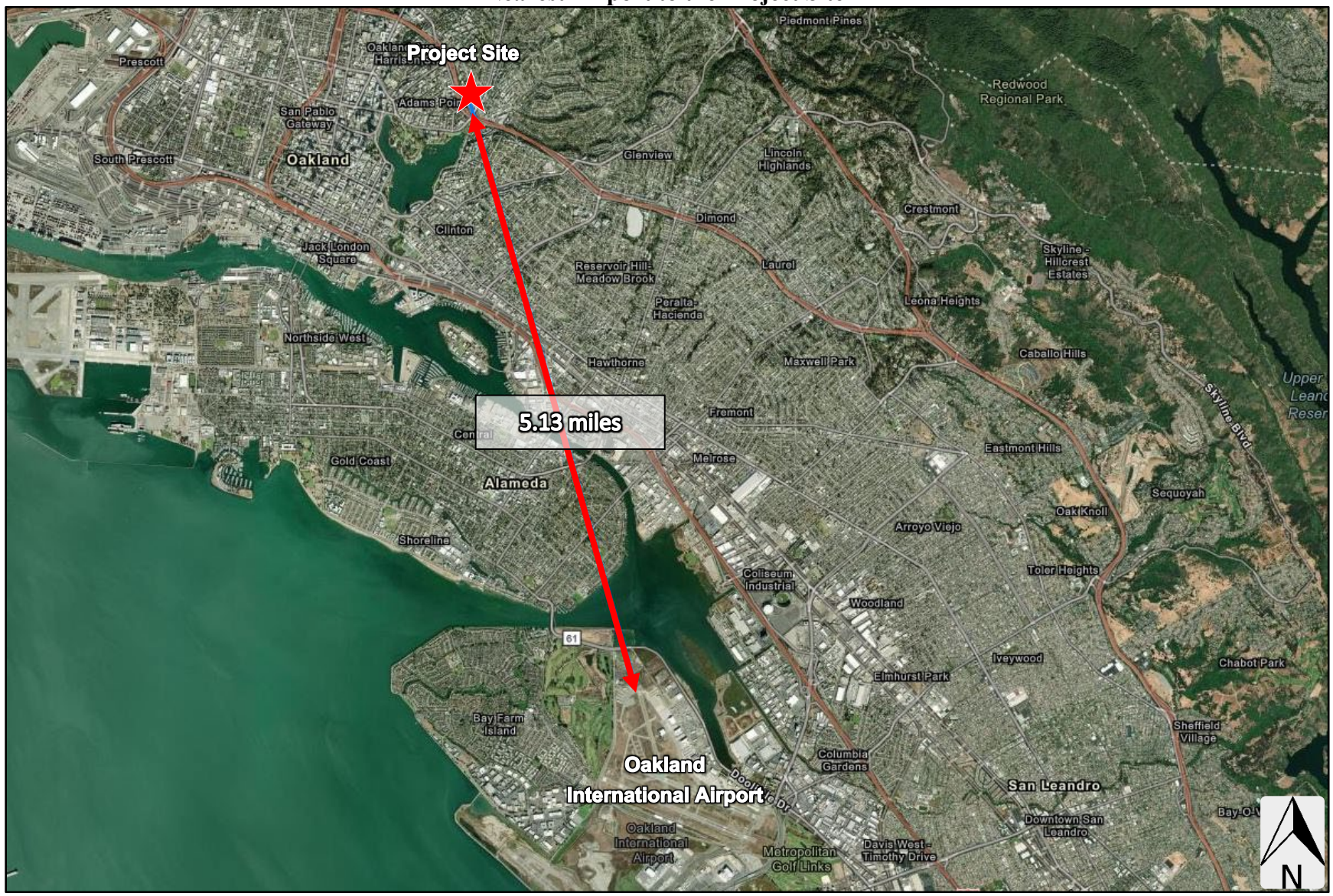
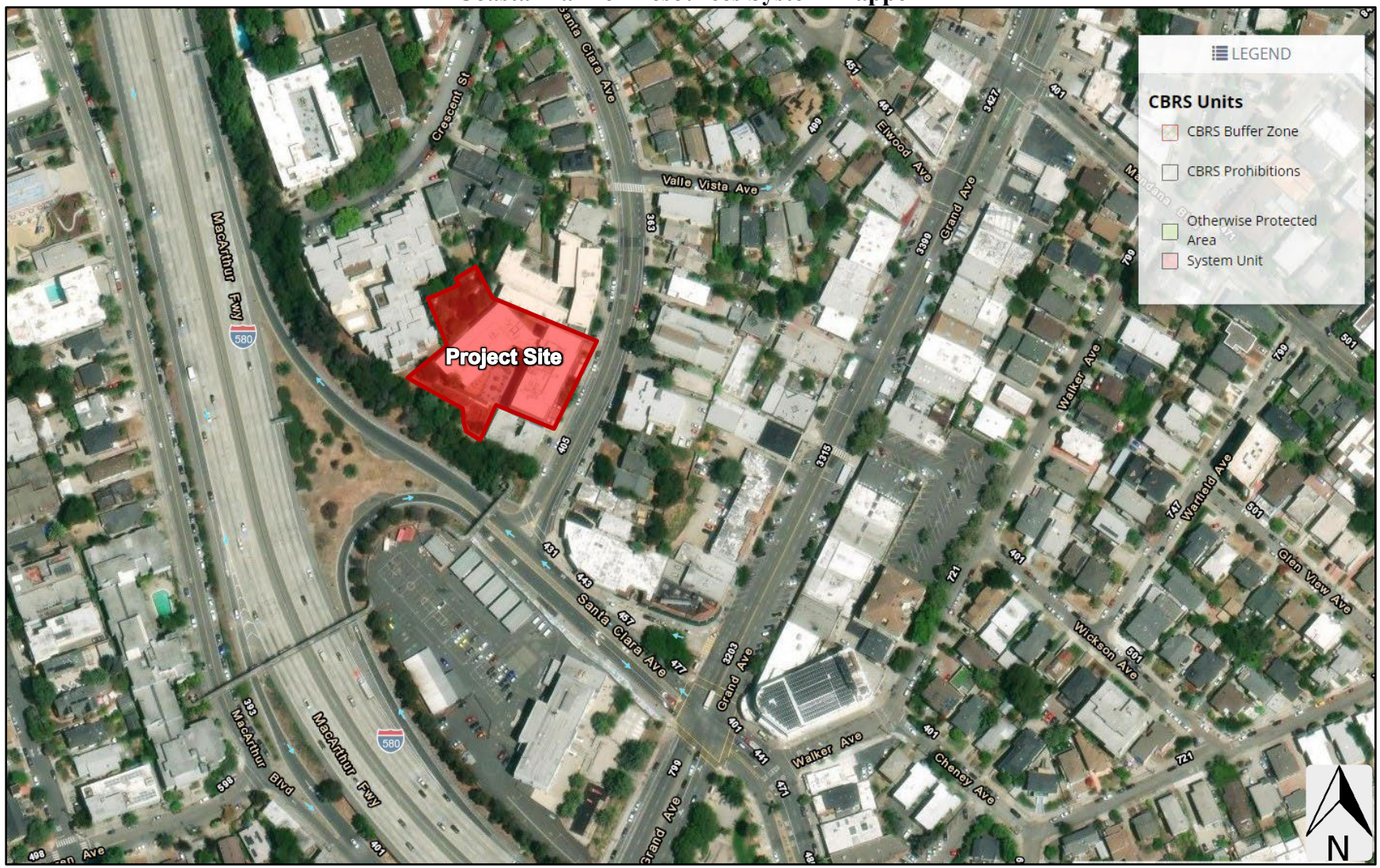


Figure 7
Coastal Barrier Resources System Mapper



Source: U.S. Fish and Wildlife Service, Coastal Barrier Resources System Mapper, 2024.

Figure 8
Federal Emergency Management Agency Flood Insurance Rate Map

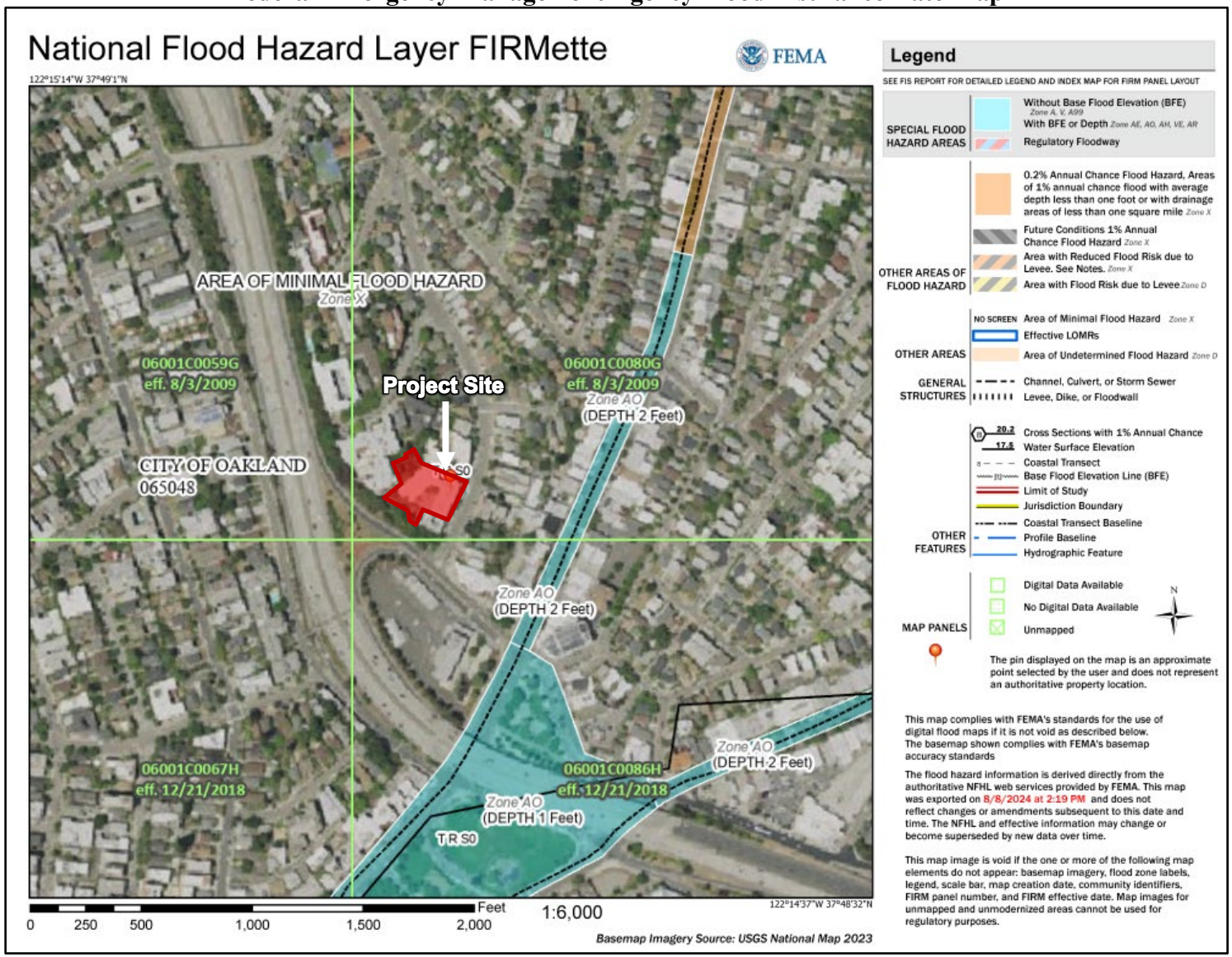


Figure 9
National Wetlands Inventory Map

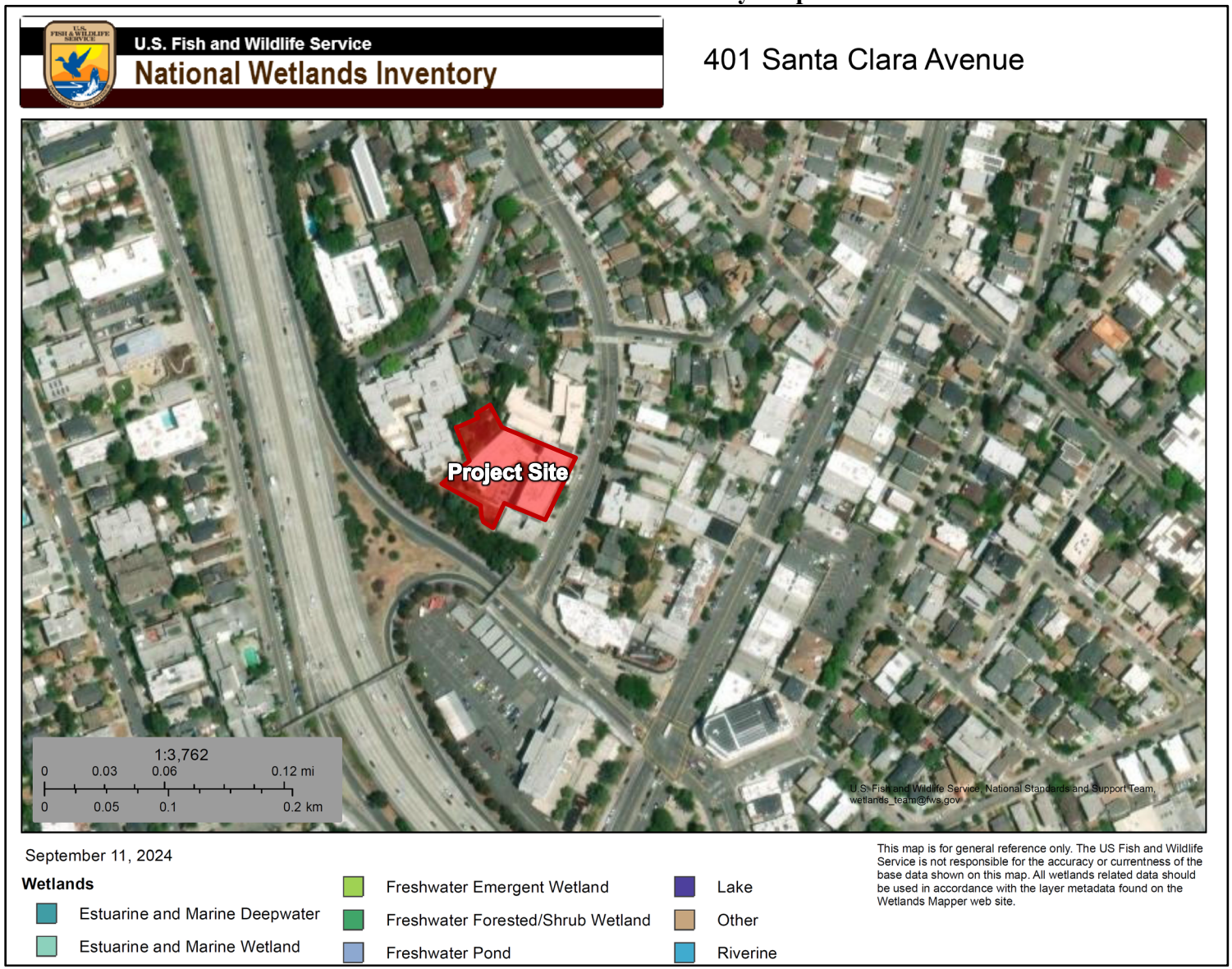
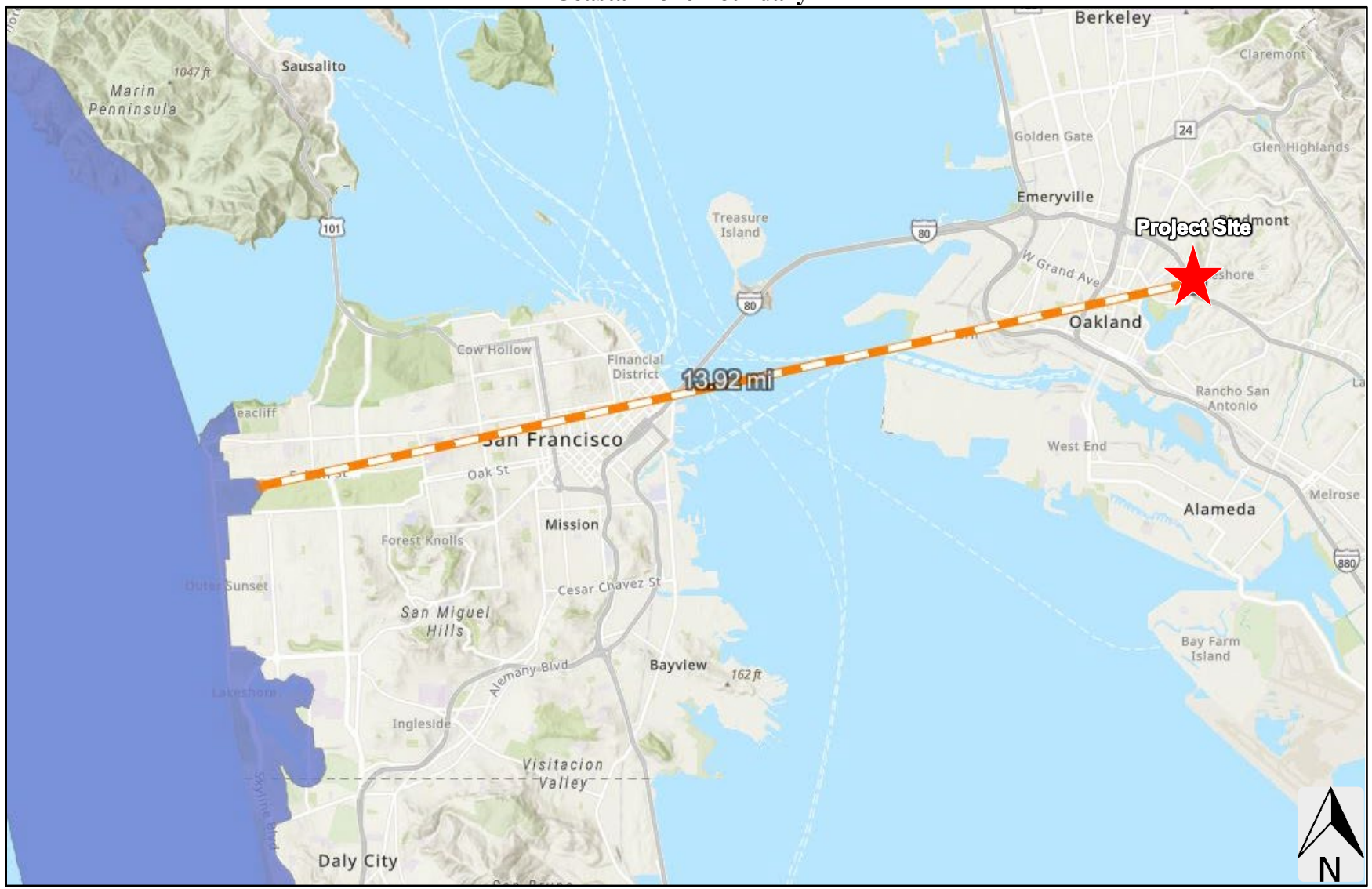


Figure 10
Coastal Zone Boundary



Source: California Department of Fish and Wildlife, BIOS, 2024.

Figure 11
Road Noise Proximity

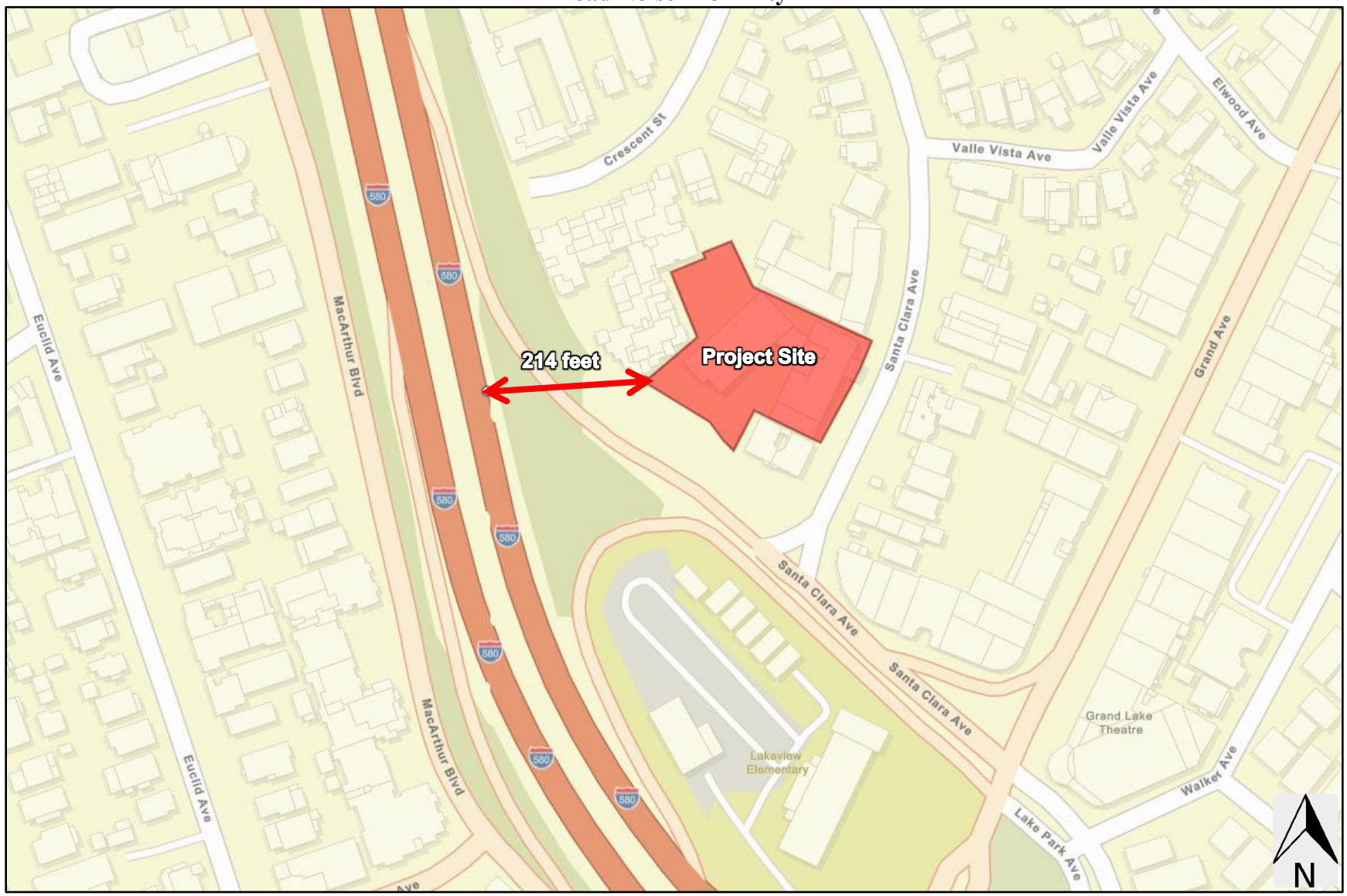
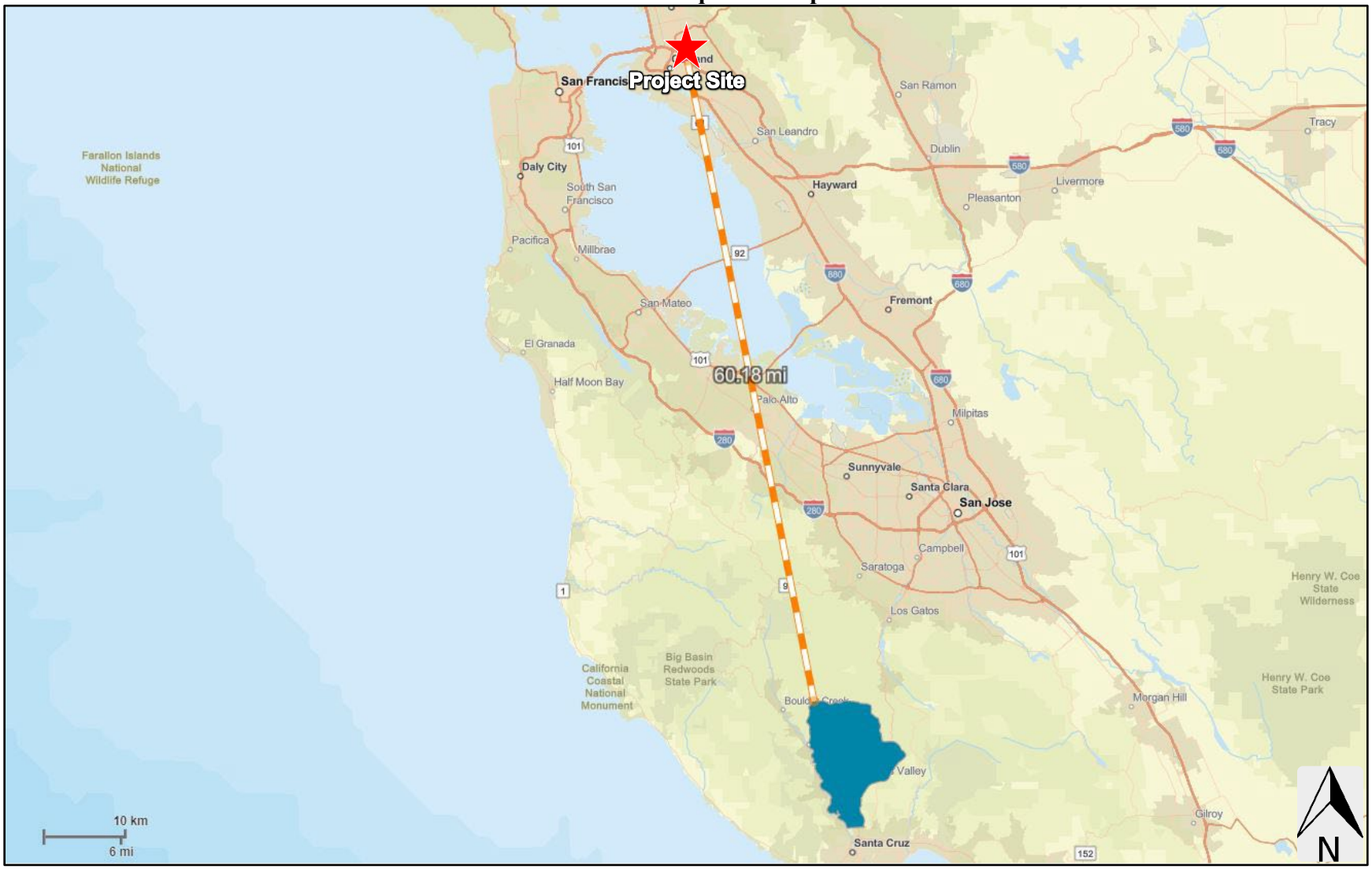
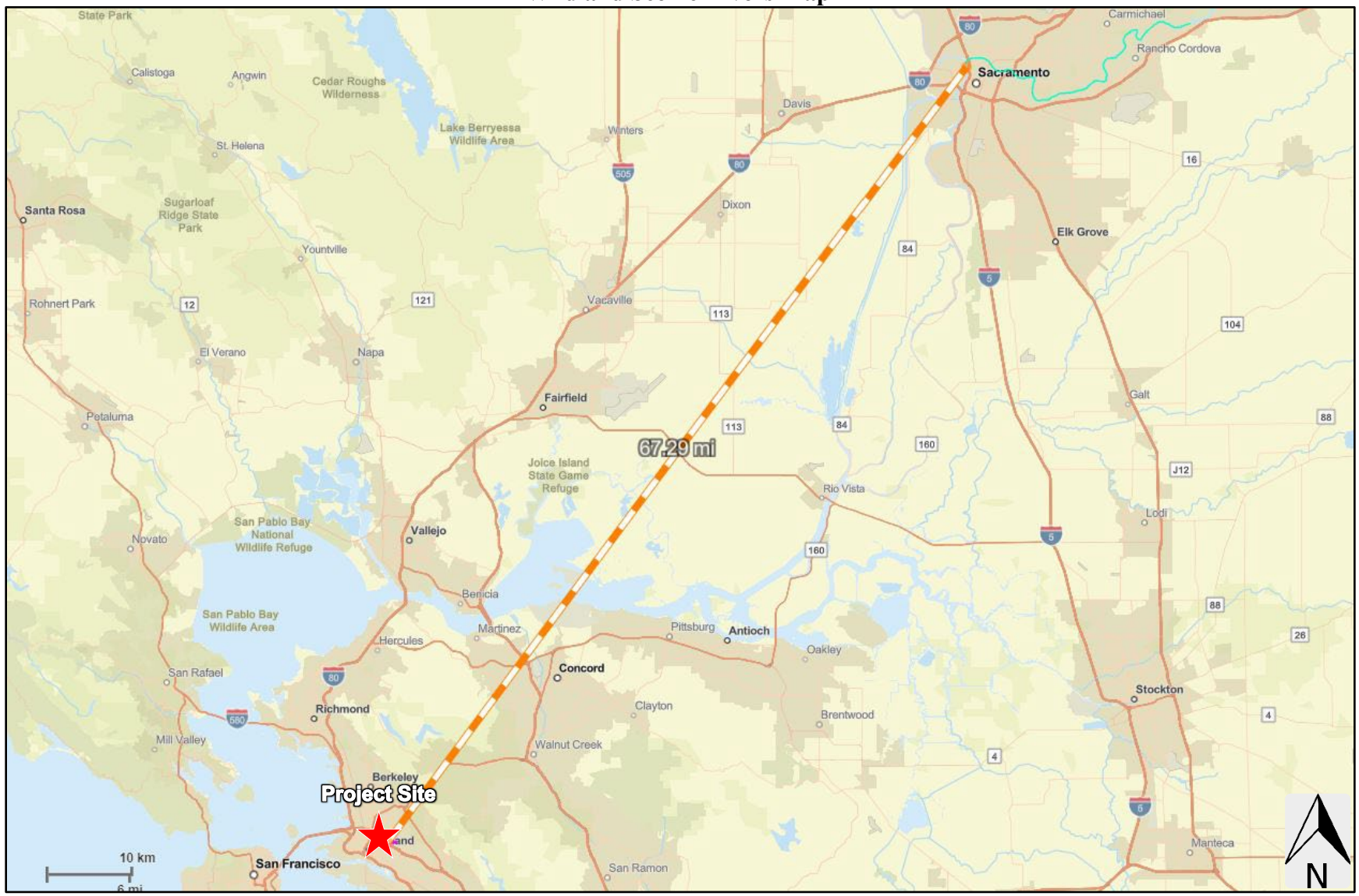


Figure 12
Sole Source Aquifers Map



Source: U.S. Environmental Protection Agency, NEPAssist, 2024.

Figure 13
Wild and Scenic Rivers Map



Source: U.S. Environmental Protection Agency, NEPAssist, 2024.

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

Funding Information

Grant Number	HUD Program	Funding Amount
CFDA No. 14.881	Moving to Work	**$30,000,000**

The total development cost is preliminarily projected to be $93,049,869, $30,000,000 of which would be funded through Moving to Work (MTW) Demonstration Program funds.

Other Funding Sources:

- Tax Credit Equity: $31,316,687
- Contributed Developer Fee: $7,901,182
- First Mortgage: $12,332,000

Estimated Total HUD Funded Amount: $30,000,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]**:** $93,049,869

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 5.13 miles (27,086.4 feet) southeast of the project site (see Figure 6). Additionally, the nearest military airport, a National Guard Air Base, is located approximately 28.56 miles (150,797 feet) south of the project site. Thus, the project site is not located within 2,500 feet of the end of a civilian airport or within 15,000 feet 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. Document Citation Figure 6, Raney Planning and Management, Inc. *ArcGIS Online*. October 2024.
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 the barrier 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 not located in the vicinity of the Atlantic, Gulf, or Great Lakes coasts or within the areas expanded by the CBIA in 1990 (see Figure 7). Therefore, the proposed project would not conflict with either the CBRA or CBIA. <u>Document Citation</u> Figure 7. U.S. Fish and Wildlife Service. *Coastal Barrier Resources Act.* Available at: https://www.fws.gov/program/coastal-barrier-resources-act. Accessed September 2024. (Appendix K)
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 the Federal Emergency Management Agency (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 Flood Insurance Rate Map (FIRM) 06001C0080G, effective August 3, 2009, the project site is located in an Area of Minimal Flood Hazard and is, thus, not within a SFHA. 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 8. 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 August 2024. (Appendix K)

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 project site is located within the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). Pollutants for which air quality standards have been established are called "criteria" air pollutants. Major criteria air pollutants include ozone precursors such as reactive organic gases (ROG) and nitrogen oxides (NO_X), carbon monoxide (CO), respirable or suspended particulate matter less than 10 microns in diameter (PM_{10}), and fine particulate matter less than 2.5 microns in diameter ($PM_{2.5}$). The SFBAAB area is currently designated as a nonattainment area for State and federal ozone, State and federal $PM_{2.5}$, and State PM_{10} ambient air quality standards (AAQS). The SFBAAB is designated attainment or unclassified for all other AAQS. It should be noted that on January 9, 2013, the U.S. Environmental Protection Agency (USEPA) issued a final rule to determine that the Bay Area has attained the 24-hour $PM_{2.5}$ federal AAQS. Nonetheless, the Bay Area must continue to be designated as nonattainment for the federal $PM_{2.5}$ AAQS until such time that the BAAQMD submits a redesignation request and a maintenance plan to the USEPA, and the USEPA approves the proposed redesignation. The USEPA has not yet approved a request for redesignation of the SFBAAB; therefore, the SFBAAB remains in nonattainment for 24-hour $PM_{2.5}$. Due to the nonattainment designations of the area, the BAAQMD periodically prepares and updates air quality plans that provide emission-reduction strategies to achieve attainment of the AAQS, including control strategies to reduce air pollutant emissions through regulations, incentive programs, public education, and partnerships with other agencies. The current air quality plans are prepared in cooperation with the Metropolitan Transportation Commission and the Association of Bay Area Governments (ABAG). The most recent federal ozone plan is the 2001 Ozone Attainment Plan, which was adopted on

October 24, 2001, and approved by the California Air Resources Board (CARB) on November 1, 2001. The plan was submitted to the USEPA on November 30, 2001, for review and approval. The most recent State ozone plan is the 2017 Clean Air Plan, adopted on April 19, 2017. The aforementioned air quality plans contain mobile source controls, stationary source controls, and transportation control measures to be implemented in the region to attain the State and federal AAQS within the SFBAAB. Adopted BAAQMD rules and regulations, as well as thresholds of significance, have been developed with the intent to ensure continued attainment of AAQS, or to work towards attainment of AAQS for which the area is currently designated nonattainment, consistent with applicable air quality plans.

BAAQMD's established significance thresholds associated with development projects for emissions of the ozone precursors ROG and NO_X, as well as for PM_{10}, and $PM_{2.5}$, expressed in pounds per day (lbs/day), are listed in Table 1. By exceeding BAAQMD's mass emission thresholds for emissions of ROG, NO_X, PM_{10}, or $PM_{2.5}$, a project would be considered to conflict with or obstruct implementation of BAAQMD's air quality planning efforts.

Table 1
BAAQMD Thresholds of Significance

Pollutant	Construction and Operational Thresholds of Significance (lbs/day)
ROG	54
NO_X	54
PM_{10} (exhaust)	82
$PM_{2.5}$ (exhaust)	54

Source: Bay Area Air Quality Management District, May 2017.

The proposed project's construction emissions were quantified using the California Emissions Estimator Model (CalEEMod) software version 2022.1.1.28 – a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including greenhouse gas (GHG) emissions, from land use projects. The model applies inherent default values for various land uses, including

construction data, vehicle mix, trip length, average speed, compliance with the California Building Standards Code (CBSC), etc. Where project-specific information is available, such information should be applied in the model. Accordingly, the proposed project's modeling assumes the following project- and/or site-specific information:

- Construction would commence in June 2026 and occur over an approximately 18-month period;
- Based on applicant-provided information, the project site includes 21,344 sf of existing landscaping;
- The proposed project would include construction of 108 units.

It should be noted that the modeling of 108 units is a highly conservative approach, as the proposed project actually includes the rehabilitation of a portion of the 103 existing residences and anticipates construction of five new residential units. Therefore, project emissions would be significantly less than the construction emissions presented below.

Based on the modeling prepared for the proposed project, construction emissions are anticipated to be below the applicable BAAQMD thresholds of significance (see Table 2 below). Therefore, the proposed project would not result in substantial adverse effects associated with criteria air pollutant emissions during project construction. All modeling results are included as Appendix A to this Environmental Assessment.

Table 2
Maximum Unmitigated Construction Emissions

Pollutant	Project Emissions (lbs/day)	Threshold of Significance (lbs/day)
ROG	3.70	54
NO_X	9.21	54
PM_{10} (exhaust)	5.79	82
$PM_{2.5}$ (exhaust)	2.97	54

Source: Raney Planning & Management, Inc., CalEEMod, October 2024.

All projects under the jurisdiction of BAAQMD are required to implement all of BAAQMD's Basic Construction Mitigation Measures

		(BCMMs). The BCMMs applicable to the proposed project include the following: 1. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 2. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 3. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 4. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 5. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. 6. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. In addition to the BAAQMD's BCMMs, the City of Oakland has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval for construction emissions. The proposed project's incorporation of the above BCMMs and the City's Standard Conditions of Approval would minimize adverse effects related to dust and further reduce the construction-related emissions from the levels estimated and presented in Table 2.

		With respect to project operations, Table 4-1 of the BAAQMD Guidelines provides the unit count at which various development projects could be assumed to exceed the BAAQMD's applicable thresholds. According to Table 4-1 of the BAAQMD Guidelines, the operational screening threshold for apartments is 638 units. The proposed project anticipates the development of an additional five units and, thus, would be well below the 638-unit screening threshold required by BAAQMD for apartments. As such, emissions associated with operation of the proposed project would comply with the Clean Air Act and the BAAQMD Guidelines. <u>Cumulative Emissions</u> Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By nature, air pollution is largely a cumulative impact. A single project is not sufficient in size to, by itself, result in nonattainment of AAQS. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. The thresholds of significance presented in Table 1 represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. If a project exceeds the significance thresholds presented in Table 1, the proposed project's emissions would be cumulatively considerable, resulting in substantial adverse cumulative air quality effects to the region's existing air quality conditions. Because the proposed project would result in emissions below the applicable thresholds of significance as demonstrated in Table 2, the project would not result in a cumulatively considerable contribution to the region's existing air quality conditions.

		Toxic Air Contaminants Another category of environmental concern is toxic air contaminants (TACs). Health risks associated with TACs are a function of both the concentration of emissions and the duration of exposure, where the higher the concentration and/or the longer the period of time that a sensitive receptor is exposed to pollutant concentrations correlates with a higher health risk. The California Air Resources Board (CARB) Air Quality and Land Use Handbook: A Community Health Perspective (Handbook) provides recommended setback distances for sensitive land uses from major sources of TACs including, but not limited to, freeways and high-traffic roads, distribution centers, and rail yards. The CARB has identified diesel particulate matter (DPM) from diesel-fueled engines as a TAC. Thus, high-volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic are identified as having the highest associated health risks from DPM. Health risks from TACs are a function of both the concentration of emissions and the duration of exposure. Health-related risks associated with DPM in particular are primarily associated with long-term exposure and the associated risk of contracting cancer. The proposed project would not involve any land uses or operations that would be considered major sources of TACs, including DPM. As such, the proposed project would not generate any substantial pollutant concentrations during operations. Short-term, construction-related activities could result in the generation of TACs, specifically DPM, from on-road haul trucks and off-road equipment exhaust emissions. However, construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the proposed project. Construction equipment would operate intermittently throughout the course of a day, would be restricted to daytime hours established by Oakland Municipal Code Section 8.18.020, and would likely only occur over portions of the project site at a time. In addition, the equipment would primarily be operated indoors, thus dampening noise experienced by nearby sensitive

		receptors. Furthermore, all construction equipment and operation thereof would be regulated by the CARB In-Use Off-Road Diesel Vehicle Regulation. Project construction would also be required to comply with all applicable BAAQMD rules and regulations, particularly standards associated with permitting of air pollutant sources. Because health risks associated with TACs are a function of both the concentration of emissions and the duration of exposure, the higher the concentration and/or the longer the period of time a sensitive receptor is exposed correlates to a higher health risk. Considering the short-term nature of project construction activities, as well as the regulated and intermittent nature of the operation of construction equipment, the likelihood that any one sensitive receptor would be exposed to high concentrations of DPM for any extended period of time would be low. However, due to the proximity of the project site to Interstate 580 (I-580), which is considered a major source of TACs, the following discussion includes an analysis of the effects of existing sources of TAC emissions in the project vicinity on future residents of the proposed project. To assess the potential impacts of TAC exposure, the City of Oakland maintains thresholds of significance for the review of cancer risk and hazard impacts. The thresholds are designed to assess the impact of ambient levels of TACs on new sensitive receptors. Based on the City of Oakland thresholds, a substantial adverse effect would result if, due to the exposure of future residents to ambient levels of TACs, future sensitive receptors would experience a cancer risk level greater than 100 in a million, a non-cancer risk (chronic or acute) hazard index greater than 10.0, or annual average $PM_{2.5}$ emissions of greater than 0.8 micrograms per cubic meter ($\mu g/m^3$). To assess the ambient levels of TACs, TAC sources required to be considered include, but are not limited to, stationary sources, freeways, major roadways (10,000 or greater vehicles per day), truck distribution centers, airports, seaports, ferry terminals, and rail lines located within 1,000 feet of a project site.

		Consistent with City of Oakland thresholds of significance, an analysis of all known sources of TACs within a 1,000-foot radius of the project site boundary was conducted using the BAAQMD health risk screening tools. Overall, the only sources of TACs located within 1,000 feet of the project site include a Mobil Gas Station located approximately 790 feet to the east of the site at 3374 Grand Avenue, and the segment of I-580 located south and west of the site. The BAAQMD Mobile Source Screening Map provides a range of the potential cancer risk and non-cancer hazard risk associated with each mobile source within the City. To provide a more accurate assessment of the health risks associated with vehicles traveling along I-580, the potential concentrations of TACs within the project vicinity were calculated using the American Meteorological Society/Environmental Protection Agency (AMS/EPA) Regulatory Model (AERMOD) dispersion model as part of a Health Risk Assessment (HRA). The associated cancer risk and non-cancer hazard indexes were calculated using the CARB's Hotspot Analysis Reporting Program Version 2 (HARP 2) Risk Assessment Standalone Tool (RAST), which calculates the cancer and non-cancer health impacts using the risk assessment guidelines of the 2015 Office of Environmental Health Hazard Assessment (OEHHA) Guidance Manual for Preparation of Health Risk Assessments. The modeling was performed in accordance with the USEPA's User's Guide for the AERMOD and the 2015 OEHHA Guidance Manual. All modeling results and side calculations related to the analysis of TAC exposure are presented within Appendix B of this CEST Environmental Review. The number of vehicles that would travel along I-580 each day was determined using the 2022 traffic volumes for count locations on I-580 in the project vicinity, as provided by the California Department of Transportation (Caltrans). Emission rates for the heavy-duty diesel-powered trucks were obtained through CARB's mobile source emissions inventory (EMFAC) database. Based on the DPM emissions generated by traffic

traveling along I-580 in the project vicinity, and the resultant DPM concentrations at future sensitive receptors, the potential increases in cancer risk and non-cancer hazard indexes were calculated.

The cancer risk and non-cancer hazard indexes associated with each source of TACs (i.e., the Mobil Gas Station and the segment of I-580 located south and west of the site), as well as the aggregate total from all sources, are presented in Table 3. It should be noted that the cancer risks and non-cancer hazard indexes represent the risks over a 30-year exposure period.

Table 3
Maximum Unmitigated Aggregate Total Cancer Risk and Hazard Indexes

	Cancer Risk (per million persons)	**Chronic Hazard Index**	**Acute Hazard Index**
Mobil Gas Station – 3374 Grand Avenue	10.93	0.05	0.00
I-580	73.90	0.02	0.00
Total Health Risks at the Project Site	84.83	0.07	0.00
Thresholds of Significance	100.00	10.00	10.00
Exceed Thresholds?	**NO**	**NO**	**NO**

Sources:

Raney Planning & Management, Inc., EMFAC, AERMOD, and HARP 2 RAST, August 2024.

Bay Area Air Quality Management District, Stationary Source Screening Map & Mobile Source Screening Map, August 2024.

As shown in the table, the aggregate total cancer risk, as well as the non-cancer hazard indexes, would be below the applicable thresholds of significance. In addition, according to the HRA conducted for the proposed project, the aggregate total $PM_{2.5}$ concentration would be 0.085 $\mu g/m^3$, which is below the City's significance threshold of 0.8 $\mu g/m^3$. Therefore, the ambient TAC emissions in the project vicinity would not cause an increase in cancer risk levels of more than 100

		persons in one million, a non-cancer hazard index greater than 10.0, or result in an annual average $PM_{2.5}$ concentration of 0.8 $\mu g/m^3$ or greater at the project site. <u>Conclusion</u> Based on the above, development of the proposed project would not conflict with the Clean Air Act. <u>City of Oakland Standard Conditions of Approval</u> *In addition to the BAAQMD's Basic Construction Mitigation Measures, the City of Oakland has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval that apply to construction emissions. Application of these standards would ensure that the project would have no adverse impact with respect to air quality.* *<u>AIR- 1</u>: Dust Controls – Construction Related* *The project applicant shall implement all of the following applicable dust control measures during construction of the project:* *a) Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.* *b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).* *c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.* *d) Limit vehicle speeds on unpaved roads to 15 miles per hour.* *e) All excavation, grading, and/or demolition activities (if any) shall be*

		suspended when average wind speeds exceed 20 mph. *f) All trucks and equipment, including tires, shall be washed off prior to leaving the site.* *g) Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.* *h) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.* *<u>AIR-2</u>: Criteria Air Pollutant Controls - Construction and Operation Related* *The project applicant shall implement all of the following applicable basic and enhanced control measures for criteria air pollutants during construction of the project as applicable:* *a) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.* *b) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board OffRoad Diesel Regulations").* *c) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper*

		condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed. *d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.* *e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.* *f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.* <u>Document Citation</u> CalEEMod. *401 Santa Clara Avenue Project.* October 2024. (Appendix A) Raney Planning & Management, Inc. *EMFAC, AERMOD, and HARP 2 RAST: 401 Santa Clara Avenue Project.* August 2024. (Appendix B) California Air Resources Board. *Mobile Source Emissions Inventory.* Available at: https://arb.ca.gov/emfac/emissions-inventory. Accessed August 2024. (Appendix K) California Department of Transportation. *Traffic Volumes: Annual Average Daily Traffic (AADT) 2022.* Available at: https://dot.ca.gov/programs/traffic-operations/census. Accessed August 2024. (Appendix K)

		Office of Environmental Health Hazard Assessment. *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments [pg. 8-18].* February 2015. (Appendix K) U.S. Environmental Protection Agency. *User's Guide for the AMS/EPA Regulatory Model (AERMOD).* December 2016. (Appendix K)
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 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 (SFBP), which is intended to protect and conserve the San Francisco Bay (Bay) as a regional resource and single body of water. The SFBP 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 be limited to interior rehabilitation, construction of five new residential units, and minor ground disturbance associated with 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.

		Document Citation Figure 10. California Department of Fish and Wildlife. *BIOS6*. Available at: https://apps.wildlife.ca.gov/bios6/. Accessed September 2024.
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 a USEPA 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 Ninyo & Moore 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 historical records, including aerial photographs, historical topographic maps, Sanborn fire insurance rate maps, and City of Oakland directories. In addition, the Phase I ESA consisted of a review of applicable federal, State, and local environmental record databases to confirm the presence of hazardous material sites on-site and/or at properties within the project vicinity. The Phase I ESA also included a site reconnaissance, which was conducted on May 20, 2024. The Phase I ESA found that the project site was developed with multiple residences prior to 1911 until the late 1960s, when the residences were removed and the existing building was constructed. In October 2022, the fifth floor of the west wing was damaged by a fire, which caused the building's fire sprinklers to activate and flood the majority of the building in one to two feet of water. The fire and resulting flooding caused the asbestos in the ceiling to become friable and for mold to grow on the drywall. Following the fire and flood damage, extensive remediation efforts were undertaken to remove the asbestos and mold from the interior of the building. The building has remained vacant since 2022. In addition, based on the age of the building, the Phase I ESA determined that lead-based paint (LBP) may be present within the building. With respect to the review of applicable environmental databases, a computerized environmental information database search for the project site and vicinity was conducted by Environmental Data Resources (EDR) as part of the Phase I ESA. According to the EDR search results, the project site is listed on the RCRA NonGen/NLR, FINDS, and ECHO databases for handling – but not generating – hazardous waste, in 2016, 2022, and 2023; on the HWTS database for having tracked hazardous waste on-site in 2008, 2014, and 2016; and on the HAZNET database for storing, transferring, and disposing of several tons of pharmaceutical waste, and asbestos-containing waste from 2008 to 2020. Additionally, several off-site facilities were identified as part of the EDR search, including properties with records for handling – but not

		generating – hazardous waste. Several off-site facilities were identified as listed laundry service facilities; however, none were considered a REC, as none of the listings included reports of release of hazardous materials to the environment and the facilities were located a sufficient distance from the site as to not be considered a REC. The Phase I ESA also identified a property containing a 500-gallon underground storage tank (UST) at 3315 Grand Avenue, which is located approximately 257 feet from the project site; however, similar to the laundry service facilities, the Phase I ESA did not consider the UST site to be a REC, as the listing for the site did not include a report of a leak. Overall, none of the off-site facilities identified in the EDR search results qualified as RECs, as determined by the Phase I ESA. With respect to the site reconnaissance, the Phase I ESA found that the project site contains a 50-gallon aboveground storage tank (AST); a transformer, which could potentially contain polychlorinated biphenyls (PCBs); drains and sumps; and elevators. However, the AST is located in the building's parking garage and was not found to have leaks. The transformer is also located in the parking garage and access to the public and residents is blocked by a locked door, preventing exposure of the public and residents to effects associated with the transformer. Oil stains and chemical residues were not identified on the sump pump, which is also located in the parking garage. Lastly, while the elevators were noted as part of the site reconnaissance, neither of the two elevators in the building were identified as containing deficiencies of concern. Due to the previous asbestos contamination identified by the Phase I ESA, a Post Asbestos Abatement Air Clearance Sampling Report was prepared for the proposed project by American Environmental Group, Inc. (AEG), which included the completion of air clearance sampling on August 21, 2023 to ensure the air throughout the building does not contain significant levels of asbestos fibers. The USEPA maintains a threshold of less than or equal to 0.01 fibers per cubic centimeter of air (f/cc) for the re-occupancy of non-protected personnel following an asbestos response action. According to the Post Asbestos Abatement Air Clearance Sampling Report, 21 air

		samples were taken from throughout the five residential floors of the existing building and tested for asbestos fibers in compliance with the National Institute for Occupational Safety and Health (NIOSH) Method 7400. Because the samples were below the USEPA threshold, the residential areas of the building were determined to be safe for re-occupancy. However, because the Post Asbestos Abatement Air Clearance Sampling Report did not include air samples from the parking garage, which would be subject to renovations as part of the proposed project, an Asbestos Building Inspection was prepared for the proposed project by RegasGroup Environmental Consultants (RegasGroup) to assess the presence or absence of asbestos-containing materials (ACMs) within the parking garage. Seven samples were taken from the parking garage on September 19, 2024 compliance with USEPA Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) Regulations (40 CFR Part 61, Subpart M), In-Schools Rule and 40 CFR 763.85 (Inspection and Re-Inspection), as well as regional and local air quality district rules and regulations. The samples were comprised of two insulation samples and five samples of exposed pipe wrap. According to the Asbestos Building Inspection, one of the samples of insulation was confirmed to contain ACMs. As such, the Asbestos Building Inspection concluded mitigation would be required to ensure construction workers and future occupants of the proposed project are not exposed to ACMs. With respect to LBP, a Paint Survey was conducted for the existing building by Ninyo & Moore to determine the presence of LBPs and lead-containing coatings. The USEPA stipulates that paint containing an amount of lead equal to, or in excess of, one milligram per square centimeter (1.0 mg/cm^2), or more than half of one percent by weight (or 5,000 milligrams per kilogram [mg/kg]), constitutes LBP. In addition, pursuant to OSHA standards, coatings with any detectable amount of lead would be considered lead-containing. As part of the Paint Survey, 99 paint chip samples and nine ceramic tiles/fixtures were collected on June 10 and 11, 2024. Of the total, five of the paint chip samples were reported

		with a lead concentration exceeding the 5,000 mg/kg USEPA threshold. The materials included (1) green paint on the lobby garage entrance door, (2) another sample of green paint on the lobby garage entrance door, (3) black paint on the sixth floor exterior metal pillars, (4) another sample of black paint on the sixth floor exterior metal pillars, and (5) black paint on a basement level stairwell metal ceiling. In addition, 38 samples were reported with lead concentrations ranging from 81 mg/kg to 4,800 mg/kg, and thus, are considered lead-containing. Due to the levels of lead present in interior building samples, the Paint Survey concluded that potential effects related to exposure to LBPs could occur during project construction. Lastly, an Interim Radon Test Report was prepared for the proposed project by Kellco Services, Inc. The USEPA and Surgeon General strongly recommend taking further action when radon test results are 4.0 picoCuries per liter of air (pCi/L) or greater. Radon levels less than 4.0 pCi/L still pose risk and, in many cases, may be reduced. According to the USEPA reducing the radon below 2.0 pCi/L is difficult. As part of the Interim Radon Test Report, 30 short-term Activated Charcoal (AC) radon test kits were deployed in each ground-floor residential and office location, each residential unit above the parking garage, and 10 percent of the residential units on floors two through four. Because the fifth-floor units had interior walls removed (due to water damage), they were omitted from testing, as were the sixth-floor units. Each tested area (room) was in "closed house conditions" with the doors and windows closed for the duration of the testing period, except for normal entry and exit. Although none of the samples were above the 4.0 pCi/L further action threshold, four samples were above 2.0 pCi/L, indicating the presence of radon within the building. As such, the Interim Radon Test Report concluded mitigation would be required to ensure construction workers and future occupants of the proposed project are not exposed to radon. Based on the above, the proposed project shall be subject to Mitigation Measures CTS-1, CTS-2, and CTS-3. Mitigation Measures CTS-1 and CTS-2 require provisions to ensure on-site ACMs

		and LBPs are satisfactorily remediated. Mitigation Measure CTS-3 requires completion of radon-reduction methods and further testing following completion of the proposed construction and renovation activities. With implementation of Mitigation Measures CTS-1, CTS-2, and CTS-3, as well as the City's Standard Conditions of Approval, the proposed project would not potentially expose workers or receptors in the project area to ACMs or LBP. Therefore, the proposed project would not conflict with HUD policy, as described in 24 CFR Part 50.3(i) and 24 CFR 58.5(i)(2). Mitigation Measures *CTS-1: Prior to commencement of construction and rehabilitation activities, the project contractor shall be informed that the existing parking garage shall be considered as containing asbestos-containing materials (ACMs). Project activities shall comply with all requirements and regulations promulgated through the Bay Area Air Quality Management District (BAAQMD) Asbestos Demolition and Renovation Program. On-site ACMs in the parking garage shall be abated by a licensed asbestos abatement contractor with current certifications, respiratory protection, and proper Personal Protective Equipment (PPE), adhering to all applicable work practice standards set forth in the Asbestos National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP, 40 CFR, Part 61, Subpart M) regulations, as well as Section V, Chapter 3 of the OSHA Technical Manual. Work practice standards generally include appropriate precautions to protect workers and the surrounding community, and appropriate disposal methods for waste containing ACMs in accordance with federal, State, and local regulations subject to approval by the County Engineer.* *CTS-2: Prior to commencement of construction and rehabilitation activities, all loose and flaking lead-based paint (LBP) identified in the Paint Survey prepared by Ninyo & Moore shall be stabilized or removed and disposed of by a licensed and certified lead paint removal contractor in accordance with 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, the project applicant shall obtain an LBP Abatement Permit from the City of Oakland 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 be performed by firms certified by the U.S. Environmental Protection Agency (USEPA) or certified renovators who are trained by USEPA-approved training providers and follow lead-safe work practices. The project applicant shall also prepare a Lead Abatement Work Plan as part of the LBP Abatement Permit, which shall include a description of the method 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 & Building Department and Alameda County Department of Environmental Health.* *<u>CTS-3</u>: Prior to the commencement of construction and rehabilitation activities, the project applicant shall retain a qualified State-licensed engineer with extensive experience in vapor mitigation to review the data in the Interim Radon Test Report prepared for the proposed project by Kellco Services, Inc. and design a Vapor Intrusion Mitigation System (VIMS) for the project site. The VIMS system shall incorporate radon-reduction methods established by the USEPA Consumer's Guide to Radon Reduction: How to Fix Your Home, which could include, but not necessarily be limited to, sealing cracks and other openings in the foundation, room pressurization techniques, installation of a heat recovery ventilator, or natural ventilation. The VIMS shall be subject to review and approval by the City of Oakland Planning & Building Department and Alameda County Department of Environmental Health.*

		City of Oakland Standard Conditions of Approval *Additionally, the City of Oakland has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval that apply to potential impacts of lead, asbestos, and hazardous materials. Application of these standards would ensure that the project would have no adverse impact with respect to contamination in the building.* *CTS-4: Regulatory Permits and Authorizations from Other Agencies* *The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.* *CTS-5: Asbestos in Structures* *The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.* *CTS-6: Hazardous Building Materials and Site Contamination* *a) Hazardous Building Materials Assessment. The project applicant shall*

		submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency. *b) Environmental Site Assessment Required. The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.* c) *Health and Safety Plan Required. The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The*

		project applicant shall implement the approved Plan, *d) Best Management Practices (BMPs) Required for Contaminated Sites. The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:* *i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.* *ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.* <u>Document Citation</u> Ninyo & Moore. *Phase I Environmental Site Assessment, 401 Santa Clara Avenue, Oakland, California.* May 2024. (Appendix C) American Environmental Group. *Post Asbestos Abatement Air Clearance Sampling Report.* August 23, 2023. (Appendix D) RegasGroup Environmental Consultants. *Asbestos Building Inspection.* September 19, 2024. (Appendix E)

		Ninyo & Moore. *Paint Survey, Grand Lake Gardens, 401 Santa Clara Avenue, Oakland, California.* June 2024. (Appendix F) Kellco Services, Inc. *Interim Radon Test Report*. May 30, 2024. (Appendix G) Swickard, Luke, Project Manager, Ninyo & Moore. Personal communication [email] with Rod Stinson, Vice President, Raney Planning and Management, Inc. October 31, 2024. (Appendix K) U.S. Environmental Protection Agency. *Learn About Asbestos*. Available at: https://www.epa.gov/asbestos/learn-about-asbestos. Accessed September 2024. U.S. Environmental Protection Agency. *Learn About Lead*. Available at: https://www.epa.gov/lead/learn-about-lead. Accessed September 2024.
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, which is completely developed with an

		existing 77,076-sf multi-family residential building, does not contain critical habitat. Furthermore, the proposed project would not alter the use of the site relative to its current condition, as the project would only involve rehabilitation of the existing building to livable conditions, the addition of five residential units, and limited ground disturbance associated with installation of new building footings and exterior walls in previously disturbed areas. Given the heavily urbanized condition of the project site and limited scope of the proposed project, the project would not result in potential substantial adverse effects to protected plant and wildlife species. Based on the above, substantial adverse effects related to species and habitat protected under the Endangered Species Act would not occur. <u>Document Citation</u> U.S. Fish and Wildlife Service. *IPaC: Information for Planning and Consultation*. Available at: https://ecos.fws.gov/ipac/. Accessed September 2024. (Appendix K)
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' 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 the rehabilitation of the existing building to livable conditions, the addition of five residential units, and minor ground disturbance associated with new building footings and exterior walls. The

		rehabilitation efforts would not alter the use of the site relative to its current condition, and thus, does not require further compliance or documentation pertaining to ASTs. However, because the proposed project would include five new residential units, the proposed project would be required to comply with regulations set forth in 24 CFR Part 51 Subpart C. With respect to surrounding existing land uses that could potentially contain ASTs, the California Environmental Protection Agency (CalEPA) Regulated Site Portal combines data about environmentally regulated facilities and sites throughout the State to provide a transparent, comprehensive view of regulated activities statewide through data on hazardous waste and materials, State and federal cleanups, impacted ground and surface waters, and toxic releases. The Phase I ESA prepared for the proposed project identified a 50-gallon tank within the building parking garage previously used for storing used cooking oil generated by the on-site kitchens. However, used cooking oil is not a volatile and potentially explosive material kept under pressure within an AST and, thus, would not be subject to 24 CFR Part 51 Subpart C. In addition, because the tank is less than 55 gallons and is not expected to discharge oil in significant quantities that may be harmful, compliance with the USEPA's Spill Prevention, Control, and Countermeasure Rule would not be required. Overall, the on-site storage tank is not anticipated to result in impact associated with the siting of a HUD-assisted project near explosive and flammable hazards. According to the CalEPA Regulated Site Portal Aboveground Petroleum Storage regulatory program, a total of 71 chemical-storage sites, including ASTs, are located within one mile of the project site. The largest AST is a 119,999-gallon storage facility located at 3459 Piedmont Avenue, approximately 4,230 feet from the site. The AST is associated with the Kaiser Foundation Hospital Oakland and Central Utility Plant. Using HUD's Acceptable Separation Distance (ASD) Electronic Assessment Tool, the ASD associated with the tank, based on the size

		of the facility and conservative assumptions, was calculated. The ASD calculator determined that a minimum distance of 2,032 feet would be the required ASD for preventing potential adverse effects to people and 460 feet for preventing potential adverse effects to buildings. Given the 4,230-foot distance between the project site and the AST, the project site is located in excess of the applicable ASD for both people and buildings from the ASD and a substantial adverse effect would not occur. Additionally, the largest AST is the nearest to the project site of all other AST and chemical-storage sites within a mile of the project site. Thus, given that the distance between the project site and largest AST exceeds the applicable ASD for preventing potential adverse effects to people and buildings, the project site would similarly be located safely away from all other AST and chemical-storage sites within a mile of the site, as the remaining facilities have smaller storage capacity than the 119,999-gallon AST. Based on the above, development of 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. <u>Document Citation</u> Swickard, Luke, Project Manager, Ninyo & Moore. Personal communication [email] with Rod Stinson, Vice President, Raney Planning and Management, Inc. October 31, 2024. (Appendix K) U.S. Department of Housing and Urban Development. *Acceptable Separation Distance (ASD) Electronic Assessment Tool*. Available at: https://www.hudexchange.info/programs/environmental-review/asd-calculator/. Accessed September 2024. (Appendix K) U.S. Department of Housing and Urban Development. *Acceptable Separation Distance (ASD) Electronic Assessment Tool*. Output forms. (Appendix K)

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 U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey, the project site is comprised of urban land, which generally includes land uses such as residential, industrial, and commercial uses. 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> Site visit, Figure 2. U.S. Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey*. Available at: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx. Accessed September 2024. (Appendix K)
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 FEMA FIRM 06001C0080G, effective August 3, 2009, the entirety of the project site is located in an Area of Minimal Flood Hazard and is, thus, not within a SFHA. As such, the project site is not located within a FEMA-designated floodplain.

		Based on the above, the proposed project would not result in impacts related to conflicts with Executive Order 11988. Document Citation Figure 8. 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 August 2024. (Appendix K)
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. To ascertain the potential for the proposed project to result in substantial adverse effects to protected historic and archaeological resources, a Phase I Cultural Resources Study (CRS) was prepared for the proposed project by Historic Resource Associates (see Attachment 3). The Phase I CRS included a search of the California Historical Resources Information System at the Northwest Information Center (NWIC) at Sonoma State University for the project site and vicinity (NWIC File No. 24-0052); a review of historic U.S. Geological Survey quadrangle maps and aerial photos; and a field survey on July 11, 2024 to inspect the existing building and other areas of the project site. The Phase I CRS concluded that the existing building is not eligible for the National Register of Historic Places (NRHP) under Criterion A through D, and did not identify precontact or historic archaeological sites, features, or artifacts within the project site, which is largely covered by the existing building's footprint. Because construction of the existing

		building would have involved extensive excavation, which would have likely disturbed or destroyed any subsurface archaeological deposits, the Phase I CRS determined that the potential occurrence of unknown subsurface archaeological resources within the project site is extremely low, but cannot be completely eliminated. Additionally, a record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the proposed project. The results were negative. Thus, the discovery of resources of cultural and religious significance is not anticipated to occur during the proposed construction activities, but cannot be entirely ruled out. In accordance with Section 106 of the NHPA, an invitation to consult was distributed on August 16, 2024, to tribes, which were identified by the NAHC as potentially having knowledge of cultural resources in the project area. The Muwekma Ohlone Tribe confirmed its desire to consult in a letter to the City on September 5, 2024. As a result of consultation, the Tribal Monitoring and Discovery Plan was prepared and additional measures included for the applicant to install educational signage and the Tribe to contribute to the final Cultural Resources Study. Additionally, the Costanoan Rumsen Carmel Tribe notified the City of its desire to consult on August 28, 2024; however, subsequent efforts by the City to consult with the Costanoan Rumsen Carmel Tribe were not responded to by the tribe. Due to the findings described above, the discovery of historic, cultural, or tribal cultural resources is not anticipated to occur on-site. Nonetheless, the potential for construction of the proposed project to result in the discovery of previously unrecorded, subsurface resources at the project site cannot be entirely ruled out. As such, the consulting tribe requested that a Tribal Monitoring and Discovery Plan be developed as mitigation. A letter requesting review of the findings regarding the proposed project was submitted to the SHPO on November 20, 2024. A response was not received from the SHPO within 30 days.

		Thus, the City may proceed with the proposed project, pursuant to 36 CFR Part 800.3(c)(4). Based on the above, the proposed project would result in no affect to historic properties and no adverse effect on archaeological resources with the mitigations and City standard conditions proposed. <u>Mitigation Measures</u> <u>TCR-1</u>*: Archeological and Tribal Monitoring Plan* *The project applicant shall implement the Tribal Monitoring and Discovery Plan, dated October 2024 that was approved by the Tribes and included the following measures:* • *The project applicant shall prepare a construction ALERT sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.* • *The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells;*

		concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. • *The ALERT sheet shall also include that the project applicant must keep the Muwekma Ohlone and other consulting tribes, if needed, informed on the construction schedule of the proposed project and allow a Native American monitor to be present during ground-disturbing activities. In the event of the discovery of ancestral heritage cultural features and/or artifacts, the Muwekma Ohlone, and, if needed, other consulting tribes, shall also be notified.* • *Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.* • *In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.* • *If any find is determined by the Native American monitor to be of cultural importance, appropriate avoidance measures recommended by the monitor and approved by the City shall be followed, unless avoidance is determined infeasible by the City. Should Native American cultural resources be identified*

		during ground disturbance, the project applicant shall install a plaque or other educational display honoring the history and heritage of the tribe in a public location on or within the building. • *In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense. Furthermore, the tribe will coordinate with the archeologist to prepare either a stand-alone or contributing ethnohistory chapter as part of the final report.* *<u>CR-2</u>: Paleontological Resources – Discovery During Construction* *In the event that any historic or precontact subsurface cultural resources are discovered*

		during ground-disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented. <u>City of Oakland Standard Conditions of Approval</u> *Additionally, the City of Oakland has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval that apply to historic resources. Application of these standards would ensure that the project would have no adverse impact with respect to historic resources.* <u>CR-3</u>*: Human Remains – Discovery During Construction.* *Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c)*

		of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant. Document Citation Historic Resource Associates. *Phase I Cultural Resources Study*. August 2024. (Appendix H) Historic Resource Associates. *Tribal Monitoring and Discovery Plan.* September 2024. (Appendix I)
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 where environmental or community noise exposure exceeds the day-night average sound level (DNL) of 65 decibels (dB) are considered noise-impacted areas. For proposed new construction in high-noise areas, the project must incorporate noise mitigation features. Consideration of noise also applies to the acquisition of undeveloped land and existing development. In addition, 24 CFR Part 51 establishes an interior noise standard of 45 dB. To assess the proposed project's consistency with HUD's noise standards and the City's General Plan Noise Element, a HUD Noise Assessment (Noise Assessment) was prepared for the project by Saxelby Acoustics. According to the Noise Assessment, the existing ambient noise environment within the project vicinity is defined primarily by noise from traffic on I-580 (Figure 11), while secondary noise sources include traffic traveling on Santa Clara Avenue. In order to define the existing ambient noise environment, a continuous noise measurement survey (24 hours) was conducted at one location (LT-1) in the project site along the southern site boundary approximately 350 feet from the nearest I-580 travel lanes. Measured daytime hourly average noise levels (L_{eq}) at LT-1 were determined to be 69 dB L_{eq} and exterior DNL sound levels at the building façade were found to be 73 dB DNL. In addition, noise levels associated with I-580 were

		calculated using HUD's DNL Calculator, which identified a 72 dB DNL. Therefore, use of the Noise Assessment's 73 dB DNL conclusion is conservative. As such, consistent with HUD's noise standards, the project site is considered a noise-impacted area and measured exterior noise levels would exceed the HUD standard of 65 dB DNL. HUD establishes that noise-impacted areas with exterior noise levels between 70 to 75 dB DNL may be allowed with incorporation of additional sound-attenuation measures to ensure compliance with HUD's 45 dB DNL interior noise-level standard. For areas with noise levels between 70 to 75 dB DNL, such measures include improvements to the building façade to achieve a 10 dB noise-level reduction. The 10 dB noise-level reduction is required in addition to "attenuation provided by buildings as commonly constructed in the area and requiring open windows for ventilation," which is typically found to result in an exterior-to-interior noise-level reduction of 20 dB and would allow for compliance with HUD's interior noise-level standard. Thus, without incorporation of such noise-reduction measures, substantial adverse effects associated with traffic exterior noise levels at the building façade during project operation could occur. With respect to railroads, the nearest rail tracks to the project site are Bay Area Rapid Transit (BART) tracks, which run in a north-south direction approximately 6,230 feet to the west of the site. Pursuant to HUD guidance, railroad noise generators within the vicinity of a project are considered to be significant if within 3,000 feet. Given the distance between the project site and the nearest rail tracks, future residents of the proposed project would not be subject to substantial adverse effects related to railroad noise. Finally, as previously discussed, the Oakland International Airport is located 5.13 miles southeast of the project site (see Figure 4). However, according to Figure 3-3 of the Airport Land Use Compatibility Plan for the Oakland International Airport, the project site is located approximately five miles from the nearest point of

		the airport's 65 dBA noise contour. Thus, future residents of the proposed project would not be subject to substantial adverse effects related to airport noise. Based on the above, although future residents of the proposed project would not be subject to substantial adverse effects related to railroad and airport noise, exterior and interior noise levels could exceed HUD's applicable noise thresholds from noise generated by traffic along I-580. Thus, implementation of Mitigation Measure NOI-1, which requires the proposed project to incorporate specific noise-reducing design elements into the new and renovated residences, shall be required. With implementation of Mitigation Measure NOI-1, the proposed project would be consistent with the Noise Control Act of 1972. <u>Mitigation Measures</u> <u>NOI-1</u>*: Prior to the issuance of building permits, the final plans shall include the following Noise-Level Reduction (NLR) measures, as recommended in the HUD Noise Assessment prepared for the proposed project by Saxelby Acoustics:* • *Glazing shall have a minimum sound transmission class (STC) rating of 36;* • *Building façades shall include use of stucco with sheathing or cement fiber board with sheathing;* • *Interior gypsum wallboards at exterior walls shall be 5/8-inch;* • *Ceiling gypsum shall be 5/8-inch;* • *Flooring shall be vinyl plank or carpeting;* • *Mechanical ventilation penetrations for exhaust fans shall not face toward Interstate 580 (I-580). Where feasible, the vents shall be routed towards the opposite side of the building to minimize sound intrusion to sensitive areas of the buildings. Where vents must face toward I-580, the duct work shall be increased in length and make as many "S" turns, as feasible, prior to exiting the dwelling. Flexible duct work is the preferred*

		ducting. Where the vent exits the building, a spring-loaded flap with a gasket shall be installed to reduce sound entering the duct work when the vent is not in use; • *Mechanical ventilation shall be provided to allow occupants to keep doors and windows closed for acoustic isolation; and* • *Packaged terminal air conditioners shall not be used.* *Inclusion of the foregoing NLR measures on the final plans shall be subject to review and approval by City of Oakland Planning & Building Department. In lieu of the above NLR measures, an interior noise-control report can be prepared by a qualified acoustic engineer demonstrating that the proposed project would achieve the HUD interior noise-reduction requirement of 30 dBA. If prepared, the interior noise-control report shall be submitted to the City for review and approval.* <u>City of Oakland Standard Conditions of Approval</u> *Additionally, the City of Oakland has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval that apply to noise impacts. Application of these standards would also ensure that the project would have no adverse impact with respect to noise impacts.* *NOI-2: Exposure to Community Noise* *The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:* a. *45 dBA: Residential activities, civic activities, hotels*

		b. 50 dBA: Administrative offices; group assembly activities *c. 55 dBA: Commercial activities* *d. 65 dBA: Industrial activities* Document Citation Saxelby Acoustics. *HUD Noise Assessment, 401 Santa Clara Ave Residential.* September 2024. (Appendix J) Alameda County. *Oakland International Airport Airport Land Use Compatibility Plan.* Adopted December 2010. Figure 3-3 (Appendix K) U.S. Department of Housing and Urban Development. *DNL Calculator*. Available at: https://www.hudexchange.info/environmental-review/dnl-calculator/. Accessed September 2024. (Appendix K)
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 approximately 60.18 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. Document Citation Figure 12. U.S. Environmental Protection Agency. *NEPAssist.* Available at: https://nepassisttool.epa.gov/nepassist/nepamap.aspx. Accessed September 2024. (Appendix K)
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No ☐ ☒	The provisions of Executive Order 11990 – Protection of Wetlands require federal activities to avoid adverse impacts to wetlands, where practicable. As preliminary screening, HUD or grantees must verify whether the project is located

		within wetlands identified on the USFWS National Wetlands Inventory (NWI) or else consult directly with USFWS. 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, and impacts related to wetlands protection would not occur. Document Citation Figure 9. U.S. Fish and Wildlife Service. *National Wetlands Inventory*. Available at: https://www.fws.gov/ wetlands/data/Mapper.html. Accessed September 2024. (Appendix K)
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. According to the USEPA's NEPAssist, 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 67.29 miles to the northeast. Therefore, the proposed project would not conflict with the Wild and Scenic Rivers Act of 1968. Document Citation Figure 13. U.S. Environmental Protection Agency. *NEPAssist.* Available at: https://nepassisttool.epa.gov/nepassist/nepamap. aspx. Accessed September 2024. (Appendix K)
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 060014039003, which has a population of 1,629 residents in a 0.08-square-mile area. Table 4 summarizes the percentiles at which the blockgroup ranks relative to the entire State and nation for various environmental indicators (i.e., $PM_{2.5}$, ozone, nitrous dioxide (NO_2), diesel particulate matter [DPM], toxic releases to air, traffic proximity, LBP, Superfund proximity, Risk Management Program [RMP] facility proximity, hazardous waste proximity, USTs, wastewater discharge, and drinking water non-compliance).

Table 4
EJ Indexes – State and National Percentiles

Environmental Indicator	State	Federal
$PM_{2.5}$	30	74
Ozone	6	0
NO_2	61	71
DPM	54	73
Toxic Releases to Air	50	54
Traffic Proximity	67	75
LBP	50	63
Superfund Proximity	61	77
RMP Facility Proximity	31	50
Hazardous Waste Proximity	59	75
USTs	0	0
Wastewater Discharge	34	47
Drinking Water Non-Compliance	0	0

Source: U.S. Environmental Protection Agency, EJScreen, 2024.

		According to Table 4, Blockgroup 060014039003 ranks at or above the 50th federal percentile for $PM_{2.5}$, NO_2, DPM, Toxic Releases to Air, traffic proximity, LBP, Superfund proximity, RMP facility proximity, and hazardous waste proximity. Although several risk factors associated with the project site exceed the median for federal percentiles, the project site is not unduly burdened relative to other residential areas within the City. In addition, as previously discussed throughout this CEST Environmental Review, substantial adverse effects related to various environmental topic areas would not occur through compliance with applicable federal, State, and local regulations. For example, as discussed in the Clean Air section, emissions associated with the proposed project would comply with the Clean Air Act and the BAAQMD Guidelines, and the proposed project would not subject residents and workers in the area to greater health risks. The proposed project would not potentially expose people to ACMs, LBP, or excessive noise. Thus, implementation of the proposed project would not conflict with HUD policy. The proposed project would also be required to implement the mitigation measures and City of Oakland Standard Conditions of Approval set forth herein, which would reduce adverse effects associated with various environmental topic areas. Thus, the project would not result in disproportionately high and adverse human health or environmental effects on existing minority and low-income populations in the project vicinity, nor 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 September 2024. (Appendix K)

Additional Studies Performed:

- CalEEMod. *401 Santa Clara Avenue Project.* October 2024. (Appendix A)
- Raney Planning & Management, Inc. *EMFAC, AERMOD, and HARP 2 RAST: 401 Santa Clara Avenue Project.* August 2024. (Appendix B)
- Ninyo & Moore. *Phase I Environmental Site Assessment, 401 Santa Clara Avenue, Oakland, California.* May 2024. (Appendix C)
- American Environmental Group. *Post Asbestos Abatement Air Clearance Sampling Report.* August 23, 2023. (Appendix D)
- RegasGroup Environmental Consultants. *Asbestos Building Inspection.* September 19, 2024. (Appendix E)
- Ninyo & Moore. *Paint Survey, Grand Lake Gardens, 401 Santa Clara Avenue, Oakland, California.* June 2024. (Appendix F)
- Kellco Services, Inc. *Interim Radon Test Report*. May 30, 2024. (Appendix G)
- Historic Resource Associates. *Phase I Cultural Resources Study*. August 2024. (Appendix H)
- Historic Resource Associates. *Tribal Monitoring and Discovery Plan.* September 2024. (Appendix I)
- Saxelby Acoustics. *HUD Noise Assessment, 401 Santa Clara Ave Residential.* September 2024. (Appendix J)

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

- May 20, Ninyo & Moore, for the Phase I ESA.
- August 21, 2023, American Environmental Group, for the Post Asbestos Abatement Air Clearance Sampling Report.
- September 19, 2024, Regas Group Environmental Consultants, for the Asbestos Building Inspection.
- June 10 and 11, 2024, Ninyo & Moore, for the Paint Survey.
- May 17 and 20, 2024, Kellco Services, Inc., for the Interim Radon Test Report.
- July 11, 2024, Historic Resource Associates, for the Phase I Cultural Resources Study.
- June 6, 2024, Saxelby Acoustics, for the HUD Noise Assessment.

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

- Alameda County. *Oakland International Airport Airport Land Use Compatibility Plan.* Adopted December 2010. Figure 3-3 (Appendix K)
- California Air Resources Board. *Mobile Source Emissions Inventory.* Available at https://arb.ca.gov/emfac/emissions-inventory. Accessed August 2024. (Appendix K)
- California Department of Fish and Wildlife. *BIOS6*. Available at: https://apps.wildlife.ca.gov/bios6/. Accessed September 2024. (Appendix K)
- Caltrans. *Traffic Volumes: Annual Average Daily Traffic (AADT) 2022.* Available at: https://dot.ca.gov/programs/traffic-operations/census. Accessed August 2024. (Appendix K)
- 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 August 2024. (Appendix K)
- Office of Environmental Health Hazard Assessment. *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments*. February 2015. (Appendix K)

- Swickard, Luke, Project Manager, Ninyo & Moore. Personal communication [email] with Rod Stinson, Vice President, Raney Planning and Management, Inc. October 31, 2024. (Appendix K)
- U.S. Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey*. Available at: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx. Accessed September 2024. (Appendix K)
- U.S. Department of Housing and Urban Development. *Acceptable Separation Distance (ASD) Electronic Assessment Tool*. Available at: https://www.hudexchange.info/programs/environmental-review/asd-calculator/. Accessed September 2024. (Appendix K)
- U.S. Department of Housing and Urban Development. *Acceptable Separation Distance (ASD) Electronic Assessment Tool*. Output forms. (Appendix K)
- U.S. Environmental Protection Agency. *EJScreen*. Available at: https://www.epa.gov/ejscreen. Accessed September 2024. (Appendix K)
- U.S. Environmental Protection Agency. *NEPAssist.* Available at: https://nepassisttool.epa.gov/nepassist/nepamap.aspx. Accessed September 2024. (Appendix K)
- U.S. Environmental Protection Agency. *User's Guide for the AMS/EPA Regulatory Model (AERMOD).* December 2016. (Appendix K)
- U.S. Fish and Wildlife Service. *Coastal Barrier Resources Act.* Available at: https://www.fws.gov/program/coastal-barrier-resources-act. Accessed September 2024. (Appendix K)
- U.S. Fish and Wildlife Service. *IPaC: Information for Planning and Consultation*. Available at: https://ecos.fws.gov/ipac/. Accessed September 2024. (Appendix K)
- U.S. Fish and Wildlife Service. *National Wetlands Inventory*. Available at: https://www.fws.gov/wetlands/data/Mapper.html. Accessed September 2024. (Appendix K)

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 Measures and Standard Conditions of Approval
Contamination and Toxic Substances	*CTS-1: Prior to commencement of construction and rehabilitation activities, the project contractor shall be informed that the existing parking garage shall be considered as containing asbestos-containing materials (ACMs). Project activities shall comply with all requirements and regulations promulgated through the Bay*

	Area Air Quality Management District (BAAQMD) Asbestos Demolition and Renovation Program. On-site ACMs in the parking garage shall be abated by a licensed asbestos abatement contractor with current certifications, respiratory protection, and proper Personal Protective Equipment (PPE), adhering to all applicable work practice standards set forth in the Asbestos National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP, 40 CFR, Part 61, Subpart M) regulations, as well as Section V, Chapter 3 of the OSHA Technical Manual. Work practice standards generally include appropriate precautions to protect workers and the surrounding community, and appropriate disposal methods for waste containing ACMs in accordance with federal, State, and local regulations subject to approval by the County Engineer. *CTS-2: Prior to commencement of construction and rehabilitation activities, all loose and flaking lead-based paint (LBP) identified in the Paint Survey prepared by Ninyo & Moore shall be stabilized or removed and disposed of by a licensed and certified lead paint removal contractor in accordance with 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, the project applicant shall obtain an LBP Abatement Permit from the City of Oakland 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 be performed by firms certified by the U.S. Environmental Protection Agency (USEPA) or certified renovators who are trained by USEPA-approved training providers and follow lead-safe work practices. The project applicant shall also prepare a Lead Abatement Work Plan as part of the LBP Abatement Permit, which shall include a description of the method 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 & Building Department and Alameda County Department of Environmental Health.* *CTS-3: Prior to the commencement of construction and rehabilitation activities, the project applicant shall retain a qualified State-licensed engineer with extensive experience in vapor mitigation to review the data in the Interim Radon Test Report prepared for the proposed project by Kellco Services, Inc. and design a Vapor Intrusion Mitigation System (VIMS) for the project site. The VIMS system shall incorporate radon-reduction methods established by the USEPA Consumer's Guide to Radon Reduction: How to Fix Your Home, which could include, but not necessarily be limited to, sealing cracks and other openings in the foundation, room pressurization techniques, installation of a heat recovery ventilator, or natural ventilation. The VIMS shall be subject to review and approval by the City of Oakland Planning & Building Department and Alameda County Department of Environmental Health.* *CTS-4: Regulatory Permits and Authorizations from Other Agencies*

	The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval. *CTS-5: Asbestos in Structures* *The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.* *CTS-6: Hazardous Building Materials and Site Contamination* *a) Hazardous Building Materials Assessment. The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.* *b) Environmental Site Assessment Required. The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.* *c) Health and Safety Plan Required. The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to*

	protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan, *d) Best Management Practices (BMPs) Required for Contaminated Sites. The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:* *i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.* *ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.*
Historic Preservation	*TCR-1: Archeological and Tribal Monitoring Plan* *The project applicant shall implement the Tribal Monitoring and Discovery Plan, dated October 2024 that was approved by the Tribes and included the following measures:* • *The project applicant shall prepare a construction ALERT sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.* • *The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones.* • *The ALERT sheet shall also include that the project applicant must keep the Muwekma Ohlone and other consulting tribes, if needed, informed on the construction schedule of the proposed project and allow a Native*

	American monitor to be present during ground-disturbing activities. In the event of the discovery of ancestral heritage cultural features and/or artifacts, the Muwekma Ohlone, and, if needed, other consulting tribes, shall also be notified. • *Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.* • *In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.* • *If any find is determined by the Native American monitor to be of cultural importance, appropriate avoidance measures recommended by the monitor and approved by the City shall be followed, unless avoidance is determined infeasible by the City. Should Native American cultural resources be identified during ground disturbance, the project applicant shall install a plaque or other educational display honoring the history and heritage of the tribe in a public location on or within the building.* • *In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense. Furthermore, the tribe will coordinate with the archeologist to prepare either a stand-alone or contributing ethnohistory chapter as part of the final report.* <u>CR-2</u>*: Paleontological Resources – Discovery During Construction* *In the event that any historic or precontact subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult*

	with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented. *CR-3: Human Remains – Discovery During Construction* *Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.*
Noise Abatement and Control	*NOI-1: Prior to the issuance of building permits, the final plans shall include the following Noise-Level Reduction (NLR) measures, as recommended in the HUD Noise Assessment prepared for the proposed project by Saxelby Acoustics:* • *Glazing shall have a minimum sound transmission class (STC) rating of 36;* • *Building façades shall include use of stucco with sheathing or cement fiber board with sheathing;* • *Interior gypsum wallboards at exterior walls shall be 5/8-inch;* • *Ceiling gypsum shall be 5/8-inch;* • *Flooring shall be vinyl plank or carpeting;* • *Mechanical ventilation penetrations for exhaust fans shall not face toward Interstate 580 (I-580). Where feasible, the vents shall be routed towards the opposite side of the building to minimize sound intrusion to sensitive areas of the buildings. Where vents must face toward I-580, the duct work shall be increased in length and make as many "S" turns, as feasible, prior to exiting the dwelling. Flexible duct work is the preferred ducting. Where the vent exits the building, a spring-loaded flap with a gasket shall be installed to reduce sound entering the duct work when the vent is not in use;* • *Mechanical ventilation shall be provided to allow occupants to keep doors and windows closed for acoustic isolation; and*

	• *Packaged terminal air conditioners shall not be used.* *Inclusion of the foregoing NLR measures on the final plans shall be subject to review and approval by City of Oakland Planning & Building Department. In lieu of the above NLR measures, an interior noise-control report can be prepared by a qualified acoustic engineer demonstrating that the proposed project would achieve the HUD interior noise-reduction requirement of 30 dBA. If prepared, the interior noise-control report shall be submitted to the City for review and approval.* *NOI-2: Exposure to Community Noise* *The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:* *a. 45 dBA: Residential activities, civic activities, hotels* *b. 50 dBA: Administrative offices; group assembly activities* *c. 55 dBA: Commercial activities* *d. 65 dBA: Industrial activities*