



**U.S. Department of Housing  
and Urban Development**  
California State Office of  
Community Development  
Environmental Branch

## **Environmental Assessment**

(HUD recommended format per  
24 CFR 58.36, revised 1/99)

Project Identification: [Lincoln Street Apartments](#)  
[40852 Lincoln Street](#)  
[Fremont, CA, 94538](#)

Responsible Entity: [Alameda County HOME Consortium](#)  
[224 W. Winton Avenue, Room 108](#)  
[Hayward, CA 94544](#)

Month/Year: [February/2004](#)

**Environmental Assessment**

**Responsible Entity:** Alameda County HOME Consortium

[24 CFR 58.2(a)(7)]

**Certifying Officer:** Linda Gardner

[24 CFR 58.2(a)(2)]

**Project Name:** Lincoln Street Apartments

**Project Location:** 40852 Lincoln Street, Fremont, CA 94538

**Estimated total project cost:** \$3,671,221

**Grant Recipient:** Alameda County HOME Consortium

[24 CFR 58.2(a)(5)]

**Recipient Address:** 224 W. Winton Avenue, Room 108, Hayward, CA 94544 – 1215

**Project Representative:** Lourdes Chang

**Telephone Number:** (510) 494-4504

**Conditions for Approval:** (List all mitigation measures adopted by the responsible entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts or other relevant documents as requirements). [24 CFR 58.40(d), 40 CFR 1505.2(c)]

**See Mitigation Measures Recommended Section: #1 through #6**

- #1 - Historical/archeological mitigation
- #2 – Air Quality; Hazards and Nuisances - Dust suppression mitigation
- #3 – Possible hazardous materials mitigation
- #4 and 5 - Storm water, drainage and water quality impacts mitigation
- #6 - Hours of construction mitigation

**FINDING:** [58.40(g)]

**Finding of No Significant Impact**  
(The project will not result in a significant impact on the quality of the human environment)

**Finding of Significant Impact**  
(The project may significantly affect the quality of the human environment)

**Preparer Signature:** \_\_\_\_\_

**Title/Agency:** Arquimides Caldera/City of Fremont

**Date:** 02/25/04

**RE Approving Official Signature:** \_\_\_\_\_

**Title/ Agency:** Linda Gardner / Housing Director

**Date:**

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

The Lincoln Street Project will meet the City of Fremont's stated need to develop housing for disabled persons. This project is a development of 11 apartments of affordable housing for developmentally disabled individuals.

**Description of the Proposal:** The Lincoln Street Apartments is a new construction project that will result in 11 units of affordable, independent living apartments for adults with developmental disabilities. The proposed development is being developed by two nonprofit organizations based in the San Francisco Bay Area: Housing Consortium of the East Bay, a nonprofit service organization with experience in providing housing counseling and services to people with developmental disabilities, and Satellite Housing Inc., an experienced nonprofit affordable housing developer.

The proposed development will consist of 11, two and three-bedroom apartments, each with a kitchen and bathroom; a community room where residents can meet for social gatherings and participate in classes provided by HCEB; and outdoor, landscaped areas on the premises. The architect, Erik Mikiten of Mikiten Architecture, has extensive experience in designing residential communities for individuals with disabilities and their families. HCEB/Satellite and the architect are working closely with City staff and the community in developing a site plan and design that will complement the existing neighborhood.

The estimated total project cost is \$3,671,221 million. The City of Fremont has conditionally reserved a total of \$1.0 million, including \$660,000 in CDBG funds, \$208,650 in HOME funds and \$131,350 in affordable housing funds from the Redevelopment Agency. In November 2003, HCEB was awarded a fund reservation in the amount of \$1.4 million under the HUD 811 Capital Advance program. HCEB has applied for \$110,000 in Federal Home Loan Bank's Affordable Housing Program. In March and April 2004, HCEB will apply for additional funds from County HOME and the State Housing and Community Development Multifamily Housing Program Supportive Housing Funds.

**Existing Conditions and Trends:** Describe the existing conditions of the project area and its surroundings, and trends likely to continue in the absence of the project. [24 CFR 58.40(a)]

This project is located at 40852 Lincoln Street in the Irvington District of Fremont, CA. A large barn structure currently exists on the property. The structure has undergone numerous remodels, additions, and/or modifications in order to allow its current use as a single-family residence. These modifications include non-matching, lower shed roofed additions at each side, contemporary entry doors and other fenestration, re-roofing, etc.

The surrounding neighborhood consists of a mix of multifamily apartments and single-family homes. Multi-family developments are located to the south and northeast; single-family residences are located to the north, east and west.

If the proposed project was not completed, the property would be sold to another developer.

## Statutory Checklist

[24CFR §58.5]

For each listed statute, executive order or regulation, record the determinations made. Note reviews and consultations completed as well as any applicable permits or approvals obtained. Attach evidence that all required actions have been taken. Record any conditions or mitigation measures required. Then, make a determination of compliance or consistency.

<b>Factors</b>	<b>Determinations and Compliance Documentation</b>
<b>Historic Preservation</b> [36 CFR 800]	In response to City request for concurrence, 4/29/03 SHPO letter requested further archeological, historical and cultural research. City requested record search from Northwest Information Center (NWIC). NWIC (see 5/28/03 letter) indicated no recorded Native American or historic period archeological resources. In 6/11/03 letter to SHPO, City confirmed it will follow CEQA guidelines should any archeological resources be discovered during site development (see recommended Mitigation Measures #1). SHPO did not respond within 30 days of final City of Fremont determination of "no historic properties affected". Regulatory requirement satisfied (SHPO later email confirming concurrence enclosed).
<b>Floodplain Management</b> [24 CFR 55, Executive Order 11988]	Not in floodplain (FEMA Flood Insurance Rate Map (FIRM) Community Panel Number 065028 0030 C, dated February 9, 2000).
<b>Wetlands Protection</b> [Executive Order 11990]	None in project area (City of Fremont General Plan, Natural Resources Chapter) and field observation, Dec. 18, 2003.
<b>Coastal Zone Management Act</b> [Sections 307(c),(d)]	Not within a coastal zone (City of Fremont General Plan, Natural Resources Chapter).
<b>Sole Source Aquifers</b> [40 CFR 149]	There are no sole source aquifers in the City (City of Fremont General Plan, Natural Resources Chapter; US EPA Water Management Division, Region IX).
<b>Endangered Species Act</b> [50 CFR 402]	<p>Existing, improved ½-acre residential site. Site is not a known habitat for endangered, threatened or rare specie. There is no evidence of burrowing owl s on site. Will have no effect on any endangered species (Field Observation, December 18, 2003 and City of Fremont General Plan, Natural Resources ).</p> <p>Existing, improved ½-acre residential site. Site is not a known habitat for endangered, threatened or rare species. There is no evidence of burrowing owl s on site. Will have no effect on any endangered species (Field Observation, December 18, 2003 and City of Fremont General Plan, Natural Resources ).</p> <p><b>Sample 1. "will not affect"</b>                      A site visit showed the Action Area is in an urbanized environmental and is completely paved over. There is no natural habitat.</p> <p>Source documentation attached: Site visit conducted by Mary Jones on 12/13/2012.  <a href="http://ecos.fws.gov/ipac/">http://ecos.fws.gov/ipac/</a> accessed 12/01/2012.</p> <p><b>Sample 2. "will affect but not likely to adversely affect"</b>                      The project will affect but not likely to adversely affect threatened/endangered species or critical habitat.                      Project activities have the potential to affect T&amp;E species, critical habitat. FWS Official species list and critical habitat map was obtained and a biological assessment prepared. The BA concluded that the project is not likely to affect Federally-listed or proposed threatened and endangered species or critical habitat in the Action Area. Informal consultation was initiated and resulted in a FWS concurrence of "not likely to adversely affect" determination.</p> <p>Source documentation attached: 1537 Main Street Biological Assessment by Peter Philips, biologist, Brown and Williams Inc., June 2012;                      Informal consultation packet and FWS Concurrence letter dated 08/31/2012.  <a href="http://ecos.fws.gov/ipac/">http://ecos.fws.gov/ipac/</a> accessed 06/01/2012.</p> <p><b>Sample 3. "will affect and likely to adversely affect" and Adverse effects resolved.</b></p>

	<p>The project will affect and likely to adversely affect threatened/endangered species or critical habitat, but adverse effects are resolved through mitigation.</p> <p>It was determined that project activities have the potential to affect T&amp;E species, critical habitat. An official species list and critical habitat map was obtained from the FWS website and showed that ES were located in the Action Area, defined as the project site.</p> <p>The Biological Assessment concluded that the project is likely to affect listed/proposed/ threatened/endangered species or critical habitat in the Action Area. Formal consultation was initiated and resulted in a FWS jeopardy/adverse modification determination and the issuance of FWS Biological Opinion (BO).</p> <p>The project must comply with the mitigation measure outlined in the FWS BO. Summarize the mitigation here and list in #11 section that includes checkbox "Project is recommended for approval (List any conditions and requirements):"</p> <p>See mitigation measures above and the BO for comprehensive details regarding the measures required.</p> <p>Source documentation attached: 1537 Main Street Biological Assessment by Peter Philips, biologist, Brown and Williams Inc., June 2012; Formal consultation packet and FWS Concurrence letter dated 08/31/2012. <a href="http://ecos.fws.gov/ipac/">http://ecos.fws.gov/ipac/</a> accessed 12/01/2012. Mitigation measures must be implemented as outlined above in # 11</p> <p><b>Sample 4. "will affect and likely to adversely affect" and Adverse effects unresolved</b> The project will affect and likely to adversely affect threatened/endangered species or critical habitat, adverse effects cannot be resolved. The determination is that the project is likely to jeopardize the continued existence of endangered/threatened/proposed for listing species and is likely to result in the destruction or adverse modification of designated critical habitat. The project cannot proceed.</p> <p>Source documentation attached: 1537 Main Street Biological Assessment by Peter Philips, biologist, Brown and Williams Inc., June 2012; Formal consultation packet and FWS Concurrence letter dated 08/31/2012.</p>
<p><b>Wild and Scenic Rivers Act</b> [Sections 7 (b), (c)]</p>	<p>None in project area or in the City of Fremont (City of Fremont General Plan, Natural Resources Chapter).</p>
<p><b>Air Quality</b> [Clean Air Act, Sections 176 (c) and (d), and 40 CFR 6, 51, 93]</p>	<p>½-acre residential project will not impact air quality. Project is in an attainment area or conforms to the EPA-approved State Implementation Plan (SIP) for all components, per contact with Air Quality Management District. Project shall comply with standard dust suppression measures (<a href="#">see recommended Mitigation Measures #2</a>). (Contact: Joe Steinberger, Senior Planner, BAAQMD, <a href="mailto:jsteinberger@baaqmd.gov">jsteinberger@baaqmd.gov</a>; Project Environmental Impact Analysis Initial Study – Clifford Nguyen)</p>
<p><b>Farmland Protection Policy Act</b> [7 CFR 658]</p>	<p>Not located on any Agricultural Preserve map or identified as land under Williamson Act contract. Not prime or unique farmland. (Williamson Act Agricultural Preserve Map, dated March 2002, City of Fremont General Plan, Natural Resources Chapter).</p>
<p><b>Environmental Justice</b> [Executive Order 12898]</p>	<p><b>Sample 1. No Adverse or Health Impacts</b> The Project is a Section 811 Supportive Housing for the Disabled project and involves the new construction of 65 affordable housing units for persons with disabilities. The site is designated in the City of Los Angeles General Plan and Zoning maps for multi-family use in the Watts neighborhood, and there are no adverse environmental conditions affecting it (Field Observation; General Plan and Zoning Maps dated March 2010 and December 2011, respectively, and this assessment). The project will house developmentally disabled individuals. Because the project exposes no one to adverse environmental conditions, the project does</p>

	<p>not expose low income or minority populations to adverse environmental conditions; it will have a positive effect on the targeted community.</p> <p>Site Visits conducted by Jane Doe May 3, 2010  <a href="http://www.epa.gov/environmentaljustice/mapping.html">http://www.epa.gov/environmentaljustice/mapping.html</a>  <a href="http://www.epa.gov/oecaerth/nepa/nepassist-mapping.html">http://www.epa.gov/oecaerth/nepa/nepassist-mapping.html</a></p> <p><b>Sample 2. Adverse or Health Impacts mitigated</b></p> <p>The project involves the construction of affordable family housing in a neighborhood that suffers from exposure to airborne toxins generated by Interstate Highway 110 and which contains the county's highest concentration of housing with lead based paint. The subject census tract is home to a substantially higher percentage of minority and low income persons than the city.</p> <p>Site visits, analysis using geographic assessment tools and scoping meetings i.e., workshops and community meetings confirmed an Environmental Justice impact. Environmental Justice Analysis conducted May 5, 2010, enclosed. Site Visits conducted by Jane Doe May 3, 2010  <a href="http://www.epa.gov/oecaerth/nepa/nepassist-mapping.html">http://www.epa.gov/oecaerth/nepa/nepassist-mapping.html</a>  <a href="http://www.epa.gov/oecaerth/nepa/nepassist-mapping.html">http://www.epa.gov/oecaerth/nepa/nepassist-mapping.html</a></p> <p>As a result of consultation with stakeholders in the affected community, the EPA Environmental Justice Advisory Council and the City of Los Angeles, the following <b>mitigation measures</b> are required:</p> <p>The developer will contribute \$10,000 to the Eco-Learning Center at the Watts Foundation in Los Angeles.</p> <p>The project design includes MERV 13 positive pressure air filtration system according to the architectural plan of 11/1/12. This measure ensures that 90% airborne toxins are filtered out and that indoor air quality will be healthy.</p> <p>The Developer has partnered with the City of Los Angeles Lead Safe Neighborhoods Program, to provide training and resources to ensure the protection of children from the threat of lead based paint according to the memorandum of agreement executed on 11/1/12 and enclosed.</p> <p>The Developer must ensure safe lead removal practices during the demolition of the existing buildings at the construction site.</p>
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HUD Environmental Standards	Determinations and Compliance Documentation
<b>Noise Abatement and Control</b> [24 CFR 51 B]	Not applicable - fully surrounded by existing residential uses and not proximate to a major or arterial roadway or railroad (General Plan and Zoning Maps dated March 2002 and December 2002, respectively; General Plan Health and Safety Chapter, and field observation).
<b>Toxic or Hazardous Substances and Radioactive Materials</b> [HUD Notice 79-33]	Fully surrounded by existing residential uses. The site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 No Superfund or CERCLIS sites within the City of Fremont. Possible underground storage tank will be subject to proper mitigation measures ( <a href="#">see recommended Mitigation Measures #3</a> ) (General Plan and Zoning Maps dated March 2002 and December 2002, respectively; Hazardous Waste and Substances Sites (Cortese) List, dated April 2002: <a href="http://www.epa.gov/superfund/sites/cursites">www.epa.gov/superfund/sites/cursites</a> ).

<b>Siting of HUD-Assisted Projects near Hazardous Operations</b> [24 CFR 51 C]	This project will not expose either people or buildings to additional hazards. Project is fully surrounded by residential and commercial uses that do not involve the above ground storage of explosive or flammable materials. (City of Fremont Fire Department HAZMAT Area Files – Sally Miller)
<b>Airport Clear Zones and Accident Potential Zones</b> [24 CFR 51 D]	<p><b>Sample 1)</b> A site visit confirmed the Project Area is not within 3,000 feet from the end of a runway at a civil airport or 15,000 feet from the end of a runway at a military airfield. Site visit conducted by Jane Doe on 12/13/2012. <a href="http://www.dot.ca.gov/hq/planning/aeronaut/">http://www.dot.ca.gov/hq/planning/aeronaut/</a> accessed 12/21/12 <a href="http://aeroplanner.com/">http://aeroplanner.com/</a> accessed 12/21/12</p> <p><b>Sample 2)</b> The project involves a property proposed for acquisition without any rehabilitation or repairs. Therefore, the proposal is in compliance with the airport regulations, according to 24 CFR 51.302 (c). However, because the property is located within a runway Clear Zone (CZ), the required written notice has been given to the prospective property buyer in accordance with <a href="#">24 CFR 51.303(a)(3)</a> and a copy of the HUD disclosure statement signed and dated by the prospective property is enclosed as an exhibit D. <a href="http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_14225.pdf">http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_14225.pdf</a> accessed 12/21/12 <a href="http://www.dot.ca.gov/hq/planning/aeronaut">http://www.dot.ca.gov/hq/planning/aeronaut</a> accessed 12/21/12</p>

## Environmental Assessment Checklist

[Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27]

Evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a finding of impact. **Impact Codes:** (1) - No impact anticipated; (2) - Potentially beneficial; (3) - Potentially adverse; (4) - Requires mitigation; (5) - Requires project modification. Note names, dates of contact, telephone numbers and page references. Attach additional materials as needed.

Land Development	Code	Source or Documentation
Conformance with Comprehensive Plans And Zoning	2	Project does not require a General Plan Amendment. It is consistent with the City's General Plan, particularly the recently certified Housing Element, in that it allows for the development of a higher density, multifamily affordable housing project on a site that is currently identified as underutilized land. The project consists of rezoning from R-G-29 Garden Apartment Residence District to R-3-18 Multifamily Residence District, zoned for multi-family residential land use. Multi-family developments are located to the south and northeast; single family residences are located to the north, east and west. Developer is in the process of receiving all use permits and design review approvals. (Contact: 1/13/04; Project EIA Initial Study – Clifford Nguyen)
Compatibility and Urban Impact	2	The proposed multi-unit residential development is an infill project compatible with and supportive of surrounding uses. Multi-family developments are located to the south and northeast; single family residences are located to the north, east and west. Project does not displace or divide existing community. Demolition of current structure is compatible with and supportive of

		surroundings. (Contact: Lourdes Chang – City of Fremont Office of Housing Project Manager 1/13/04; Project EIA Initial Study – Clifford Nguyen)
Slope	1	The project site is not within an area of potential landslides, and the project site is not on expansive soils. (General Plan Health and Safety Chapter, Figure 10-1, Slope Instability; Field Observation 1/07/04)
Erosion	1	The project site is not within an area of potential landslides and the project site is not on expansive soils. (Project Environmental Impact Analysis – Clifford Nguyen, Planner; General Plan Health and Safety Chapter, Figure 10-1, Slope Instability),
Soil Suitability	1	The project site is not within an area of potential landslides and the project site is not on expansive soils as defined in Table 18-1-B of the Uniform Building Code. To obtain City of Fremont Building Permits, project will be required to meet soil suitability requirements as specified in Fremont Municipal Code Section 7-1220.1804. Regulation will require in-depth tests and studies in regards to drainage, subsidence, liquefaction, foundational support, and general suitability and shall be prepared, signed, and stamped by a California licensed Geotechnical Engineer or Civil Engineer. (Ken Fujimoto, City of Fremont Building & Safety Department, 1/14/04; Project Environmental Impact Analysis Initial Study – Clifford Nguyen, COF Planner; General Plan Health and Safety Chapter, Figure 10-1, Slope Instability),
Hazards and Nuisances including Site Safety	4	Fully surrounded by existing residential uses. The site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 No Superfund or CERCLIS sites within the City of Fremont. Possible underground storage tank will be subject to proper mitigation measures (see <a href="#">recommended Mitigation Measures #3</a> ) During construction, dust and noise will be controlled through standard construction suppression measures (see <a href="#">recommended Mitigation Measures #2</a> ). Street lighting is adequate. While project site is not located within a known Earthquake Fault Zone, or Alquist-Priolo Earthquake Hazard Zone, it is located approximately 900 feet west of the Active Hayward Fault. Project will be subject to appropriate engineered designs in conformance with geotechnical standards for construction in order to address the primary and secondary effects of ground shaking and liquefaction. Project is not within an area of potential landslides.  (General Plan and Zoning Maps dated March 2002 and December 2002, respectively; Hazardous Waste and Substances Sites (Cortese) List, dated April 2002: <a href="http://www.epa.gov/superfund/sites/cursites">www.epa.gov/superfund/sites/cursites</a> ; General Plan Health and Safety Chapter, Figure 10-1,10-3;; Field Observation, Arquimides Caldera,1/06/04)
Energy Consumption	1	In order to obtain City of Fremont Building Permits, this project will be required to meet energy consumption standards as outlined in California Building Code, Title 24 “2001 Energy Efficiency Standards”. In addition, this project is located within 0.2 miles of major retail and employment centers and is within 0.5 miles of the local elementary school. This project is located within 0.25 miles of AC Transit Line 212 Irvington. (Ken Fujimoto, City of Fremont Building & Safety Department, 1/14/04; Southern Alameda County GIS Authority, City of Fremont Standard Parcel Map, 1/14/04; Alameda-Contra Costa Transit District website, <a href="http://www.actransit.org">www.actransit.org</a> , visited 1/14/04).

<b>Noise - Contribution to Community Noise Levels</b>	1, 4	<b>Examples</b> <b>Sample 1)</b> The project involves the construction of nine affordable apartments for senior citizens.
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	<p>A site visit by appraiser Matt Val on 11/1/12 confirmed the Project Area is fully surrounded by existing residential uses and not in line-of-sight of a major or arterial roadway, railroad or within the noise contour lines of a commercial or military airport (City of Los Angeles General Plan, Section 7 Noise Element and Zoning Maps dated March 2010, and December 2011 respectively.</p> <p><b>Sample 2)</b> The project does not involve new construction and therefore does not involve noise sensitive land use. Therefore, project is compliance with 24 CFR 51B.  Site visit conducted by Jane Doe on 12/13/2012.  <a href="http://planning.lacity.org/cwd/gnlpln/index.htm">http://planning.lacity.org/cwd/gnlpln/index.htm</a> accessed 12/21/12  <a href="http://www.dot.ca.gov/hq/planning/aeronaut/">http://www.dot.ca.gov/hq/planning/aeronaut/</a> accessed 12/21/12  <a href="http://aeroplanner.com/">http://aeroplanner.com/</a> accessed 12/21/12  <a href="http://www.google.com/earth/index.html">http://www.google.com/earth/index.html</a> accessed 12/21/12  <a href="http://www.epa.gov/oecaerth/nepa/nepassist-mapping.html">http://www.epa.gov/oecaerth/nepa/nepassist-mapping.html</a> accessed 12/21/12</p> <p><b>Sample 3) Property involves noise sensitive land uses and is located within 1000 feet of a major highway:</b>  The project is located 1000 feet of Whittier Boulevard, with commercial property to the east and west and residential property to the north. The ambient noise level is documented as 73 DNL based on the attached HUD Noise Analysis Exhibit 3.</p> <p><b>REQUIRED MITIGATION:</b> In order to comply with 24 CFR 51B, and satisfy the noise criteria, as described in section 2, of the attached Noise Analysis Report Exhibit 3, the project must implement all noise mitigation measures according to the StraCAT study enclosed as Exhibit 5, including:</p> <ol style="list-style-type: none"> <li>(1) Minimum STC ratings as shown in Table 4 for Zones A and B/.</li> <li>(2) Dual Pane windows for remaining units.</li> <li>(3) Mechanical ventilation systems for units in Zones A and B</li> </ol> <p><a href="http://portal.hud.gov/hudportal/HUD?src=/program_offices/com_m_planning/environment/dnlcalculator">http://portal.hud.gov/hudportal/HUD?src=/program_offices/com_m_planning/environment/dnlcalculator</a>  <a href="http://portal.hud.gov/hudportal/HUD?src=/program_offices/com_m_planning/environment/stracat">http://portal.hud.gov/hudportal/HUD?src=/program_offices/com_m_planning/environment/stracat</a>  <a href="http://www.epa.gov/oecaerth/nepa/nepassist-mapping.html">http://www.epa.gov/oecaerth/nepa/nepassist-mapping.html</a></p> <p><b>Sample 4) Property involves noise sensitive land uses and is located within 500 feet of a major highway and the community noise level is above 75 DNL.</b>  The project is located within 500 feet of Broadway Boulevard with commercial property to the north and south and residential property to the east and west.  Enclosed documentation required for the Environmental Impact Statement (EIS) Noise Waiver includes: Letter to Program Director confirming noise is the only issue, and requesting an EIS waiver attached as Exhibit 2; A Noise Assessment using HUD methodology attached as Exhibit 3; and Environmental Assessment dated December 12, 2011 attached as Exhibit 4</p>
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		<p>incorporating the mitigation actions according to the enclosed Stracat study attached as Exhibit 5 as a condition of approval. EIS Waiver approval letter signed by ASCPD on 11/30/2012 is also attached.</p> <p><b>REQUIRED MITIGATION:</b> In order to comply with 24 CFR 51B, and satisfy the EIS Noise Waiver requirements, as described in section 2, of the attached Noise Analysis Report Exhibit 3, the project design is required to include the following noise mitigation measures according to the StraCAT study enclosed as exhibit 5:</p> <p>(4) Minimum STC ratings as shown in Table 4 for Zones A and B/.</p> <p>(5) Dual Pane windows for remaining units.</p> <p>(6) Mechanical ventilation systems for units in Zones A and B</p>
<b>Air Quality</b> Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	1	Project is in an attainment area or conforms to the EPA-approved State Implementation Plan (SIP) for all components, per contact with Air Quality Management District (Contact: Joe Steinberger, Senior Planner, BAAQMD, jsteinberger@baaqmd.gov)
<b>Environmental Design</b> Visual Quality - Coherence, Diversity, Compatible Use and Scale	1	Proposed project is an infill project surrounded entirely by single- and multi-family residential uses. The project is consistent with the City's General Plan, particularly the recently certified Housing Element that it allows for the development of a higher density, multifamily affordable housing project on a site that is currently identified as underutilized land. The project is, therefore, not known to be conflict with any land use policy, plan or regulation. (Project Environmental Impact Analysis Initial Study – Clifford Nguyen, Fremont City Planner I; COF General Plan – Transportation Chapter)

<b>Socioeconomic</b>	<b>Code</b>	<b>Source or Documentation</b>
Demographic Character Changes	1	The project site is located in a currently developed site in the Irvington District of Fremont. Project will demolish an existing single-family home and build a multi-family home to serve adults with developmental disabilities. Multi-family developments are located to the south and northeast; single family residences are located to the north, east and west Project will not introduce any barriers which would isolate a particular neighborhood or population group, nor will it destroy or harm any community institution. (Project Environmental Impact Analysis Initial Study – Clifford Nguyen, COF Planner; Field Observation 1/7/04)
Displacement	1	Two-person family (Adult male and 1 17-year old female) currently living on property will be relocated in accordance with Uniform Relocation Act. Funds are available for payment. No identified groups will be affected. (Contact: Nesreen Kawar – HCEB Project Manager (510) 383-1264; Juan Rodriguez – Overland Pacific and Cutler Inc).
Employment and Income Patterns	1	Project will assist in integrating developmentally disabled adults in the community. Clients eligible for these units are also eligible to receive services through the Regional Center for the East Bay, including job training services. Project will also contribute temporary construction jobs. (phone conversation with Nesreen Kawar – HCEB Program Coordinator (510)383-1264)

### Community Facilities

and Services	Code	Source or Documentation
Educational Facilities	1	Durham Elementary School, located at 40292 Leslie St is located .94 miles from the project site. Horner Jr. High School is .8 miles from the project site. Irvington High School, located at 41800 Blacow Rd, is 1.6 miles from the project site. ( <a href="http://www.ci.fremont.ca.us/Community/Schools/">www.ci.fremont.ca.us/Community/Schools/</a> )
Commercial Facilities	1	Project is within .4 miles of commercial Corridor on Fremont Boulevard in the Irvington Business District. There are several retail food-related, auto related, grocery and other retail business in the area. (Field Observation – 1/7/04; <a href="http://www.focusonfremont.com">http://www.focusonfremont.com</a> )
Health Care	1	Washington Hospital, located at 2299 Mowry Ave, Fremont, CA 94538 is located within 2.6 miles of project site. Tri-City Health Center, which serves primarily low-income clients, located at 39500 Liberty Street in Fremont, is within 1.7 miles of project site. (Field Observation – 01/06/04)
Social Services	1	Clients eligible for these units are also eligible to receive services through the Regional Center of the East Bay (phone conversation with Nesreen Kawar – HCEB Program Coordinator (510) )
Solid Waste	1	This is an existing single-family property, with solid waste treatment provided by the Union Sanitary District (USD). Project will not be adversely affected by proximity to facilities. The USD treatment plant is located 11.25 miles away at 5072 Benson Road in Union City, CA. (Field Observation – 01/06/04; <a href="http://www.unionsanitary.com">www.unionsanitary.com</a> )
Waste Water	1	This is an existing single-family property, with waste water treatment provided by the Union Sanitary District (USD). Project will not be adversely affected by proximity to facilities. The USD treatment plant is located 11.25 miles away at 5072 Benson Road in Union City, CA. (Field Observation 01/06/04; <a href="http://www.unionsanitary.com">www.unionsanitary.com</a> )
Storm Water	4	The proposed project will not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. The project does not have the potential to degrade water quality in the area through erosion and/or siltation during construction, because the applicant will be required to propose and comply with Best Management Practices (BMPs) ( <a href="#">see recommended Mitigation Measures #4, #5</a> ). Steps will include but not be limited to those detailed on the City of Fremont Development & Environmental Services Department Stormwater/Urban Runoff Requirements handout, which is standard City policy as part of any project approval. BMPs will also be required to minimize the potential to contribute to stormwater pollution post-construction by implementing site-specific requirements (Project Environmental Impact Analysis - Initial Study, Clifford Nguyen - City of Fremont Planner I)
Water Supply	1	The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. There are no sole source aquifers in the City (City of Fremont General Plan, Natural Resources Chapter; US EPA Water Management Division, Region IX; Project Environmental Impact Analysis – Initial Study, Clifford Nguyen- Fremont City Planner I)
Public Safety - Police	1	City of Fremont Police Department, located at 2000 Stevenson Boulevard, is located within 1.95 miles of project site. (Field Observation; <a href="http://www.ci.fremont.ca.us/PublicSafety/PoliceDepartment">www.ci.fremont.ca.us/PublicSafety/PoliceDepartment</a> )
- Fire	1	Closest City of Fremont Fire station, located at 40700 Chapel Way, is located within .08 miles of the project site (Field observation; <a href="http://www.ci.fremont.ca.us/Fire/FireStations">www.ci.fremont.ca.us/Fire/FireStations</a> )

- Emergency Medical	1	Washington Hospital, located at 2299 Mowry Ave, Fremont, CA 94538 is located within 2.6 miles of project site. (Field Observation; www.mapquest.com)
Open Space and Recreation - Open Space	1	Lake Elizabeth and Central Park, located at 40000 Paseo Padre Parkway, are located 1.1 miles from the project site. Irvington Community Park is located .8 miles from the Project site (Field Observation; www.ci.fremont.ca.us/Recreation)
- Recreation	1	Lake Elizabeth and Central Park, located at 40000 Paseo Padre Parkway, are located 1.1 miles from the project site. Irvington Community Park is located .8 miles from the Project site (Field Observation; www.ci.fremont.ca.us/Recreation)
- Cultural Facilities	1	Project is within 1.37 miles of the Irvington Library (41825 Greenpark Drive), and 1.7 miles from the Fremont Main Library (2400, Stevenson Blvd). (Field Observation; www.ci.fremont.ca.us/Community/Libraries)
Transportation	1	The small increase in traffic, estimated at 6 trips during the p.m. peak hours, is well below the 100-trip diminimus level, and will not have a significant impact on traffic. (Project EIA – Initial Study, pg. 13, Clifford Nguyen - Fremont City Planner I; ITE Trips Generation Rates Handbook, 7 <sup>th</sup> Edition)

### Natural Features

### Source or Documentation

Water Resources	1	The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge, and will not result in alteration of the course of a stream or river in a manner which could potentially result in substantial erosion or siltation on or off site, or result in downstream flooding. There are no sole source aquifers in the City (City of Fremont General Plan, Natural Resources Chapter; US EPA Water Management Division, Region IX; Project Environmental Impact Analysis – Initial Study, Clifford Nguyen- Fremont City Planner I)
Surface Water	4	This project will require Best Management Practices to minimize the potential to contribute to storm water pollution both during and post-construction (see recommended Mitigation Measures #4, #5). Will implement site-specific requirements, such as disconnecting roof drain downspouts to allow roof runoff to drain to a landscaped area prior to entering storm drain system, allowing impervious surface areas to discharge to a landscaped area prior to discharge to a storm drain inlet, stenciling all on site storm drains, “No Dumping, Drains To Bay”, incorporating vegetated swale systems or other storm water treatment control within parking areas to treat storm water runoff from parking lot, etc. (Project Environmental Impact Analysis – Initial Study, Clifford Nguyen- Fremont City Planner I)
Unique Natural Features and Agricultural Lands	1	No unique features or agricultural lands on project site (Field observation - 1/7/04)
Vegetation and Wildlife	1	No vegetation or wildlife will be impacted through development of project. Site in urbanized area and previously developed (Field observation – 1/7/04)

### Other Factors

### Source or Documentation

Flood Insurance	1	Flood Insurance is not required under the NFIP because the project is not located in a SFHA as previously documented.
Energy Efficiency	1	<b>Sample 1. When energy efficiency measures are written into contract/agreement documents</b>

	<p>The project is required by the FY 2010 Section 811 Agreement Letter to meet the requirements of EPA’s ENERGY STAR Qualified Homes. Any state energy code requirements will take precedence over ENERGY STAR or ASHRAE specification when the state code requirements approximate or exceed that standard. All projects must purchase ENERGY STAR labeled appliances, install water conserving fixtures (low flow showerheads and faucets and high efficiency toilets). All operations and maintenance plans must commit to future installation of water-conserving fixtures and ENERGY STAR appliances. For green programs that require third party certification, evidence of such certification must be provided to HUD prior to final closing, per Rock Rose Garden, Project Number: 121 HD098-NP-CMI/CA39-Q101-004, FY 2010 Section 811 Agreement Letter, January 25, 2012.</p> <p><b>Sample 2. Energy efficiency.</b>  Energy efficiency measures in building plans include Energy Star kitchen appliances, low flow toilets, showerheads, faucets, insulation walls  There is a bus stop within 100 feet of the house, a grocery store within 2 blocks. The project complies with HUD standards and must conform with state/ local building codes. Site visit by Mary Jones on 12/15/2012. Building Plans dated 6/12/2012.</p>
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**NOTE:** The Responsible Entity must additionally document compliance with 24 CFR §58.6 in the ERR, particularly with the Flood Insurance requirements of the Flood Disaster Protection Act and the Buyer Disclosure requirements of the HUD Airport Runway Clear Zone/Clear Zone regulation at 24 CFR 51 Subpart D.

**Summary of Findings and Conclusions**

Based on the above information, the proposed project as designed, will not result in a significant impact on the quality of the human environment.

**ALTERNATIVES TO THE PROPOSED ACTION**

**Alternatives and Project Modifications Considered** [24 CFR 58.40(e), Ref. 40 CFR 1508.9]

(Identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it.)

1. Fewer units at a lower density could be developed at this site. This project is not economically feasible at a lower density due to the increased cost per unit to build.

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

(Discuss the benefits and adverse impacts to the human environment of not implementing the preferred alternative).

1. One alternative is to not build any addition housing of this type. There is a documented need for affordable housing for developmentally disabled adults in Alameda County and the proposed project will address this need.
2. Another alternative would be to have the potential tenants live in other housing. There is a severe lack of affordable housing for developmentally disabled adults in Alameda County.

It is highly doubtful that a developmentally disabled adult would be able to afford a market rate apartment. This project would provide stable affordable housing while tenants receive supportive services needed to become productive members of society.

3. This property could be sold to another private homeowner or developer for other uses. Based on the current housing and rental market, it can be assumed the property would become market rate housing. This action, however, would not meet the need of providing affordable housing in Fremont.

### **Mitigation Measures Recommended** [24 CFR 58.40(d), 40 CFR 1508.20]

(Recommend feasible ways in which the proposal or external factors relating to the proposal should be modified in order to eliminate or minimize adverse environmental impacts.)

**Mitigation #1:** *Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5.(e) and (f) will be followed to reduce impacts to a non-significant level.*

**Mitigation #2:** *The project shall comply with standard dust suppression measures. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage. In areas where construction is delayed for an extended period of time, the ground shall be re-vegetated to minimize the generation of dust. A person shall be designated to oversee the implementation of dust control.*

**Mitigation #3:** *Prior to development of the site for multi-family use, further site investigation and remediation shall be completed in accord with the Phase II ESA dated June 27, 2003 and recommendations of the Fire Department. Subject to the approval of the City's Development Organization and Fire Department, remediation shall include the following:*

1. *Excavate all petroleum-stained soil areas (soil sample T-2) to approximately 2 feet bgs and resample these excavated areas for TRPH using EPA Methods 5030/8015 (modified) and 418.1. All excavated soil must be placed on asphalt, plastic sheeting and/or into DOT approved roll-off bins for temporary storage. If concentrations of TRPH more than 200 mg/Kg, then additional over-excavation and re-sampling of the affected areas must continue until concentrations less than 200 mg/Kg are attained. Re-sampling the excavated material for CAM 17 metals, total oil and grease (TOG) will be necessary to gain landfill acceptance. All excavated soil must be transported as either a Class II or Class III waste, subject to approval by the City Engineer and City Hazmat Facilities Manager.*
2. *Demolish the residence and other structures according to local regulations, following the KELLCO Inspection Report. Care should be taken not to generate paint flakes and/or debris. If paint debris is left on the property after demolition, then proper disposal of the paint-impacted soil must be performed.*
3. *Once the structures are demolished, excavate and dispose the suspected UST or other structures (i.e., septic tanks, etc.). If the subsurface structure is an UST, then collect one soil sample from beneath UST and analyze the soil sample for TPHg, BTEX, TEPH as diesel and motor oil, VOCs, and LUFT metals using EPA methods 5030/8015 (modified), 8021, 8260 and 6010/700 series. The former UST pit excavations must be backfilled and compacted with approved soil fill to at least 95% relative compaction.*

4. Once property is graded, re-sample the surficial soil for metals, arsenic, lead and mercury to re-evaluate risk levels.

**Mitigation #4:** Project construction will be required to adhere to appropriate standards for residential and circulation areas with attendant drainage and landscaping, emphasizing storm water Best Management Practices intended to achieve compliance with the goals of the Alameda County Urban Storm Water Runoff Program in conformance with the Federal National Pollutant Discharge Elimination System (NPDES) program established by the Clean Water Act.

**Mitigation #5:** Best Management Practices elements shall be incorporated into the final site design to mitigate potential storm water, drainage, and water quality impacts for the project site.

**Mitigation #6:** Hours of construction shall be limited to 7 a.m. to 6 p.m. Monday through Friday, and 9 a.m. to 6 p.m. Saturday. No construction shall be permitted on Sundays.

### **Additional Studies Performed** (Attach studies or summaries)

See attached additional studies

1. Phase I Environmental Site Assessment – Project No. 9728.E
2. Phase II Environmental Site Assessment– Project No. 9728.E
3. Environmental Impact Analysis – EIA-PLN2004-00124

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

1. State Historical Preservation Office Correspondence
2. Northwest Information Center Correspondence
3. (FEMA Flood Insurance Rate Map (FIRM) Community Panel Number 065028 0030 C, dated February 9, 2000).
4. Project Environmental Impact Analysis Initial Study – Clifford Nguyen, Fremont City Planner I
5. City of Fremont General Plan – Various Chapters
6. US EPA Water Management Division, Region IX).
7. Air Quality Management District (Contact: Joe Steinberger, Senior Planner, BAAQMD, [jsteinberger@baaqmd.gov](mailto:jsteinberger@baaqmd.gov))
8. Williamson Act Agricultural Preserve Map, dated March 2002
9. Hazardous Waste and Substances Sites (Cortese) List, dated April 2002: [www.epa.gov/superfund/sites/cursites](http://www.epa.gov/superfund/sites/cursites)).
10. City of Fremont Fire Department HAZMAT Area Files – Sally Miller
11. Lourdes Chang – City of Fremont Office of Housing Project Manager
12. Field Observation conducted in December 2003 and January 2004.
13. [www.mapquest.com](http://www.mapquest.com) for distances to various community resources.
14. [www.ci.fremont.ca.us/Community/Schools/](http://www.ci.fremont.ca.us/Community/Schools/)
15. [www.focusonfremont.com](http://www.focusonfremont.com)
16. [www.ci.fremont.ca.us/PublicSafety/](http://www.ci.fremont.ca.us/PublicSafety/)
17. [www.ci.fremont.ca.us/Fire/FireStations](http://www.ci.fremont.ca.us/Fire/FireStations)
18. [www.ci.fremont.ca.us/Recreation](http://www.ci.fremont.ca.us/Recreation))
19. [www.ci.fremont.ca.us/Community/Libraries](http://www.ci.fremont.ca.us/Community/Libraries)
20. ITE Trips Generation Rates Handbook, 7<sup>th</sup> Edition)
21. [www.unionsanitary.com](http://www.unionsanitary.com)
22. Nesreen Kawar – HCEB Program Coordinator (510) 383-1264
23. Juan Rodriguez – Overland Pacific and Cutler Inc)
24. (General Plan and Zoning Maps dated March 2002 and December 2002, respectively;
25. Hazardous Waste and Substances Sites (Cortese) List, dated April 2002: [www.epa.gov/superfund/sites/cursites](http://www.epa.gov/superfund/sites/cursites);
26. Ken Fujimoto, City of Fremont Building & Safety Department, 1/14/04