

# Environmental Assessment

## Determinations and Compliance Findings for HUD-assisted Projects

### 24 CFR Part 58

Project Identification:	Cedar Community Apartments 39802 Cedar Boulevard Newark, CA 94560
Responsible Entity:	County of Alameda
Preparer:	Urban Planning Partners
Month/Year:	July 2022



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

### PROJECT INFORMATION

**Project Name:** Cedar Community Apartments

**Responsible Entity:** Alameda County Housing and Community  
Development Department  
224 W. Winton Street, Room 108  
Hayward, CA 94545

**Grant Recipient:** City of Newark Community Development  
Department

**State/Local Identifier:**

**Preparer:** Urban Planning Partners

**Certifying Officer Name and Title:** Michelle Starratt, Alameda County Housing  
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**Project Location:** 39802 Cedar Boulevard  
Newark, CA 94560  
APNs 901-195-37 and 901-195-38

## DESCRIPTION OF THE PROPOSED PROJECT

[24 CFR 50.12 & 58.32; 40 CFR 1508.25]

Cedar Community Apartments, 39802 Cedar Boulevard, Newark, CA 94560 (APNs 901-195-37 and 901-195-38)

The project site is located 39802 Cedar Boulevard in the City of Newark (see Figure 1). The approximately 2.7-acres in size and currently contains an existing 125-unit extended stay hotel (called "TownePlace Suites Newark Silicon Valley") with 57 studios, 38 1-bedroom units, and 30 2-bedroom units across two separate 4-story buildings (see Figures 2 and 3). The project site also contains 134 parking spaces.

The project includes the conversion of 125 units into 124 permanent supportive housing and affordable housing apartment units (1 of the original 2-bedroom units would be dedicated to a property manager). All 124 units would be permanently affordable to Extremely Low-Income households (The U.S. Department of Housing and Urban Development defines Extremely Low Income as 0 percent to 30 percent of Area Median Income [AMI]). It is anticipated that 50 percent of the housing will be dedicated to homeless individuals and families, and the other 50 percent to individuals or families at risk of homelessness.

Each of the existing units are already set up as apartments with full kitchens and fully furnished living spaces. As such, the converted residential units' interiors will only require minimal improvements, other than ADA upgrades for 7 of the units to bring them up to current ADA code. In addition, the project proposes renovations to convert the existing lobby into community space, property management, and services offices. A temporary ADA accessible trailer will be installed in the parking lot immediately after acquiring the building so that property management and services will be able to lease up the building and will hopefully remain after construction to be used as supplemental community space. Lastly, the project also includes repurposing some the existing surface parking lot area for a tot lot, dog run, and bike storage (see Figure 4). The total project cost is estimated to be \$44,351,280.

The project site would generally be used as is, and the proposed project would not include and ground disturbing activities such as demolition, excavation, or construction, nor would it introduce substantial physical changes to the existing building or site. Any exterior work would include regular maintenance activities such as roof replacement, painting and landscaping. Interior work to the property would be minimal, including expanding communal spaces by combining rooms to create larger living rooms and converting space to service offices and a property management office. The project would not alter the existing room count. The project would not add new utilities connections.

Source document(s): (1) (2)



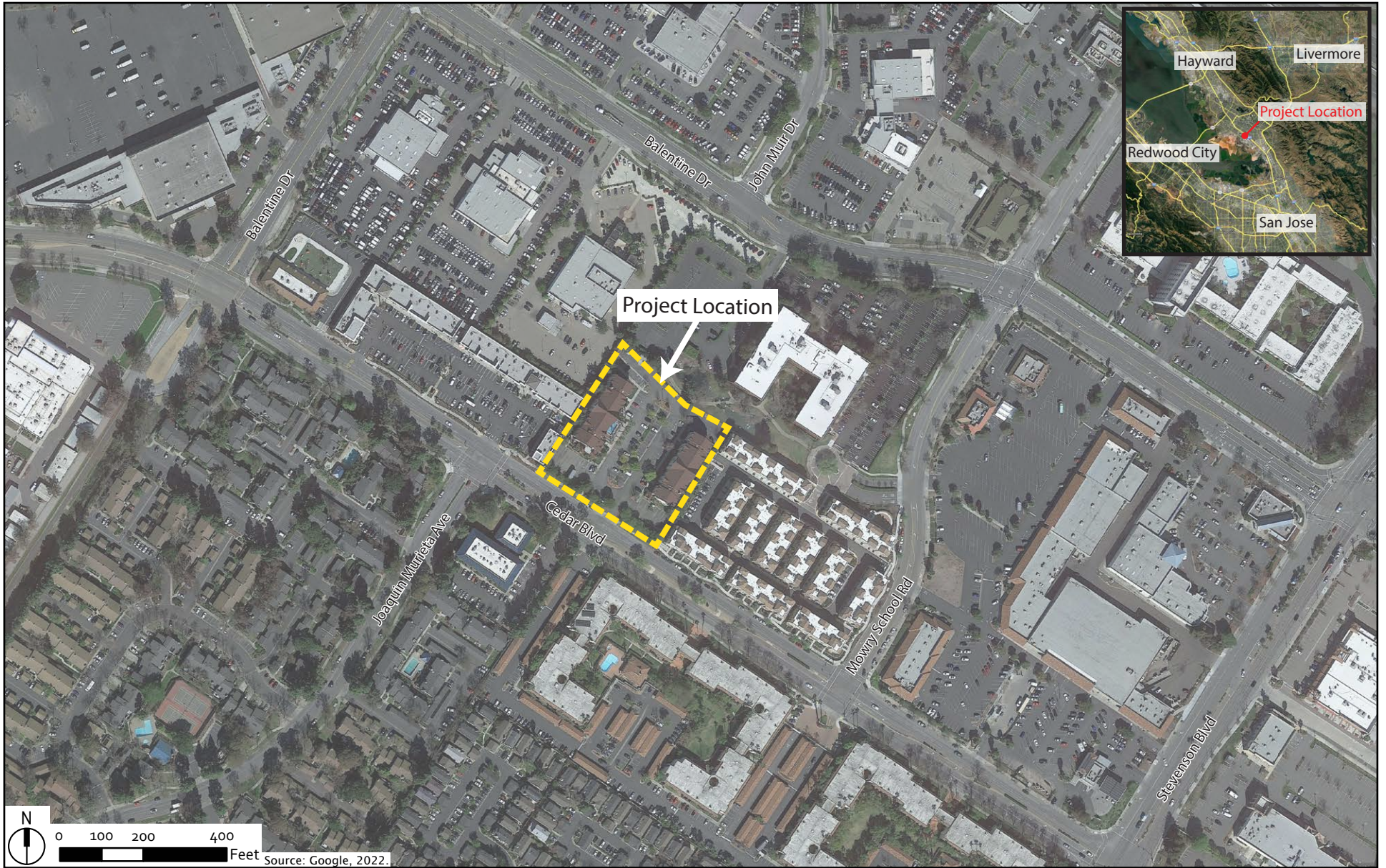


Figure 1  
Project Location



Source: Google, 2022.

Figure 2  
Project Site

**Environmental Assessment - Cedar Community Apartments**

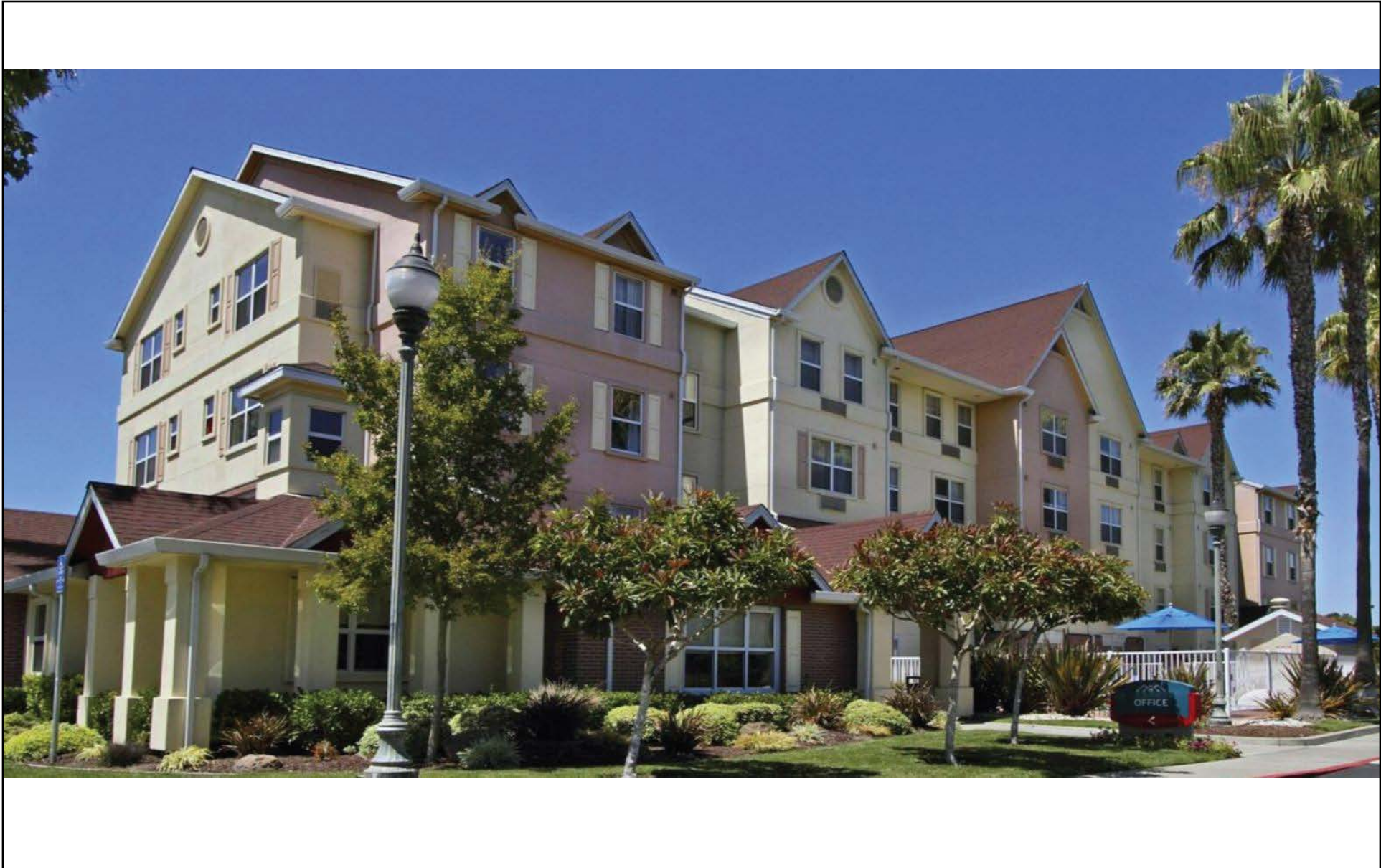
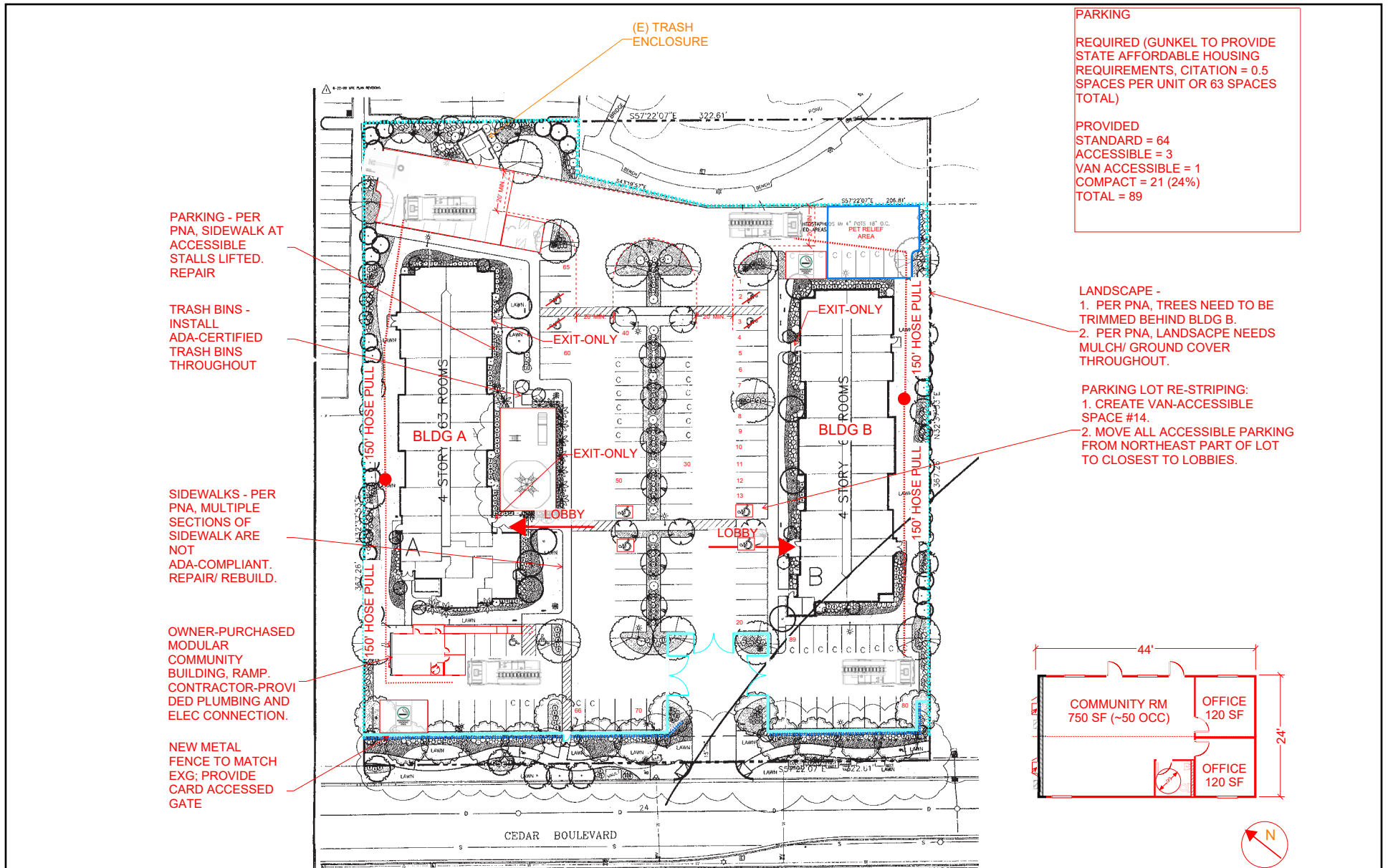


Figure 3  
Project Rendering



**PARKING**

REQUIRED (GUNKEL TO PROVIDE STATE AFFORDABLE HOUSING REQUIREMENTS, CITATION = 0.5 SPACES PER UNIT OR 63 SPACES TOTAL)

PROVIDED  
 STANDARD = 64  
 ACCESSIBLE = 3  
 VAN ACCESSIBLE = 1  
 COMPACT = 21 (24%)  
 TOTAL = 89

**LANDSCAPE -**

- PER PNA, TREES NEED TO BE TRIMMED BEHIND BLDG B.
- PER PNA, LANDSCAPE NEEDS MULCH/ GROUND COVER THROUGHOUT.

**PARKING LOT RE-STRIPING:**

- CREATE VAN-ACCESSIBLE SPACE #14.
- MOVE ALL ACCESSIBLE PARKING FROM NORTHEAST PART OF LOT TO CLOSEST TO LOBBIES.

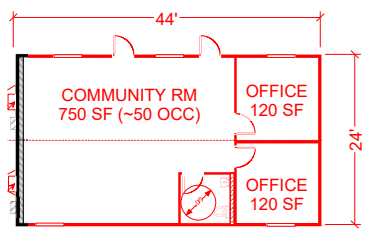


Figure 4  
 Proposed Project Site Plan  
 Environmental Assessment - Cedar Community Apartments

## STATEMENT OF PURPOSE AND NEED FOR THE PROPOSAL

[40 CFR 1508.9(b)]

The purpose of the proposal is to increase the number of affordable residential units to extremely low-income households in Newark and Alameda County as a whole. As described more thoroughly below, the region is facing a housing shortage and the need is particularly pronounced for housing that is affordable to households with incomes below 50 percent of AMI. An increase of 124 units at the extremely low-income levels will be accomplished by implementing the project.

### REGIONAL OUTLOOK

As of 2016, the San Francisco Bay Area (Bay Area) region had a population of approximately 7.6 million people. The Bay Area is the world's 21st-largest economy. The region's population is projected to swell to over 10 million people by 2050.

On October 21, 2021, the Metropolitan Transportation Commission (MTC) and the Executive Board of the Association of Bay Area Governments (ABAG) jointly adopted Plan Bay Area 2050 and its related supplemental reports. The momentous milestone makes Plan Bay Area 2050 the official regional long-range plan, charting a course for a Bay Area that is affordable, connected, diverse, healthy and vibrant for all residents through 2050 and beyond.

Plan Bay Area 2050 connects the elements of housing, the economy, transportation, and the environment through 35 strategies that will make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. In the short-term, the plan's Implementation Plan identifies more than 80 specific actions for MTC, ABAG and partner organizations to take over the next five years to make headway on each of the 35 strategies.

Between now and 2050, best estimates suggest the Bay Area's population will rise from nearly 8 million to over 10 million residents and that the number of jobs within the nine counties will climb from 4 million to more than 5 million. During this same period, the number of households is expected to increase by 51 percent to over 4 million. Single-family homes represent the majority of housing production in recent decades, but recent trends suggest that cities once again are becoming centers of population growth. Construction of multi-family housing in urban locations in the Bay Area increased from an average of 35 percent of total housing construction in the 1990s to nearly 50 percent in the 2000s. In 2010 it represented 65 percent of all housing construction. Demand for multi-family housing is projected to increase in developed areas near transit, shops, and services. At the same time, housing costs have risen for renters and, to a lesser degree, for home buyers close to the region's job centers. Bay Area communities face these challenges at a time when there are fewer public resources available than in past decades for investments in infrastructure, public transit, affordable housing, schools, and parks.

Source document(s): (3) (4)

## LOCAL PERSPECTIVE

According to the 2020 American Community Survey, Alameda County had a population of 1,682,353. Alameda County’s population is expected to grow 32 percent to 1,987,950 by the year 2040. Alameda County occupies most of the East Bay of the San Francisco Bay Area.

In December 2021, the California Department of Housing and Community Development (HCD) approved the ABAG Regional Housing Needs Allocation (RHNA) Plan, including the Final RHNA Plan for the San Francisco Bay Area: 2023-2031. Based on the 2023-2031 RHNA, Alameda County should add 88,997 new units by 2031, including 23,606 very low-income housing units. Newark should add 1,874 total units by 2031 to meet the needs for housing, including 464 very low-income units.

**TABLE 1 ALAMEDA COUNTY HOUSING NEEDS ALLOCATION, 2023-2031**

Jurisdiction	Very Low <50% AMI	Low <80% AMI	Moderate <120% AMI	Above Moderate	Total
Alameda	1,421	818	868	2,246	5,353
Albany	308	178	175	453	1,114
Berkeley	2,446	1,408	1,416	3,664	8,934
Dublin	1,085	625	560	1,449	3,719
Emeryville	451	259	308	797	1,815
Fremont	3,640	2,096	1,996	5,165	12,897
Hayward	1,075	617	817	2,115	4,624
Livermore	1,317	758	696	1,799	4,570
Newark	464	268	318	824	1,874
Oakland	6,511	3,750	4,457	11,533	26,251
Piedmont	163	94	92	238	587
Pleasanton	1,750	1,008	894	2,313	5,965
San Leandro	862	495	696	1,802	3,855
Unincorporated	1,251	721	763	1,976	4,711
Union City	862	496	382	988	2,728
Alameda County Total	23,606	13,591	14,438	37,362	88,997

Local housing elements must include an analysis of special housing needs. Under State law, special needs refer to those households that contain seniors, persons with disabilities, large households, female-headed households, homeless, veterans, and farmworkers.

Alameda County, in its 2015-2023 Housing Element, outlines its goals, policies, and planned actions to address its housing needs. The following goals and policies apply to this project and affordable housing in general:

**Goal 2: To ensure that there is a wide range of housing opportunities for current and future residents of the Unincorporated communities**

**Principles:** Provide a mix of affordable housing consistent with the needs of all income groups. Priority should be given to maintaining and improving the supply of housing available to very-low, low, and moderate-income households. Over-concentrations of subsidized housing should be avoided.

The housing supply should include a mix of rental and sale housing units that is consistent with demand for these types of units.

Ensure adequate housing opportunities for population groups or persons with special housing needs. Housing facilities for these groups should, to the extent possible, be integrated into existing residential neighborhoods and housing developments and sited to provide convenient access to public and private services and facilities.

Permit manufactured homes placed on a permanent foundation, subject to applicable building and zoning regulations, on any site that a conventional dwelling is permitted.

Recognize the value of mobile home parks in providing affordable home ownership opportunities for low- and moderate-income households.

*Policy 2.1* Coordinate with the private sector in the development of affordable and special needs housing for rental and homeownership. When appropriate, promote such development through incentives.

*Policy 2.2* Participate in State and Federal housing programs.

*Policy 2.4* Encourage participation at the neighborhood level towards housing solutions through seminars, community meetings and dialogue with local officials.

*Policy 2.9* Encourage the use of “accessible design” existing residential units, and ensure that new units comply with accessibility standards subject to applicable ordinances.

*Policy 2.10* Promote the use of density bonuses and other incentives to facilitate the development of new housing for extremely low-, very low-, and low-income households.

*Policy 2.21* Support and encourage the development of permanent supportive housing including affordable housing opportunities for households with income less than 30% of area medium income (AMI).

**Goal 3: Mitigate governmental constraints or mandates to housing development and affordability**

**Principles:** Provide a mix of affordable housing consistent with the needs of all income groups. Priority should be given to maintaining and expanding the supply of housing available to extremely low, very-low, low and moderate income households.

*Policy 3.8* Seek strategies to streamline or expedite the environmental review process required under the California Environmental Quality Act (CEQA).

**Goal 7: To minimize the adverse environmental impacts of new residential development**

**Principles:** Encourage new residential development to locate on vacant or underutilized sites within the existing urban area, or on land contiguous to existing urban areas where development would result in more efficient use of existing public services and facilities and improve housing opportunities close to employment centers, shopping areas, preschools and schools, and major transportation facilities.

All residential project should be sited, designed and landscaped to: ensure privacy and adequate light, air, and ventilation to units and residential open space areas; provide adequate and usable private indoor and outdoor spaces; and ensure adequate visual and acoustical buffering and/or separation between residential units and adjoining non-residential units and major transportation facilities.

Wherever possible the principles of the Eden Area Livability Initiative shall be used to guide land use policy and decision making.

*Policy 7.11* Participate in county-wide, regional, and national efforts that promote sustainable development practices.

*Policy 7.13* Utilize adopted plans, environmental review, site review and planned development provisions.

The proposed project will help to achieve the stated goals through its consistency with the policies stated above. The project includes affordable housing for low-income households and will benefit special needs populations.

Source document(s): (5) (6) (7) (8) (9)



## EXISTING CONDITIONS AND TRENDS

[24 CFR 58.40(a)]

### EXISTING CONDITIONS

Newark is a city located within Alameda County of the East San Francisco Bay Area. As of 2020, the population of Alameda County was 1.68 million. As of 2020, the population of Newark was 47,529.

Newark began as an agricultural and manufacturing area and has evolved into a technology hub as well as a residential community of more than 40,000 people. Newark has a Mediterranean climate with an average of 261 sunny days per year. According to the U.S. Census Bureau, the City's total area is 13.9 square miles, including 13.88 square miles of land and 0.02 square miles of water.

Source document(s): (5) (10)

### SITE CHARACTERISTICS

The approximately 2.72-acre project site is located in the city of Newark in Alameda County. The project site is developed with two four-story commercial buildings, each with an approximately 9,000-square foot footprint. The project site is located in a mixed-use residential / commercial neighborhood approximately one quarter mile southwest of Interstate Highway 880. The project site is located along Cedar Boulevard, between Stevenson Boulevard and Balentine Drive. Adjacent properties include multi-family residences to the southeast and southwest, a strip mall to the northwest and commercial property to the northeast, separated from the project site by a greenbelt. The site is located on a main thoroughfare with good street visibility, and the main entrance from Cedar Boulevard is easily identified. The project site is relatively flat in topography and is landscaped with mature trees, plantings, and lawn areas.

### TRENDS

As of 2020, there are a total of 15,371 housing units in Newark.

In California, the California Department of Housing and Community Development (HCD) creates targets for affordable housing needed for municipalities and other responsible agencies. This process is called the Regional Housing Needs Allocation (RHNA). Municipalities and agencies are required to provide HCD annual reports on their progress towards meeting their RHNA goals. For the 2015-2023 Housing Element Period, Newark has permitted 2,073 new housing units, including 15 very low-income, 59 low-income, and 36 moderate-income units. While Newark has exceeded its RHNA goals for above moderate housing units (423 units), it has only met approximately 4.5 percent of its very low-income unit goals, 35.3 percent of its low-income goals, and 22.8 percent of its moderate-income unit goals.

As demonstrated, there is a significant need for more affordable housing in Newark. These trends are likely to continue in the absence of the project. The project will help to stem the trends outlined above by providing affordable housing to special-needs populations.

## **Funding Information**

The proposed project anticipates receiving Section 8 funding from the United States Department of Housing and Urban Development (HUD), including Veterans Affairs Supportive Housing (VASH) funding from the U.S. Department of Veterans Affairs, as well as from Alameda County's HOME Consortium's American Rescue Plan Act (ARPA) funds. In addition, the City of Newark has assigned funding for the project, a portion of which also stems from ARPA funds. The City will follow the appropriate noticing for the use of HUD funds.

**Estimated Total Project Cost** (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$44,351,280

Source document(s): (2) (11) (12) (13)

## 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 or 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
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 AND 58.6</b>		
<b>Airport Hazards</b> 24 CFR PART 51 SUBPART D	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>Oakland International Airport is 20.5 miles away from the project site. Additionally, there is one major airport and four minor airports within 15 miles of the project site. Norman Y. Mineta San Jose International Airport (SJC) is the nearest major airport and is approximately 11.6 miles southeast of the project site.</p> <p>Minor airports include the Palo Alto Airport, Moffett Federal Airfield, and San Carlos Airport are approximately 7.9, 8.3, 14 miles southeast and east of the project, respectively. Minor airport Hayward Executive Airport is approximately 12 miles northwest of the project site.</p> <p>The project would involve the reuse of existing structures and would not construct any new structures. For these reasons, the proposed project is not within a potential hazard area subject to further mitigation.</p> <p>Source document(s): (14)</p>
<b>Coastal Barrier Resources</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>There are no Coastal Barrier Resources in California. The Coastal Barrier Resources Act of the United States (CBRA, Public Law 97-348), enacted October 18, 1982, designated various undeveloped coastal barriers, depicted by a set of maps adopted by law, for inclusion in the John H. Chafee Coastal Barrier Resources System (CBRS). Areas so designated were made ineligible for direct or indirect Federal national security, navigability, and energy exploration. CBRS areas extend along the coasts of the Atlantic Ocean and the Gulf of Mexico, Puerto Rico, the U.S. Virgin Islands, and the Great Lakes, and consist of 857 units.</p>

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
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>Source document(s): (15)</p> <p>The Federal Emergency Management Agency (FEMA) maps and rates flood hazard zones throughout the United States. These zones are depicted on a Flood Insurance Rate Map (FIRM), designated by Community Map and Panel numbers. Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).</p> <p>Per FIRM Community Panel Number 06001C0463G, Effective Date August 3, 2009, only a portion of the site is in Flood Zone X, an area of “0.2 percent Annual Chance Flood Hazard, Areas of 1 percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile.”</p> <p>The project site is not located in a Special Flood Hazard Area and therefore floodplain management regulations do not apply, and flood insurance is not required by FEMA.</p>
Source document(s): (16) (APPENDIX A)		
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b> Clean Air Act, as amended, particularly section 176l & (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The Clean Air Act sets air quality standards and defines the Environmental Protection Agency’s (EPA) responsibilities for protecting and improving the nation’s air quality. The Clean Air Act requires local agencies to develop implementation plans to regulate their state’s air quality and implement Clean Air Act regulations. The Bay Area Air Quality Management District (BAAQMD) enforces the Clean</p>

<b>Compliance Factors</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	<b>Are formal                      compliance                      steps or                      mitigation                      required?</b>	<b>Compliance Determinations</b>
		<p>Air Act in the San Francisco Bay Area Air Basin, which includes the project site.</p> <p>In the Bay Area, the common pollutants of greatest concern are ozone and fine particulate matter. The state of California has also identified a category of air pollutants called Toxic Air Contaminants (TACs). These are generally present in very small amounts in the air but are extremely hazardous to human health. In the Bay Area, the TAC of greatest overall concern is exhaust from diesel engines.</p> <p>BAAQMD has recommended thresholds of significance for use in determining whether a proposed project will have a significant impact on climate change. These thresholds were recently updated in April 2022. For land use development projects, the Air District recommends using the approach endorsed by the California Supreme Court in Center for Biological Diversity v. Department of Fish &amp; Wildlife (2015) (62 Ca'4th 204), which evaluates a project based on its effect on California's efforts to meet the State's long-term climate goals. If a project would contribute its "fair share" of what will be required to achieve those long-term climate goals, then a reviewing agency can find that the impact will not be significant because the project will help to solve the problem of global climate change. The BAAQMD developed these thresholds of significance based on typical residential and commercial land use projects and recognizes that they may not be appropriate for other types of projects.</p> <p>Since the proposed project is the acquisition of the TownePlace Suites Newark Silicon Valley Hotel to be used largely in its existing condition for permanent supportive and affordable housing, the project would constitute a change in use, such that it would allow for long-term residents rather than short-term tenants (less than 30 days) to stay on the property. The project does not involve the construction of new buildings or new units and is, therefore, is not a typical residential land use project and would not result in any substantial net increase in operational or construction emissions.</p> <p>Source document(s): (17) (18)</p>
<b>Coastal Zone Management</b>	Yes No	The project site is in an urban area of Newark, a city in the East Bay of the San Francisco Bay Area. The

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
Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>project is subject to requirements of the San Francisco Bay Conservation and Development Commission, as the designated governing body over the Local Coastal Program in the greater Bay Area.</p> <p>Activities requiring permit approval include:</p> <p>Filling: Placing solid material, building pile-supported or cantilevered structures, disposing of material or permanently mooring vessels in the Bay or in certain tributaries of the Bay.</p> <p>Dredging: Extracting material from the tidal waters.</p> <p>Shoreline Projects: Nearly all work, including grading, on the land within 100 feet of the Bay shoreline.</p> <p>Suisun Marsh Projects: Nearly all work, including land divisions, in the portion of the Suisun Marsh below the ten-foot contour level.</p> <p>Other Projects: Any filling, new construction, major remodeling, substantial change in use, and many land subdivisions in the Bay, along the shoreline, in salt ponds, duck hunting preserves or other managed wetlands adjacent to the Bay.</p> <p>The proposed project does not involve activities within 100 feet of the shoreline or any of the other activities described above that require a permit.</p> <p>A Coastal Development Permit is not required.</p> <p>Source document(s): (19) (20)</p>
<b>Contamination and Toxic Substances</b> 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>A Phase I environmental site assessment (ESA) was prepared for the project site in November 2021.</p> <p>The Phase I ESA revealed no evidence of recognized environmental conditions (RECs), historical recognized environmental conditions (HRECs), controlled recognized environmental conditions (CRECs), potential vapor intrusion concerns (PVICs), or potential vapor encroachment concerns (PVECs) in connection with the subject property.</p> <p>The project would not include any major ground-disturbing activities. Minor ground-disturbing activities including filling the pool, putting in a tot lot, fence posts and security gate, and landscape improvements would have minimal affect. The project site has historically remained undeveloped until the existing property was constructed, and has not identified contamination on or around the site. Therefore, the project would not result in the release</p>

<b>Compliance Factors</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	<b>Are formal                      compliance                      steps or                      mitigation                      required?</b>	<b>Compliance Determinations</b>
<b>Endangered Species</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>of any hazardous materials that could affect the health and safety of occupants, or conflict with the intended utilization of the property.</p> <hr/> <p>Source document(s): (21)</p> <p>The U.S. Fish and Wildlife was contacted for a list of Threatened and Endangered species that may occur within the boundary of the proposed project activities and/or may be affected by the proposed project.</p> <p>There are no Federally Endangered and Threatened species on the project site. There are a number of Federal Endangered and Threatened species listed within a 2-mile radius from the project site, as listed below.</p> <p>Mammals:</p> <ul style="list-style-type: none"> <li>▪ Salt Marsh Harvest Mouse (<i>Reithrodontomys vaviventris</i>)</li> </ul> <p>Amphibians:</p> <ul style="list-style-type: none"> <li>▪ California tiger salamander (<i>Ambystoma californiense</i>)</li> </ul> <p>Insects:</p> <ul style="list-style-type: none"> <li>▪ Monarch Butterfly (<i>Danaus plexippus</i>)</li> </ul> <p>Crustaceans:</p> <ul style="list-style-type: none"> <li>▪ Vernal Pool Tadpole Shrimp (<i>Lepidurus packardi</i>)</li> </ul> <p>Flowering Plants</p> <ul style="list-style-type: none"> <li>▪ California Seablite (<i>Suaeda californica</i>)</li> <li>▪ Contra Costa Goldfields (<i>Lasthenia conjugens</i>)</li> </ul> <p>The project site is in an urban area and is surrounded by existing development. Vegetation in the area consists of landscaped trees and plants. The project site is not located within any mapped critical habitat.</p> <p>The project would not impact any potential endangered species or vegetation because no habitat is present on the developed site that would support endangered species, nor would the project include any major construction or ground-disturbing activities.</p>
<hr/> Source document(s): (22)		

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
<b>Explosive and Flammable Hazards</b> 24 CFR Part 51 Subpart C	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The project site is in an area surrounded by residential and commercial land uses. The project does not involve explosive or flammable materials or operations. The Environmental Database Report included in the Phase I ESA identified no such hazardous substances and petroleum products on the project site except for the following: Small quantities of janitorial supplies (&lt;5-gallon containers) located in each janitorial closet, Small quantities of powder laundry detergent and sanitizer (&lt;9-pound containers) located in the house laundry room, small quantities of liquid dishwashing machine detergent and dish sanitizer (&lt;1-gallon containers) in the breakfast room, moderate quantities of solid pool chemicals (&lt;60-pound containers) including calcium hypochlorite and sodium bicarbonate and located in each pool chemical storage room, moderate quantities of hydrochloric acid (&lt;15-gallon containers) located in each pool chemical storage room, small quantities of gasoline (one 2.5-gallon container) located in the southwestern pool chemical storage room, small quantities of hydraulic fluid (&lt;30-gallon reservoirs) associated with each elevator, Minor oil stains on asphalt.</p> <p>The Phase I ESA observed no indications of Underground Storage Tanks (USTS) or Above Ground Storage Tanks (ASTS) on or adjacent to the project site.</p> <p>The Environmental Database report did identify one AST within 0.25 miles of the project site, located at the Ford car dealership at 39700 Balentine Drive. However, personal communications with the dealership identified eight ASTs located at the Ford car dealership. Using the HUD Acceptable Separation Distance calculator, it was determined that the project site was not within an area of explosion or hazard potential for any of the ASTs at the dealership.</p> <p>Source document(s): (21) (23)</p>
<b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The project site is in an area surrounded by residential and commercial land uses; the project is located in an urban area and will not affect farmland.</p> <p>Source document(s): (24)</p>
<b>Floodplain Management</b>	Yes No	<p>The Federal Emergency Management Agency (FEMA) maps and rates flood hazard zones throughout the</p>



<b>Compliance Factors</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	<b>Are formal                      compliance                      steps or                      mitigation                      required?</b>	<b>Compliance Determinations</b>
Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>United States. These zones are depicted on a Flood Insurance Rate Map (FIRM), designated by Community Map and Panel numbers. Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).</p> <p>Based on information provided by the Federal Emergency Map Agency, part of the site is in Flood Zone X, an area of 0.2 percent Annual Chance Flood Hazard, Areas of 1 percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile. Community Panel Number 06001C0463G, Effective Date August 3, 2009.</p> <p>The project site is not located in a Special Flood Hazard Area and therefore floodplain management regulations do not apply.</p> <p>The proposed project is the acquisition of TownePlace Suites Newark Silicon Valley hotel and will be used in largely its existing condition. No new structures would be built, and no alterations would be made to the existing building that would impact a floodplain or would increase the potential for flood hazards to occur. Therefore, the project complies with Executive Order 11988.</p> <p>Source document(s): (16) (APPENDIX A)</p>
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<b>Historic Resources</b> The project does not include ground disturbing, demolition, or construction activities that would affect nearby historic resources, either directly or indirectly as the existing hotel would be retained and only interior improvements would occur to

<b>Compliance Factors</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	<b>Are formal                      compliance                      steps or                      mitigation                      required?</b>	<b>Compliance Determinations</b>
		<p>accommodate permanent supportive and affordable housing. Any exterior improvements would be limited to maintenance activities such as roof repair or replacement, exterior painting, and landscaping.</p> <p>In accordance with the PA, Section 106 consultation with the SHPO is not required due to the nature of the proposed project. The project would not have an adverse impact on historic resources either directly or indirectly. A letter was provided to SHPO on May 24, 2022 summarizing these findings. No response was received within the 30-day comment period.</p> <p><b>Tribal Consultation</b></p> <p>Per guidance from HUD, if a project includes significant ground disturbance; new construction in undeveloped natural areas; incongruent visual, audible, or atmospheric changes; work on a building with significant tribal association; or transfer, lease, or sale of historic property of religious and cultural significance. The project does not include any of these conditions, and therefore does not require tribal consultation.</p>
<p><b>Noise Abatement and Control</b>                      Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No  <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Source document(s): (APPENDIX B) (25)</p> <p>HUD environmental noise regulations are set forth in 24 CFR Part 51B (Code of Federal Regulations). The following noise standards for new housing construction would be applicable to this project:</p> <p>Interior:</p> <ul style="list-style-type: none"> <li>• <u>Acceptable</u> - 45 DNL or less.</li> </ul> <p>Exterior:</p> <ul style="list-style-type: none"> <li>• <u>Acceptable</u> - 65 DNL or less.</li> <li>• <u>Normally unacceptable</u> - exceeding 65 DNL but not exceeding 75 DNL.</li> <li>• <u>Unacceptable</u> - Exceeding 75 DNL.</li> </ul> <p>The primary source of noise in the project vicinity is vehicular traffic.</p> <p>An Environmental Noise Study was completed for the project site by CSDA Design Group in June 2022.</p> <p>The two primary noise sources that impact the existing building are I-880 (which primarily impacts the project’s northeast façade) and Cedar Boulevard (which primarily impacts the project’s southwest façade). To account for both primary noise sources,</p>

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
		<p>the noise study conducted interior and exterior noise measurements in two spaces within the existing building with the highest exposure to exterior noise. The space facing the northeast façade (toward I-880) had an interior 24-hour noise level (DNL) of 37 dBA and the space facing the southwest façade (toward Cedar Boulevard) had an interior DBL of 34 dBA. Therefore, the project would meet the HUD compatibility criteria.</p> <p>In addition to the interior area noise measurements, a short-term noise level measurement (approximately 20 minutes) was conducted in the exterior pool area. Since the exterior pool area is impacted by the primary noise sources measured by the 24-hour exterior measurements, a 24-hour noise level was estimated for the exterior pool space. The DBL for the exterior Pool Amenity Space is 58 dBA. Therefore, the project would meet HUD compatibility criteria.</p> <p>Source document(s): (APPENDIX C)</p>
<p><b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424©; 40 CFR Part 149</p>	<p>Yes No  <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project activities do not affect a sole source aquifer, as there are no aquifers subject to a Memorandum of Understanding (MOU) between Environmental Protection Agency (EPA) and the Department of Housing and Urban Development (HUD) in Alameda County.</p> <p>Source document(s): (26)</p>
<p><b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No  <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project site is located on infill parcels within existing an urban area and is surrounded by existing development. The site does not contain any wetlands or riparian habitat; therefore, no wetlands would be impacted.</p> <p>Source document(s): (27)</p>
<p><b>Wild and Scenic Rivers</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes No  <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>No wild and scenic rivers are located within Alameda County. San Lorenzo Creek is not a designated wild or scenic river.</p> <p>Source document(s): (28) (29)</p>
<b>ENVIRONMENTAL JUSTICE</b>		
<p><b>Environmental Justice</b> Executive Order 12898</p>	<p>Yes No  <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project would provide permanent supportive and affordable housing for homeless residents of the project area. The project would not displace any minority-owned businesses or residents. The project would provide rental assistance to benefit homeless populations; therefore, the project would comply with Executive Order 12898.</p>

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
Source document(s): (30)		

**Environmental Assessment Factors** [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features, and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable, and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

**Impact Codes:** Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>LAND DEVELOPMENT</b>		
<b>Conformance with Plans/Compatible Land Use and Zoning/Scale and Urban Design</b>	2	<p>The project site is surrounded by a variety of land uses including residential, commercial, retail and public facilities.</p> <p>The project site has a General Plan land use designation of <i>Community Commercial</i>. This District provides locations for services and businesses which meet the shopping needs of the City’s residents and workers. Such centers may include supermarkets, home improvement stores, variety stores, pharmacies, restaurants, and similar uses which serve the community. Larger-scale commercial uses such as hotels and office buildings are acceptable. Community Commercial areas are generally not appropriate for residential use, although housing may be considered as a component of Planned Developments within these areas in the event a shopping center</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>is reused. This District implements the Community Commercial General Plan Land Use Designation.</p> <p>The project site is zoned Community Commercial (CC). Permitted uses in the CC zone include government offices; public safety facilities; adult business; animal sales and grooming; artist’s studio; automobile/vehicle sales and leasing; banks and credit unions; business services; cinemas/theaters; farmer’s markets; hookah lounge; hotels; nurseries and garden center; fortune, palm, and card reader; tattoo or body modification parlor; building materials sales and services; and general retail.</p> <p>The project will be funded using Homekey funds. As a result, the project is subject to California Assembly Bill (AB) 83 (2020), that provides significant land-use streamlining for projects utilizing Homekey funds. All Homekey projects are eligible for such streamlining and are “deemed consistent and in conformity with any applicable local plan, standard, or requirement, and allowed as a permitted use, within the zone in which the structure is located, and shall not be subject to a conditional use permit, discretionary permit, or to any other discretionary reviews or approvals.” (Health &amp; Saf. Code, § 50675.1.1, subd. (g).) This means that any project using money from Homekey funds for any of the purposes listed in the Homekey NOFA is deemed consistent with all applicable local regulatory plans and regulations such as the local general plan and local codes and ordinances. Such projects do not need to undergo any discretionary local permit review or approval process (e.g., a discretionary use permit process) before being able to proceed with the project. Notably, AB 83 did not place time limits on the use of this land use exemption. As a result, the proposed project would not affect land use compatibility.</p>
<p><b>Soil Suitability/ Slope/Erosion/ Drainage/Storm Water Runoff</b></p>	<p>2</p>	<p><b>Soil Suitability / Slope / Erosion</b></p> <p>The project site is located on a relatively flat site at an elevation of approximately 20 feet above sea level.</p> <p>The site is underlain by Quaternary-age marine and nonmarine alluvium, lake, playa, and terrace deposits. Soils encountered during a subsurface investigation at a property located approximately 1,700-feet east of the subject property consisted of medium brown clayey silt from the ground surface to approximately 2.5 feet below ground surface (BGS), underlain by medium brown silty sand to clayey sand from 2.5 to 11 feet BGS, and grey-brown clay to medium brown silty clay from 11 feet to a maximum explored depth of 23 feet.</p> <p>In 2014, EBI Consulting conducted a seismic report for the project site. The report found that the subject property is not in an area subject to the Alquist-Priolo Earthquake Zoning Act. It was also found that the subject site is within a seismic hazard zone for liquefaction. Based on their survey, the buildings appear to have basic elements of a lateral force resisting system</p>

**Impact Codes:** (1) Minor beneficial impact; (2) No impact anticipated; (3) Minor Adverse Impact – May require mitigation; (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>to resist earthquakes. No existing or prior significant structural or foundation damage from previous earthquakes were reported or observed.</p> <p>The proposed project does not include ground disturbing activities; therefore, the project would not create any potential impacts relation to soil impacts.</p> <p><b>Drainage / Storm Water Runoff</b>                      The project site is not located in an area of high erosion potential. The project does not propose construction or grading activities that could result in increased erosion. Since the project would not introduce any new buildings or impervious surfaces, the proposed project would not alter the existing drainage pattern of the site or area, nor would it increase the amount of surface runoff from the site.</p> <p>Source document(s): (31)</p>
<p><b>Hazards and Nuisances including Site Safety and Noise</b></p>	<p>2</p>	<p><b>Site Safety</b>                      As discussed under Contamination &amp; Toxic Substances and Explosive and Flammable Hazards, the project is not located near any hazardous operations and the project will not create a risk of explosion, release of hazardous substances, or other dangers to public health. The project will provide a safe place for residents.</p> <p>Potential site safety issues related to seismic hazards and soil are discussed below.</p> <p><b>Regional Seismicity</b>                      The project site is located within the central portion of the Coast Ranges geomorphic province, which includes numerous active faults identified by the California Geological Survey (CGS) under the Alquist-Priolo Earthquake Fault Zoning Act. CGS defines an active fault as one that has ruptured during the Holocene Epoch (i.e., the last 11,000 years). The Working Group on California Earthquake Probabilities and the U.S. Geological Survey (USGS) have predicted a 6.4 percent probability of a 6.7 magnitude (Mw, or Moment Magnitude [Moment magnitude (MW) is now commonly used to characterize seismic events as opposed to Richter Magnitude. Moment magnitude is determined from the physical size (area) of the rupture of the fault plane, the amount of horizontal and/or vertical displacement along the fault plane, and the resistance to rupture of the rock type along the fault.]) or greater earthquake on the Northern San Andreas Fault between 2014 and 2044, a 14.3 percent chance on the Hayward Fault, and a total probability of 72 percent that an earthquake of that magnitude will occur on one of the regional San Francisco Bay Area faults during that time.</p> <p>In 2014, EBI Consulting conducted a seismic analysis for the project site and found that the subject property is not in an area subject to the Alquist-Priolo Earthquake Zoning Act but it is</p>

**Impact Codes:** (1) Minor beneficial impact; (2) No impact anticipated; (3) Minor Adverse Impact – May require mitigation; (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>within a seismic hazard zone for liquefaction. Based on their survey, the buildings appear to have basic elements of a lateral force resisting system to resist earthquakes. No existing or prior significant structural or foundation damage from previous earthquakes were reported or observed.</p> <p><b>Fault Lines, Liquefaction, and Landslides</b>                      Based on the California Department of Conservation, the subject site is not within an Earthquake Fault Zone, it is within a Liquefaction Zone, and it is not within a Landslide Zone.</p> <p><b>Noise</b>                      Community noise levels would not be significantly affected by the project. Existing noise levels at the project site are predominantly typical traffic noise. The permanent on-going noise anticipated at the project site would be the same as it is under existing conditions. Since the project does not include excavation, demolition, or exterior construction, the project would not result in construction noise.</p> <p>The project complies with the HUD noise abatement and control regulations of 24 CFR 51B.</p> <p>Sources: (31) (32) (APPENDIX C)</p>
<b>Energy Consumption</b>	2	<p>The project would not represent a wasteful use of energy. The project is the acquisition of the TownePlace Suites Newark Silicon Valley hotel that would be used mostly in its existing condition to provide permanent supportive affordable housing for extremely low-income households. The building was constructed in 2000 and underwent interior rehabilitation in 2015. The project is required to comply with the Alameda County Green Building Ordinance, pursuant to the Alameda County Code of Ordinances, Code Chapter 15.08.185. The applicant is required to comply with the 2019 California Green Building Standard Code. These measures would ensure the project not result in excessive energy consumption.</p> <p>Source document(s): (33)</p>
<b>SOCIOECONOMIC</b>		
<b>Employment and Income Patterns</b>	1	<p>The project by its definition is to provide affordable housing for extremely low-income families. The project will provide a total of 124 units from 57 studios, 38 one-bedroom units, and 30 two-bedroom units (with one unit reserved for the property manager). The target demographic will be families. It is anticipated that approximately 50 percent of the housing will be dedicated to the homeless individuals and families, and the other 50 percent to individuals or families at risk of homelessness.</p> <p>According to the 2020 Census, approximately 10 percent of Newark households are extremely low income (earning 30 percent or less of the area median income [AMI]), 5.3 percent are very low income (earning between 31 and 50 percent of the</p>

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Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>AMI), 21.1 percent are low income (between 51 and 80 percent of the AMI), and 63 percent are moderate income (above 80 percent of the AMI, including all households earning above the AMI).</p> <p>The project would increase the availability of permanent housing for homeless and at-risk of homelessness residents living in Newark and Alameda County. Therefore, the project would have a minor beneficial impact on the community as it forwards affordable housing policies. No significant change to the demographic character of the neighborhood is expected because the project is intended to serve the existing regional population.</p> <p>Source document(s): (1) (34)</p>
<p><b>Demographic Character Changes, Displacement</b></p>	<p>1</p>	<p><b>Demographic Character Changes</b></p> <p>The project would provide affordable housing designed to help accommodate the unmet needs of the homeless population in Newark and Alameda County. Therefore, the project would have a minor beneficial impact on the community as it achieves affordable housing policies. The project does not represent a significant change to the demographics of the area or on area social services as it is intended to serve the existing regional population.</p>
<p><b>COMMUNITY FACILITIES AND SERVICES</b></p>		
<p><b>Educational and Cultural Facilities</b></p>	<p>2</p>	<p><b>Educational Facilities</b></p> <p>The project by its definition is to provide supportive and permanent housing for individuals. Families are the primary demographic target of the project. As such, school-age children will likely be housed by the project.</p> <p>School-age children would likely attend the nearest schools, which include Birch Grove Elementary or Birch Grove Intermediate School at 6071 Smith Avenue and 37490 Birch Street, approximately 1.4 miles (4-minute drive) and 2.5 miles (7-minute drive) northwest from the project site, respectively. For middle school children, Newark Junior High School is located at 6201 Lafayette Avenue, approximately 3.6 miles northeast of the site or a 9-minute drive. Newark Memorial High School is located 0.4 miles northwest of the project site, or a 3-minute drive. It is not anticipated the transition of these units to permanent residential units would significantly alter or require the need for additional educational facilities, and any school-aged children at the project would be adequately served through existing facilities. As such, impacts to educational facilities are considered less than significant.</p> <p><b>Cultural Facilities</b></p> <p>The San Francisco Bay Area is rich in culture and opportunities for cultural experiences. Several cultural facilities are within five miles of the project site, including cinemas, galleries, libraries, and museums. The project’s location near high-quality transit (Fremont BART Station is approximately 3.8 miles from project</p>

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Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>site) also offers opportunities for cultural enrichment outside the immediate area.</p> <p>The project represents an incremental demand for cultural facilities; impacts are considered less than significant.</p> <p>Source document(s): (24)</p>
<b>Commercial Facilities</b>	2	<p>The proposed project is the acquisition of the TownePlace Suites Newark Silicon Valley hotel that would be used largely in its existing condition to provide permanent supportive affordable housing. The project site is in an urban area and is proximate to shopping and commercial opportunities. The project would not displace existing commercial facilities beyond the closure of the hotel itself that would be converted, nor would it affect commercial facilities by its operation. The additional residents would not constitute a significant impact on the demand for commercial facilities in the area.</p> <p>Source document(s): (24)</p>
<b>Health Care and Social Services</b>	2	<p><b>Health Care</b>                      Hospitals with full-service emergency rooms near the project site include Kaiser Hospital at 39400 Paseo Padre Parkway in Fremont, approximately 3.5 miles northeast of the project site and Washington Hospital Healthcare System at 2000 Mowry Avenue in Fremont, approximately 3.6 miles northeast of the project site.</p> <p>There are numerous smaller health care facilities including clinics, urgent care, and specialty services in the area.</p> <p>There are no significant impacts to healthcare facilities or delivery systems anticipated because of the proposed project and residents would be adequately served by existing health care facilities.</p> <p><b>Social Services</b>                      Alameda County Social Services Department is located at 39155 Liberty Street in Fremont, approximately 3.6 miles northeast of the project site. The Agency provides services for children and families, the elderly, disabled adults, and veterans. Services include food assistance, medical and health, employment, training, housing services, and financial assistance. Supportive services provided include childcare, transportation, mental health, alcohol and drug addiction treatment and Social Security Insurance advocacy.</p> <p>The project does not represent a significant change to the demographics of the area or on area social services as it serves the existing population. Implementation of the project represents a less than significant impact to social services.</p> <p>Source document(s): (24)</p>
<b>Solid Waste Disposal/Recycling</b>	3	<p>The proposed project is the acquisition of the TownePlace Suites Newark Silicon Valley that would be used in its existing condition to provide permanent supportive affordable housing</p>

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Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>and is not anticipated to have impacts to solid waste disposal/recycling facilities.</p> <p>The project would divert the majority of its solid waste in compliance with the Alameda County Waste Management Authority’s Mandatory Recycling Ordinance of 2012, whereby multi-family properties with five or more units must sort recyclables and compostables from trash.</p> <p>The site and adjacent properties are already served with solid waste disposal service. Due to the nature of the project, an incremental increase in solid waste demand would be generated, but not to a level that would exceed the capacity of or reduce the capability of services in the County of Alameda. Impacts are considered less than significant.</p> <p>Source document(s): (35)</p>
<b>Waste Water/Sanitary Sewers</b>	3	<p>Union Sanitary District operates a 33-acre wastewater treatment facility in Union City and provides collection, treatment, and disposal services to a total population of over 356,000 in Fremont, Newark, and Union City, CA. The District maintains over 830 miles of underground pipeline in its service area.</p> <p>The largest capital improvement program in USD’s history will soon be underway at the Union City wastewater treatment facility. The District’s Enhanced Treatment and Site Upgrade (ETSU) Program Phase 1 projects are scheduled to begin construction in late 2021, launching a program that will ultimately support the next 40 years of reliable and cost-effective service to the Tri-Cities. The projects will renew and replace aging infrastructure, improve water quality in the San Francisco Bay through enhanced wastewater treatment processes and nutrient removal, and increase the facility’s resiliency to extreme wet-weather events and climate change.</p> <p>Both Phase I and Phase II of the improvement program involve increasing capacity of the wastewater facility. The first phase will focus improving capacity for the immediate term, and the second phase will look to improve capacity for the next 20-40 years.</p> <p>The project proposes that the TownePlace Suites Newark Silicon Valley hotel be used largely in its existing condition and does not increase the number of units on the site. Therefore, the impact is considered less-than significant.</p> <p>Source document(s): (36) (37)</p>
<b>Water Supply</b>	3	<p><b>Regional Water Supply</b></p> <p>Potable water at the project site will be supplied by Alameda County Water District (ACWD). ACWD has three primary sources of water supply: The State Water Project (SWP), San Francisco’s Regional Water System (SF), local supplies. The SWP and SF supplies are imported into the ACWD service area through the</p>

**Impact Codes:** (1) Minor beneficial impact; (2) No impact anticipated; (3) Minor Adverse Impact – May require mitigation; (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>South Bay Aqueduct and Hetch-Hetchy Aqueduct, respectively. Local supplies include fresh groundwater from the Niles Cone Groundwater Basin (underlying the ACWD service area), desalinated brackish groundwater from portions of the groundwater basin previously impacted by seawater intrusion, and surface water from the Del Valle Reservoir. The primary source of recharge for the Niles Cone Groundwater Basin is from percolation of runoff from the Alameda Creek watershed. To a lesser degree, a portion of ACWD's SWP supplies are also used for local groundwater percolation. Infiltration of rainfall and applied water also contribute to local groundwater recharge.</p> <p>ACWD develops comprehensive, long-term planning documents to manage water supply and ensures current and future demands are met. The Integrated Resources Plan (IRP), established in 1994 and updated in 2014, focuses on identifying and acquiring sources of water, as well as matching water supplies and customer demands, including conservation, improvements in efficiency, and operational changes. In addition to the IRP, the Urban Water Management Planning Act requires that ACWD update its Urban Water Management Plan every five years. The 2020-2025 Plan has a 25-year planning horizon and focuses on topics including demand projections, existing water supply availability, long-term water supply, cost optimization, shortage contingency plan, and risk assessments. Key planning criteria used to evaluate these areas include reliability, water quality, environmental impacts, and local control.</p> <p><b>Local Water Supply</b>                      The proposed project will use the existing TownePlace Suites Newark Silicon Valley hotel largely in its existing condition, with no increase in unit number. Therefore, the project would not substantially increase water demand and sufficient water supplies would be available to serve the project. The project would have a less-than-significant impact related to water supplies.</p> <p>Source document(s): (38) (39) (40)</p>
<p><b>Public Safety – Police, Fire and Emergency Medical</b></p>	<p>2</p>	<p>Public services are generally provided to the community as a whole and financed on a community-wide basis. The project site is in an urban area that is currently served by municipal providers. The project does not propose a new development and is intended to accommodate the needs of existing homeless residents in the area; therefore, the project would not result in an increased demand for public services. The project site would not require a significant change in emergency medical services in the area. Providing permanent supportive and affordable housing for homeless can reduce calls for service compared to the homeless continuing to reside on the streets.</p> <p>Source document(s): (24)</p>
<p><b>Parks, Open Space and Recreation</b></p>	<p>1</p>	<p>The project site is located within several miles of existing parks and recreation centers. The closest parks to the site are Shirley Sisk Grove, located approximately 0.5 miles northwest; Birch</p>

**Impact Codes:** (1) Minor beneficial impact; (2) No impact anticipated; (3) Minor Adverse Impact – May require mitigation; (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
Transportation and Accessibility	2	<p>Grove Park, located approximately 1.4 miles northwest; Newark Sportsfield Park located approximately 1.1 miles west. The project is intended to accommodate the needs of the existing population and would not have impacts on parks, open space, and recreation.</p> <p>Source document(s): (24)</p> <p>The project site is in an urbanized area of Newark that is served by pedestrian and bicycle facilities and public transit. Regional access to the project site is provided by I-880 and I-680.</p> <p>Pedestrian access to the main entrance of the buildings is provided via a pedestrian walkway off Cedar Boulevard. The site can also be accessed by pedestrians from Mowry School Road via Pelton Terrace. The proposed project will provide additional bike storage and facilities on site.</p> <p>The current site provides 134 parking spaces, but is planned to be reduced to 80 parking spaces. The reduction to 80 parking spaces is anticipated to accommodate the future residents adequately, as well as provide new amenities in the parking areas. The parking is accessible from Cedar Boulevard and is located in between the two property buildings on site.</p> <p>Bay Area Rapid Transit (BART) is a heavy-rail and subway system that connects San Francisco with cities in the East Bay and suburbs in Northern San Mateo County. BART's rapid transit system operates 7 routes on 121 miles of line with 48 stations in multiple counties. The project is located approximately 3.8 miles southwest of the Fremont BART Station at 300 Bart Way in Fremont. Amtrak provides state-wide and country-wide train services between Auburn, Sacramento, Emeryville, Oakland, and San Jose. Amtrak trains can be caught at the Fremont Amtrak Station located at 37260 Fremont Boulevard in Fremont, approximately 3.9 miles to the northwest of the project site.</p> <p>Alameda County-Contra Coast Transit (AC Transit)                      The site's location will afford residents with many options to meet their transportation needs. The project is located approximately 250 feet from AC Transit Route 216 and 620 along Cedar Boulevard.</p> <p>The project is the conversion of the TownePlace Suites Newark Silicon Valley Hotel into permanent supportive and affordable housing and will be used largely in its existing condition. As a result, it is not expected to significantly alter the number of trips being generated at the project site. Moreover, the rate of personal vehicle ownership in affordable housing developments is usually lower than market-rate developments. This site affords residents the opportunity to look for work outside the immediate area, as reliable, convenient, and cost-effective public transportation is readily available.</p>

**Impact Codes:** (1) Minor beneficial impact; (2) No impact anticipated; (3) Minor Adverse Impact – May require mitigation; (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>Pedestrian, bicycle, and transit facilities are expected to adequately serve the project. Project impacts to traffic are considered less than significant.</p> <p>Source document(s): (24)</p>
<b>NATURAL FEATURES</b>		
<b>Unique Natural Features, Water Resources</b>	3	<p>The project site is in an urbanized infill lot that is currently used as a hotel. No unique natural features occur on the proposed project area. The project site is relatively flat in topography and is attractively landscaped with mature trees, plantings, and lawn areas. There are no natural water resources on the project site.</p> <p>As discussed in the water supply section above, potable water at the project site will be supplied by the ACWD. ACWD has three primary sources of water supply: SWP, San Francisco’s Regional Water System (SF), local supplies. The SWP and SF supplies are imported into the ACWD service area through the South Bay Aqueduct and Hetch-Hetchy Aqueduct, respectively. Local supplies include fresh groundwater from the Niles Cone Groundwater Basin (underlying the District service area), desalinated brackish groundwater from portions of the groundwater basin previously impacted by seawater intrusion, and surface water from the Del Valle Reservoir. The primary source of recharge for the Niles Cone Groundwater Basin is from percolation of runoff from the Alameda Creek watershed. To a lesser degree, a portion of ACWD’s SWP supplies are also used for local groundwater percolation. Infiltration of rainfall and applied water also contribute to local groundwater recharge.</p> <p>ACWD develops comprehensive, long-term planning documents to manage water supply and ensures current and future demands are met. The IRP, established in 1994 and updated in 2014, focuses on identifying and acquiring sources of water, as well as matching water supplies and customer demands, including conservation, improvements in efficiency, and operational changes. In addition to the IRP, the Urban Water Management Planning Act requires that ACWD update its Urban Water Management Plan every five years. The 2020-2025 Plan has a 25-year planning horizon and focuses on topics including demand projections, existing water supply availability, long-term water supply, cost optimization, shortage contingency plan, and risk assessments. Key planning criteria used to evaluate these areas include reliability, water quality, environmental impacts, and local control.</p> <p>Source document(s): (38) (39) (40) (41)</p>
<b>Vegetation, Wildlife</b>	3	<p>The project site is an urbanized infill lot currently developed with a hotel. The proposed project would not include any excavation, demolition, or construction that would create substantial physical changes that would impact natural habitats containing endangered species or any designated or proposed critical habitat.</p>

**Impact Codes:** (1) Minor beneficial impact; (2) No impact anticipated; (3) Minor Adverse Impact – May require mitigation; (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

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<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>
		Source document(s): (22)
<b>Other Factors</b>	1	The project will provide much needed affordable housing for residents. The project will provide a safe, clean, and sanitary place for mixed-income residents, including permanent supportive and affordable housing for families experiencing homelessness. The project is beneficial to both residents and the community.
		Source document(s): (1)

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**Additional Studies Performed:**

See Source Documentation List

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

Phase I Environmental Site Assessment: Site inspected on October 28, 2021 by Peter Willits of Environmental Investigation Services, Inc. (EIS).

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

See Source Documentation List

**List of Permits Obtained:**

The proposed action would require the following approvals:

- Building Permits

**Public Outreach** [24 CFR 50.23 & 58.43]:

The City of Newark hosted virtual public meetings on November 10, 2021, and March 9, 2022. The meetings were hosted in collaboration with Allied Housing/Abode Services.

In addition, the project results in a Finding of No Significant Impact (FONSI) which will be published in the newspaper and posted to the city’s website. Information about where the public may find the Environmental Review Record pertinent the project will be included in the FONSI Notice.

**Impact Codes:** (1) Minor beneficial impact; (2) No impact anticipated; (3) Minor Adverse Impact – May require mitigation; (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

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

The project site is located approximately 1000 feet from the NewPark Place Specific Plan Area. The Specific Plan seeks to "...transform the Greater NewPark Mall into a premier, vibrant, urban place through thoughtful land use design, which includes modern residential areas, generous retail and dining opportunities, community venues, a world-class movie theater, inviting pedestrian oriented streets and public spaces, and enhanced sidewalks, bicycle lanes, and transit facilities, creating a premier Bay Area and local destination will re-power the regional retail uses within the mall itself and a vital economic engine for the City." There are currently two projects proposed in the Specific Plan Area by Brookfield Properties. The first is the Phase A Residential Project that consists of a residential/retail mixed-use project with a total of 319 dwelling units, approximately 3,700 square feet of ground floor retail, approximately 12,900 square feet of amenities (such as a bike shop, clubroom, co-work space, game room, fitness room, etc.), a pool courtyard, and enclosed parking with 506 parking stalls. The second project is a Costco warehouse and 32-pump retail fuel facility located on a 10.8-acre site. The Costco warehouse would include approximately 161,000 square feet of gross lease area that includes a bakery, pharmacy, optical center, hearing aid testing center, food court, photo center, tire sales and installation center, and 10,340 square foot open air canopy.

Because the proposed project is the acquisition of a hotel that would be used in its existing condition with minor interior changes to the building, there would be minimal interior improvements that would not result in construction impacts. The proposed building occupancy would largely match the current hotel occupancy, the project does not pose environmental impacts that have the potential to combine with other projects occurring in the vicinity. The project would not result in cumulatively considerable impacts.

Source document(s): (42)

**Alternatives** [24 CFR 58.40€; 40 CFR 1508.9]:

No development alternatives to the proposed project have been identified or considered because the proposed action is localized. If the City were not to pursue acquisition of TownePlace Suite Newark Silicon Valley hotel, the proposed permanent supportive and affordable housing use could be accommodated in any alternative hotels in the area that are similarly suitable for conversion; however, the effects of the project at any alternative hotel locations would be similar. In the event the City or a private entity pursued a new construction project to provide permanent supportive affordable housing, the impacts of new construction would be substantially greater than what would be required for the interior improvements to the hotel, and the operational environmental impacts would be substantially greater than they would be at the TownePlace Suite Newark Silicon Valley hotel, which has the baseline condition of an existing hotel.

**No Action Alternative** [24 CFR 58.40€]:

The No Action Alternative would make no changes to the project site. Under this alternative, the proposed permanent supportive and affordable housing project would not occur and the much-needed housing assistance for the homeless, or at-risk of homelessness, population would not be

achieved. The site may continue to be used as a hotel, or potentially sold for other development purposes. As previously stated, the site has a General Plan designation of *Community Commercial*, which includes office, retail, service, and entertainment uses. A development project under the General Plan would be likely to result in more environmental impacts than the proposed project, which is a conversion of the TownePlace Suites Newark Silicon Valley hotel into supportive and affordable housing and will be used largely in its existing condition.

**Summary of Findings and Conclusions:**

- The proposed project would be compatible with existing and future land uses in the vicinity of the project site.
- The proposed project would provide permanent supportive and affordable housing in the City of Newark where permanent supportive and affordable rental housing options are in high demand.
- The proposed project would comply with all statutory regulations pertaining to environmental issues.



### MITIGATION MEASURES AND CONDITIONS

[40 CFR 1505.2(c)]

The proposed project was found to have a minimal impact on the environment; therefore, no mitigation measures were identified for the proposed project.

**Determination:**

**Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]

The project will not result in a significant impact on the quality of the human environment.

**Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]

The project may significantly affect the quality of the human environment.



Preparer Signature: \_\_\_\_\_ Date: 7/8/2022

Name/Title/Organization: Brandon Northart, Senior Planner, Urban Planning Partners

DocuSigned by:  
*Michelle Starratt*  
8EA68C9468F246B...

Certifying Officer Signature: \_\_\_\_\_ Date: 7/8/2022

Name/Title: Michelle Starratt, Director, Alameda County Housing and Community Development

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

## Cedar Community Apartments Source Documentation

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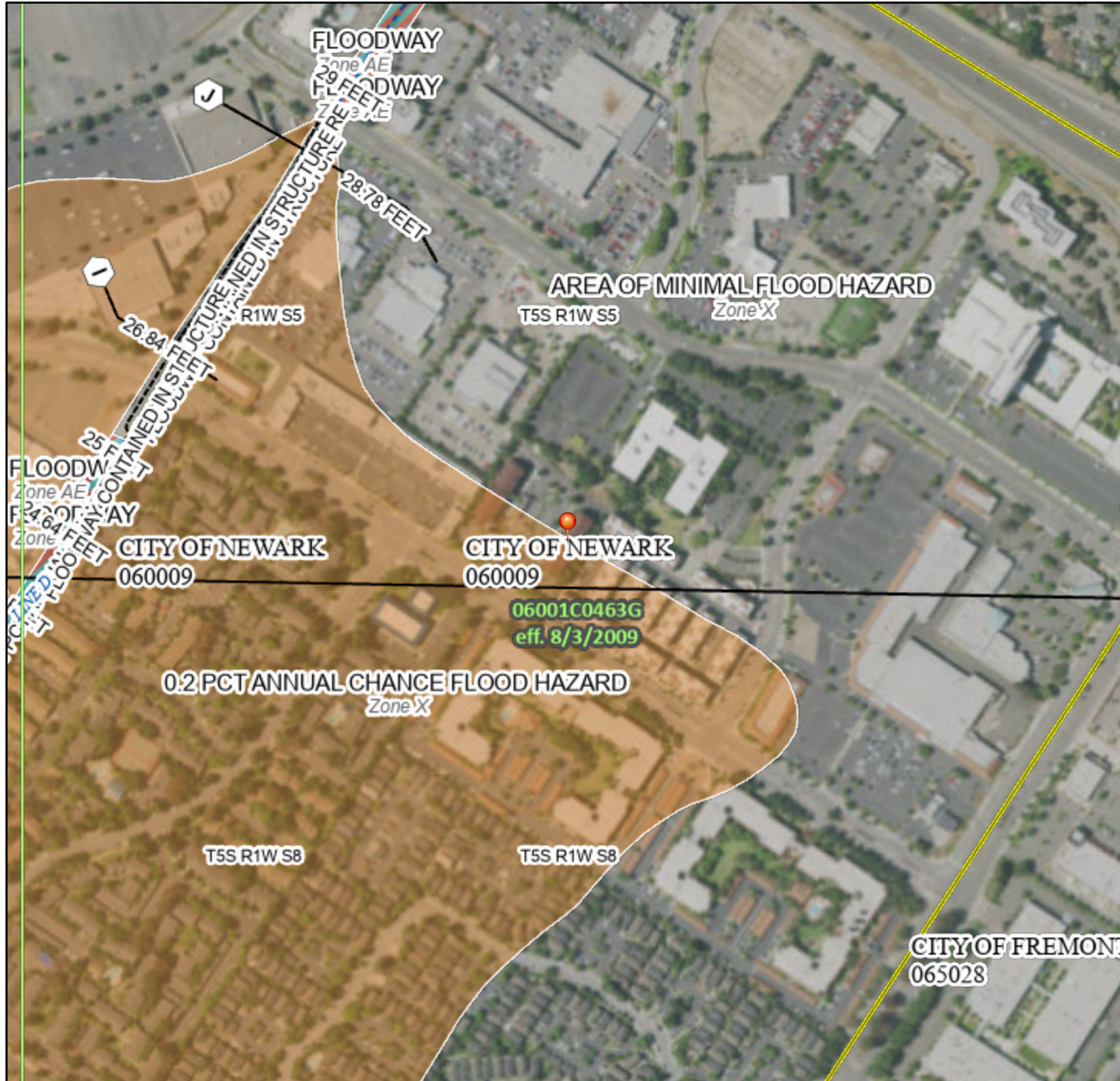
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**Appendix A – FEMA Firm Map: Area 06001Co463G, Effective August 3, 2009**

# National Flood Hazard Layer FIRMette



122°0'1"W 37°31'29"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- |                                    |  |   |
|------------------------------------|--|---|
| <b>SPECIAL FLOOD HAZARD AREAS</b>  |  | Without Base Flood Elevation (BFE)<br>Zone A, V, A99  |
|                                    |  | With BFE or Depth Zone AE, AO, AH, VE, AR   |
|                                    |  | Regulatory Floodway   |
| <b>OTHER AREAS OF FLOOD HAZARD</b> |  | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
|                                    |  | Future Conditions 1% Annual Chance Flood Hazard Zone X  |
|                                    |  | Area with Reduced Flood Risk due to Levee. See Notes. Zone X  |
|                                    |  | Area with Flood Risk due to Levee Zone D  |
| <b>OTHER AREAS</b>                 |  | NO SCREEN Area of Minimal Flood Hazard Zone X   |
|                                    |  | Effective LOMRs   |
|                                    |  | Area of Undetermined Flood Hazard Zone D  |
| <b>GENERAL STRUCTURES</b>          |  | Channel, Culvert, or Storm Sewer  |
|                                    |  | Levee, Dike, or Floodwall   |
| <b>OTHER FEATURES</b>              |  | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation   |
|                                    |  | 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation   |
|                                    |  | Coastal Transect  |
|                                    |  | Base Flood Elevation Line (BFE)   |
|                                    |  | Limit of Study  |
|                                    |  | Jurisdiction Boundary   |
|                                    |  | Coastal Transect Baseline   |
|                                    |  | Profile Baseline  |
|                                    |  | Hydrographic Feature  |
| <b>MAP PANELS</b>                  |  | Digital Data Available  |
|                                    |  | No Digital Data Available   |
|                                    |  | Unmapped  |
- The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/27/2022 at 1:11 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

121°59'23"W 37°31'N

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

JULY 2022

ENVIRONMENTAL ASSESSMENT – CEDAR COMMUNITY APARTMENTS  
39802 CEDAR BOULEVARD, NEWARK, CA 94560



JULY 2022

ENVIRONMENTAL ASSESSMENT – CEDAR COMMUNITY APARTMENTS  
39802 CEDAR BOULEVARD, NEWARK, CA 94560

**Appendix B – Alameda County Housing and Community Development Department Letter to the State Historical Preservation Officer (SHPO)**





# ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT

May 24, 2022

Sandra Rivera  
Interim Agency Director

Michelle Starratt  
Housing Director

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Office of Historic Preservation  
Department of Parks & Recreation  
1725 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816

**RE: Section 106 Consultation for the Cedar Community Apartments Project,  
39802 Cedar Blvd, Newark, CA 94560**

Dear Ms. Julianne Polanco, SHPO:

The Cedar Community Apartments Project (project) anticipates receiving Section 8 funding from the United States Department of Housing and Urban Development (HUD), as well as from Alameda County’s Urban County HOME Program (the source of which stems from American Rescue Plan Act [ARPA] funds) In addition, the City of Newark has assigned funding for the project, a portion of which also stems from ARPA funds. As the project would receive federal funding, it is subject to the requirements of the National Environmental Policy Act (NEPA) and is an “undertaking” as defined under 36 CFR Part 800.16(y) subject to Section 106 of the National Historic Preservation Act (Section 106) and its implementing regulations (36 CFR 800). Consistent with 24 CFR 58, the United States Department of Housing and Urban Development has delegated its Section 106 consultation responsibilities to the Responsible Entity, which is the County of Alameda in this case.

**Project Description**

The project site is located at 39802 Cedar Blvd in Newark, California on accessor parcel numbers (APNs) 901-195-37 and 901-195-38. The project site is approximately 2.7 acres in size and currently contains an existing 125-unit extended stay hotel (called “TownePlace Suites Newark Silicon Valley”) with 57 studios, 38 1-bedroom units, and 30 2-bedroom units across two separate 4-story buildings. The project site also contains 134 parking spaces.

The Project includes the conversion of 125 units into 124 supportive housing apartment units (1 of the original 125 units would be dedicated to a property manager). At the moment, it is anticipated that approximately 50% of the housing will be dedicated to homeless individuals and families, and the other 50% to individuals or families at risk of homelessness. Each of the existing units are already set up as apartments with full kitchens and fully furnished living spaces. As such, the converted residential units’ interiors will only require minimal improvements, other than ADA upgrades for 7 of the units. Renovations to 7 existing ADA units will be to bring them up to current ADA code. In addition, the project proposes renovations to convert the existing lobby into community space, property management, and services offices. A temporary ADA accessible trailer will be installed in the parking lot immediately after acquiring the building so that property management and services will be able to lease up the building and will hopefully remain after construction to be used as supplemental community



space. Lastly, the project also includes repurposing some the existing surface parking lot area for a tot lot, dog run, and bike storage.

### **Historic Status**

The project site was developed with a TownePlace Suites extended stay hotel in 2000. Prior to development of the hotel, the site remained undeveloped. In 2015, \$2.6 million dollars worth of renovations were done and included interior remodeling, removal of non-structural partitions, installation of new doors, and replacement of light fixtures.

As described above, the project site remained undeveloped until 2000. The site does not contain any historic resources. The project does not include ground disturbing, demolition, or construction activities that would affect nearby historic resources, either directly or indirectly as the existing hotel would be retained and only interior improvements would occur to accommodate transitional housing. Any exterior improvements would be limited to maintenance activities such as roof repair or replacement, exterior painting, and landscaping. Furthermore, the project does not include ground disturbing activities that would affect unknown buried archaeological resources.

Maps identifying project location and photographs showing the project site and neighborhood context are included in Attachment A.

### **35 CFR Part 800 – Protection of Historic Properties**

As described in 35 CFR Part 800, Subpart B, Subsection 800.3(a)(1), "if the undertaking is a type of activity that does not have the potential to cause effects on historic properties... the agency official has no further obligations under section 106 or this part". Due to the nature of the project, which includes the conversion of an existing hotel into supportive housing, the site's lack of any historic structures, and lack of any ground disturbing activities, the proposed project does not require any further obligations as a part of section 106.

In accordance with §800.4(d)(1)(i), your office has 30 days to object to this determination. Please respond within this timeframe, otherwise we will assume that you concur with our finding. If you have questions regarding this finding, please direct them to me at [Kelly.thiemann@acgov.org](mailto:Kelly.thiemann@acgov.org). Thank you for your attention to this matter.

Sincerely,

Kelly M. Thiemann  
HCD Manager

Attachments:

**Attachment A:** Project Site and Surrounding Context for the Cedar Community Apartments Project

**LEGEND**

AC	ASPHALT	PIV	POST INDICATOR VALVE
APN	ASSESSOR PARCEL NUMBER	PLTR	PLANTER
BFP	BACK FLOW PREVENTOR	PP	PARKING METER
BHL	BUILDING HEIGHT LOCATION	PL	POWER POLE
BOL	BOLLARD	PUE	PROPERTY LINE
BLDG	BUILDING	SD, FT.	PUBLIC UTILITY EASEMENT
BSL	BUILDING SETBACK LINE	SL	SQUARE FEET
CB	CATCH BASIN	SLB	STREET LIGHT
CDNC	CONCRETE	SSMH	STREET DRAIN MANHOLE
CP	CONCRETE PAD	SSCO	SANITARY SEWER CLEANOUT
DCV	DOUBLE CHECK VALVE	TE	SANITARY SEWER MANHOLE
DWY	DRIVEWAY	TEL	TELEPHONE
EB	ELECTRICAL BOX	TMH	TELEPHONE MANHOLE
EC	ELECTRICAL CABINET	TVT	TELEPHONE VAULT
EM	ELECTRICAL METER	TRANS	TRANSFORMER
EMH	ELECTRICAL MANHOLE	TS	TRANSFORMER
EV	ELECTRICAL VAULT	TSB	TRAFFIC SIGNAL
FC	FACE OF CURB	UB	TRAFFIC SIGNAL BOX
FDC	FIRE DEPARTMENT CONNECTION	VT	UTILITY BOX
FH	FIRE HYDRANT	WM	UTILITY VAULT
FND	FOUND MONUMENT	WV	WATER METER
GMH	GAS MANHOLE	YL	WATER VALVE
GM	GAS METER		YARD LIGHT
GV	GAS VALVE		DENOTES ENCROACHMENTS
MH	MANHOLE		CORRESPONDS TO SCHEDULE B
MW	MONITORING WELL		

**SURVEYOR'S CERTIFICATION**

TO: CHICAGO TITLE COMPANY, HOLIDAY GARDEN NW CORP., A CALIFORNIA CORPORATION, HOLIDAY GARDEN SF CORP., A CALIFORNIA CORPORATION, AND/OR ITS ASSIGNEE.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 6, 7A, 7B, 7C, 8, 9, 10, 11A, 13, 14, 16, 17, 18 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 08/04/2015

MATT RUSSELL  
REGISTERED LAND SURVEYOR NO. LS9010  
IN THE STATE OF CALIFORNIA  
DATE OF PLAT OR MAP: 09/08/2015

SURVEY PERFORMED BY:  
SLOOTEN CONSULTING, INC.  
4740 NORTHGATE BLVD., SUITE 115  
SACRAMENTO, CA 95834  
(916)641-7570

**ZONING INFORMATION**

ZONING INFORMATION PROVIDED BY ZONING-INFO, INC. 3555 N.W. 58TH STREET, STE 505 OKLAHOMA CITY, OK 73112 405-525-2998 ZONING-INFO.COM

DATED MARCH 11, 2014  
SITE #29493

CURRENT ZONING OF PROPERTY: "CC" COMMUNITY COMMERCIAL DISTRICT  
MINIMUM LOT SIZE: NONE REQUIRED  
MAXIMUM DENSITY: MINIMUM 2% LANDSCAPED AREA  
MAXIMUM HEIGHT: 100 FEET  
SETBACKS: NONE REQUIRED

MINIMUM PARKING REQUIRED:  
1 PARKING SPACE PER GUEST ROOM OR PER 2 BEDS, WHICHEVER IS GREATER PLUS 1 PARKING SPACE PER EMPLOYEE ON LARGEST SHIFT (126 ROOMS = 126 PARKING SPACES) + 1 PARKING SPACE PER EMPLOYEE ON LARGEST SHIFT  
TOTAL PARKING SPACES REQUIRED:  
126 TOTAL PARKING SPACES, PLUS 1 PARKING SPACE PER EMPLOYEE ON LARGEST SHIFT

**PARCEL SUMMARY**

118,482 SQ. FT.  
2.7200 ACRES

**PARKING SUMMARY**  
126 PARKING STALLS  
7 HANDICAP STALLS  
133 TOTAL STALLS

**BASIS OF BEARINGS**

THE MONUMENT LINE OF CEDAR BOULEVARD S57°22'07"E AS SHOWN ON THAT CERTAIN MAP FILED FOR RECORD ON FEBRUARY 10, 1994 IN BOOK 244 OF PARCEL MAPS, PAGE 25, RECORDS OF ALAMEDA COUNTY WAS USED AS THE BASIS OF BEARINGS.

**NOTES CORRESPONDING TO SCHEDULE B**

TITLE ITEMS PER SCHEDULE "B" OF THE PRELIMINARY TITLE REPORT ISSUED BY CHICAGO TITLE COMPANY, ORDER NO. FWAC-1015002938-JM, DATED JULY 29, 2015 AT 7:30 A.M.

⑤ DISPOSITION AND DEVELOPMENT AGREEMENT PER INSTRUMENT NO. 84-072986, 84-072987 85-042319 (AFFECTS THE PROPERTY BUT NOTHING TO PLOT)

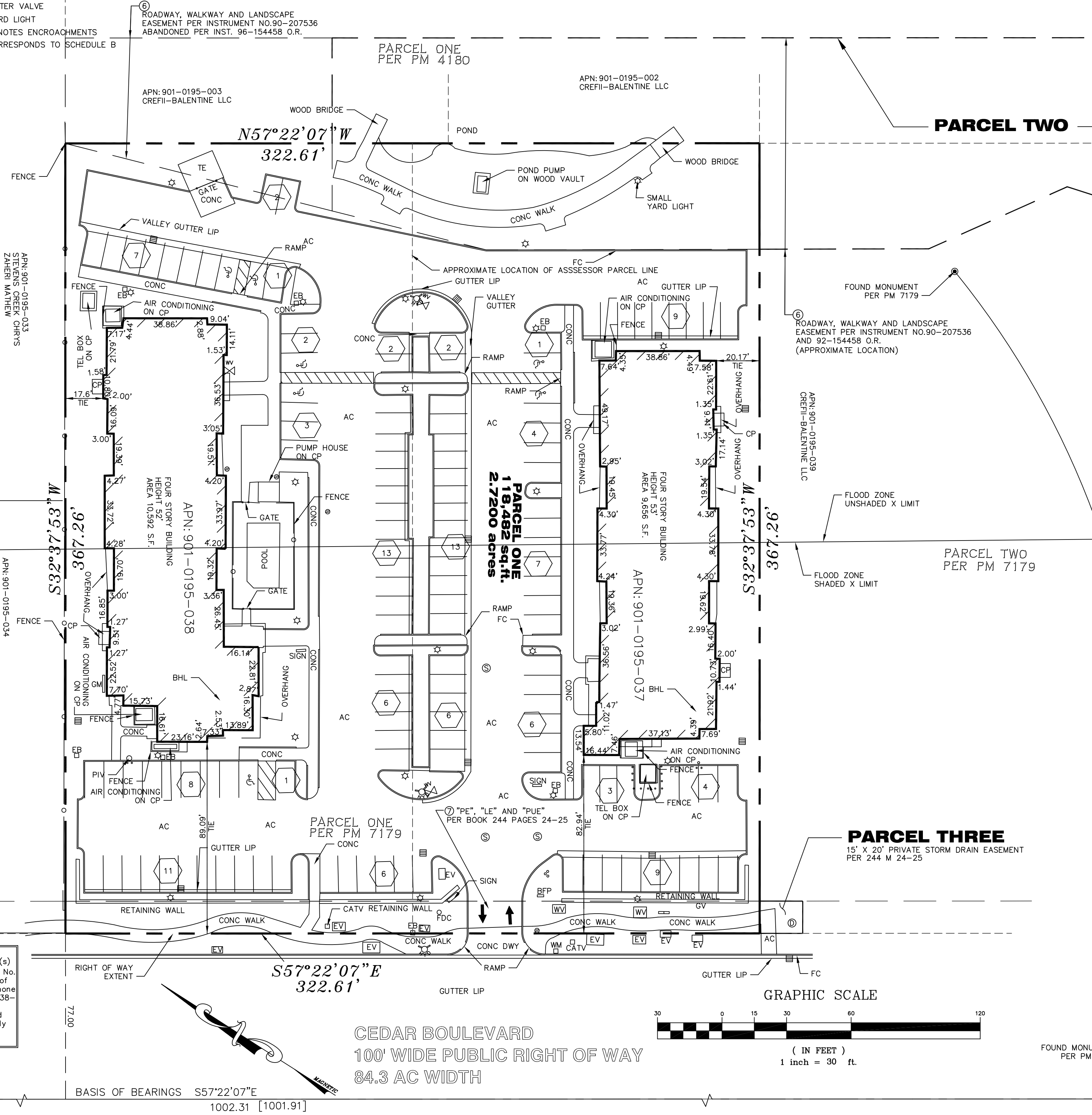
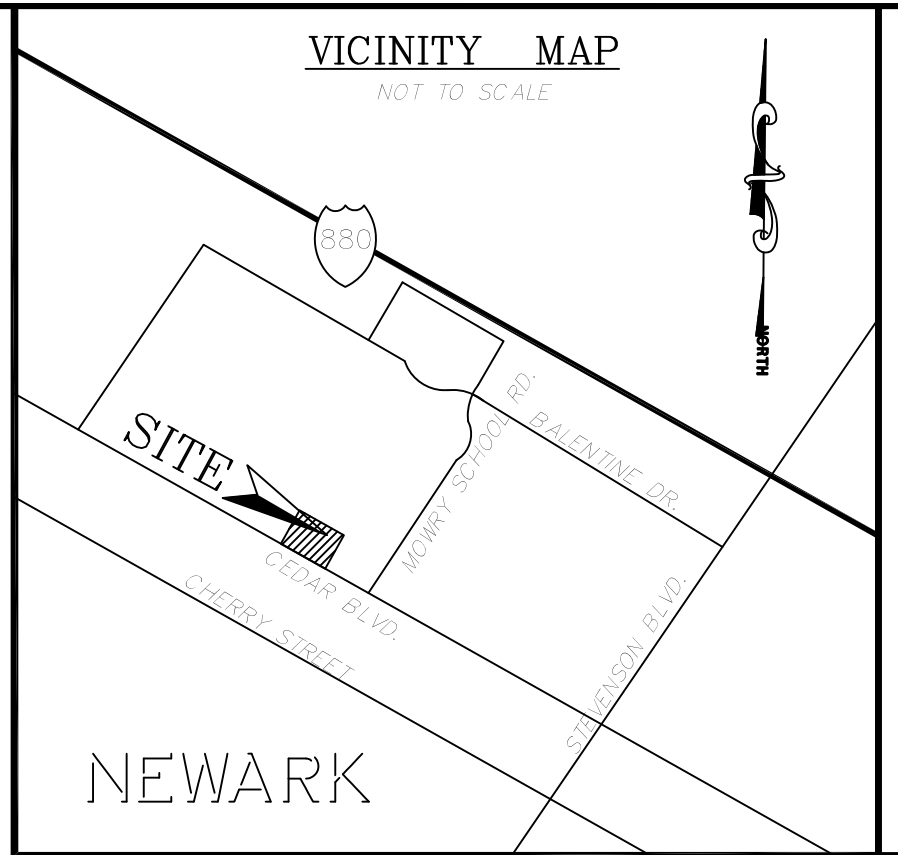
⑥ ROADWAY, WALKWAY AND LANDSCAPE EASEMENT PER INSTRUMENT NO. 90-207536 (PLOTTED, AFFECTS SUBJECT PARCEL, APPROXIMATE LOCATION SHOWN SCALED FROM DOCUMENT, EXACT LOCATION NOT DISCLOSED)

MODIFIED PER INSTRUMENT NO. 96-154458

⑦ 15' "PE", "LE" AND "PUE" PER BOOK 244 PAGES 24-25 (PLOTTED, AFFECTS SUBJECT PARCEL)

**STATEMENT OF ENCROACHMENTS**

\* THIS IS A LISTING OF OBSERVED IMPROVEMENTS THAT CROSS PROPERTY LINES. STATEMENT OF OWNERSHIP OR POSSESSION IS NOT THE INTENT OF THIS LISTING.  
NONE OBSERVED



**FLOOD NOTE:** By graphic plotting only, this property is in Zone(s) UNSHADED X SHADED X of the Flood Insurance Rate Map, Community Panel No. 060010-0483-G, which bears an effective date of 08/03/2009 and is partially in a Special Flood Hazard Area. By telephone call dated 08/05/2015 to the National Flood Insurance Program (800-638-6620) we have learned this community does currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

**LEGAL DESCRIPTION**

THE LAND REFERRED TO IN THIS COMMITMENT IS SITUATED IN THE CITY OF NEWARK, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

PARCEL 1, PARCEL MAP 7179, FILED APRIL 1, 1999, IN BOOK 244 OF MAPS, PAGES 24 AND 25, ALAMEDA COUNTY RECORDS.

PARCEL TWO:

NON-EXCLUSIVE RECIPROCAL EASEMENT RIGHTS AND PRIVILEGES OF USE, BOTH PEDESTRIAN AND VEHICULAR, APPURTENANT TO PARCEL ONE ABOVE FOR THE INSTALLATION, CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT OF A ROADWAY AND WALKWAY AND FOR THE INSTALLATION, PLANTING, PONDS AND STREAMS AND ALL IRRIGATION AND DRAINAGE FACILITIES OVER THE WESTERLY PORTION OF PARCEL 1, OF PARCEL MAP 4180, FILED FOR RECORD DECEMBER 27, 1983, IN BOOK 141 OF PARCEL MAPS, AT PAGE 79, ALAMEDA COUNTY RECORDS, AS SHOWN AND DELINEATED AND UPON ALL TERMS, CONDITIONS AND PROVISIONS CONTAINED IN THAT CERTAIN DECLARATION OF RESTRICTIONS, CREATING ROADWAY, WALKWAY AND LANDSCAPING EASEMENT, EXECUTED BY DUFFEL FINANCIAL AND CONSTRUCTION COMPANY, A CALIFORNIA CORPORATION, AS RECORDED ON JULY 31, 1990, UNDER INSTRUMENT NO. 90-207536 AND AS MODIFIED BY INSTRUMENT RECORDED JUNE 26, 1996, UNDER INSTRUMENT NO. 96-154458 OF OFFICIAL RECORDS.

PARCEL THREE:

A NON-EXCLUSIVE EASEMENT APPURTENANT TO PARCEL ONE ABOVE FOR PRIVATE STORM DRAIN PURPOSES, OVER THAT CERTAIN PORTION OF PARCEL 2, PARCEL MAP 7179, FILED FOR RECORD ON APRIL 1, 1999, IN BOOK 244 OF PARCEL MAPS, AT PAGES 24 AND 25, ALAMEDA COUNTY RECORDS DELINEATED AS 15' X 20' "PSDE" ON SAID FILED PARCEL MAP.

THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE PROPERTY AS DESCRIBED IN THE PRELIMINARY TITLE REPORT ISSUED BY CHICAGO TITLE COMPANY, ORDER NO. FWAC-1015002938-JM, DATED JULY 29, 2015 AT 7:30 A.M.  
FOR APN/PARCEL IDS: 901-0195-037 AND 901-0195-038

**GENERAL NOTES**

- OBSERVED NO DISCERNIBLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS
- OBSERVED NO DISCERNIBLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIR. NO INFORMATION WAS AVAILABLE REGARDING PROPOSED CHANGES IN STREET RIGHT OF WAY LINES.
- OBSERVED NO DISCERNIBLE EVIDENCE OF SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- OBSERVED NO DISCERNIBLE EVIDENCE OF SITE BEING USED AS A CEMETERY OR BURIAL GROUNDS.
- THE EXISTENCE AND LOCATION OF ALL UTILITIES, PIPES, POLES, AND/OR STRUCTURES SHOWN ON THIS SURVEY WERE OBTAINED BY OBSERVED EVIDENCE ONLY. THE POINT OF ENTRY ON SAID UTILITIES CANNOT BE DETERMINED
- ALL FIELD MEASUREMENTS MATCHED RECORD DIMENSIONS WITHIN THE PRECISION REQUIREMENTS OF ALTA/ACSM SPECIFICATIONS UNLESS OTHERWISE SHOWN.
- THE SUBJECT PROPERTY HAS ACCESS TO CEDAR BLVD, A PUBLIC RIGHT OF WAY.
- SURVEY IS CERTIFIED FOR THIS REAL ESTATE TRANSACTION ONLY AND NOT FOR FUTURE PURCHASES (OTHER THAN TO ASSIGNEES OR TRANSFEREES WITH RESPECT TO ANY TRANSFER OF THE RELATED NOTE AS TO SUCCESSORS OR ASSIGNS THEREOF WHETHER BY PURCHASE OR OPERATION OF LAW) OR REAL ESTATE TRANSACTIONS.

THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF THE CURRENT PARTIES AND THEIR SUCCESSORS AND/OR ASSIGNS; NO LICENSE HAS BEEN CREATED, EXPRESS OR IMPLIED, TO COPY THE SURVEY EXCEPT AS IS NECESSARY IN CONJUNCTION WITH (I) THE ORIGINAL TRANSACTION, (II) DISCLOSURES REQUIRED TO SECURITIZE ANY RELATED LOAN, (III) WITH RESPECT TO ANY SUBSEQUENT SALE OR TRANSFER OF THE LOAN, OR (IV) IN CONJUNCTION WITH ANY FUTURE EXERCISE OF REMEDIES BY OR ON BEHALF OF THE THEN OWNER OF THE NOTE INCLUDING ANY NOTE SALE OR REO SALE DUE DILIGENCE PACKAGE.

THIS SURVEY MAY NOT CONTAIN SUFFICIENT DETAIL FOR DESIGN PURPOSES. THE BOUNDARY DATA AND TITLE MATTERS AS SHOWN HEREON HAVE BEEN DEVELOPED FROM THE REFERENCED TITLE REPORT.

UNLESS THIS PLAN HAS THE SEAL AND SIGNATURE OF THE SURVEYOR AND/OR ENGINEER RESPONSIBLE FOR ITS PREPARATION, THIS IS NOT AN AUTHENTIC COPY OF THE ORIGINAL SURVEY AND SHALL NOT BE DEEMED RELIABLE.

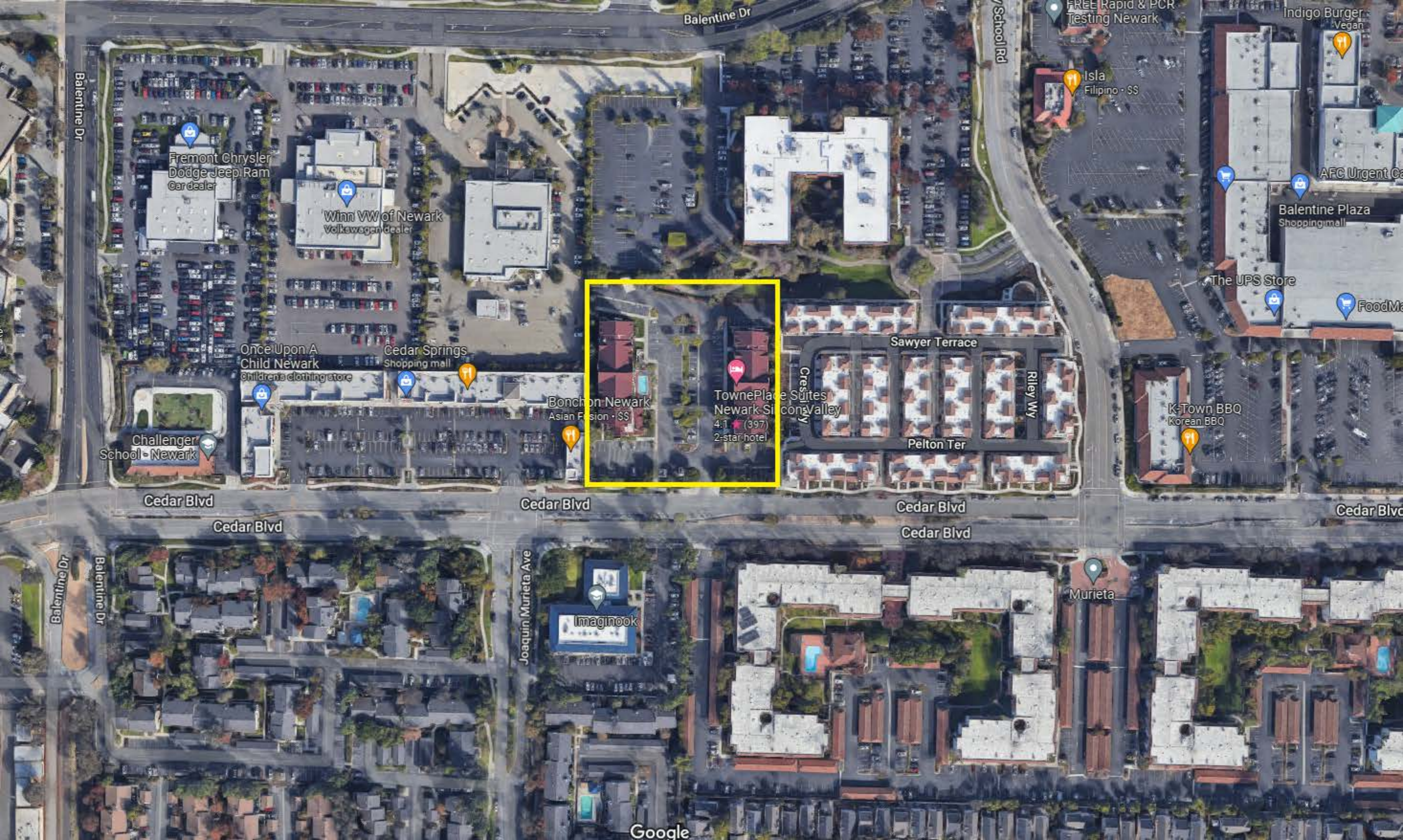
THE POSTED STREET ADDRESS OBSERVED AT THE TIME OF THIS SURVEY IS 39802 CEDAR BOULEVARD.

NO PARTY WALLS WERE OBSERVED AT THE TIME OF SURVEY

**SLOOTEN CONSULTING INC.**  
 SURVEYING & ENGINEERING  
 4740 NORTHGATE BL., SUITE 115  
 SACRAMENTO, CA 95834  
 (916)641-7570  
 (FAX) 641-7572

**ALTA/ACSM LAND TITLE SURVEY**  
 39802 CEDAR BLVD  
 ALAMEDA CALIFORNIA  
 NEWARK

**SHEET 1**  
 OF 1 SHEETS  
 JOB NO. 7940-05



Balentine Dr

Balentine Dr

School Rd

Fremont Chrysler  
Dodge Jeep Ram  
Car dealer

Winn VW of Newark  
Volkswagen dealer

Once Upon A  
Child Newark  
Children's clothing store

Cedar Springs  
Shopping mall

Bonchon Newark  
Asian Fusion • \$\$

TownePlace Suites  
Newark Silicon Valley  
4.1 (397)  
2-star hotel

Sawyer Terrace

Crestline Valley

Riley Wy

Pelton Ter

K-Town BBQ  
Korean BBQ

Balentine Plaza  
Shopping mall

The UPS Store

AFC Urgent Ca

Indigo Burger  
Vegan

Isla  
Filipino • \$\$

FREE Rapid & PCR  
Testing Newark

Cedar Blvd

Cedar Blvd

Cedar Blvd

Cedar Blvd

Cedar Blvd

Cedar Blvd

Balentine Dr

Balentine Dr

Joaquin Murieta Ave

Imaginook

Murieta



SMOKING AREA

(E) TRASH ENCLOSURE

EXISTING METAL PERIMETER FENCING

DOG RUN

BBQ

BASKETBALL COURT

EXIT-ONLY

EXIT-ONLY

LANDSCAPE -  
1. PER PNA, TREES NEED TO BE TRIMMED BEHIND BLDG B.  
2. PER PNA, LANDSCAPE NEEDS MULCH/ GROUND COVER THROUGHOUT.

PARKING - PER PNA, SIDEWALK AT ACCESSIBLE STALLS LIFTED. REPAIR

BLDG A

TOT LOT

BLDG B

EXIT-ONLY

LOBBY

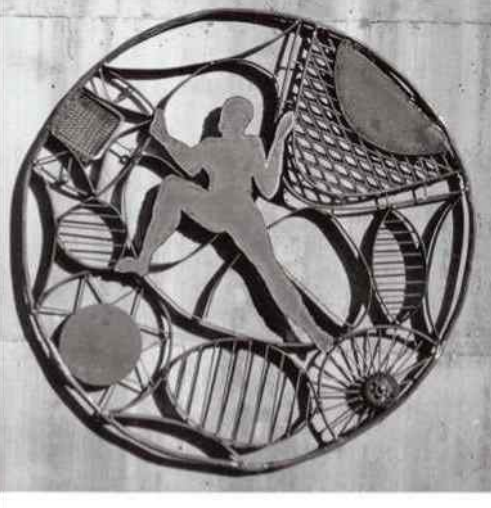
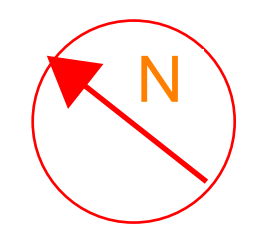
LOBBY

TRASH BINS - INSTALL ADA-CERTIFIED TRASH BINS THROUGHOUT

SIDEWALKS - PER PNA, MULTIPLE SECTIONS OF SIDEWALK ARE NOT ADA-COMPLIANT. REPAIR/ REBUILD.

SMOKING AREA SOMEWHERE WITHIN OR NEAR PARKING LOT

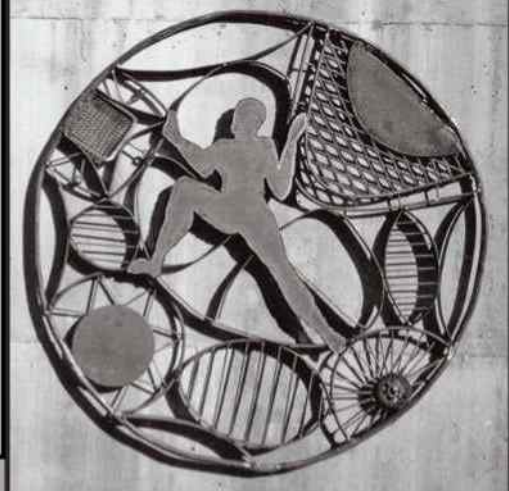
NEW METAL PERIMETER FENCING WITH (1) PEDESTRIAN GATE AND (1) VEHICULAR GATE & FOB ACCESS



GUNKEL ARCHITECTURE  
1295 59TH STREET  
EMERYVILLE CA 94608  
GUNKELARCHITECTURE.COM  
PHONE: (510) 984 - 1112

NEWARK HOMEKEY  
39802 CEDAR BLVD, NEWARK, CA

SITE PLAN  
OPTION A

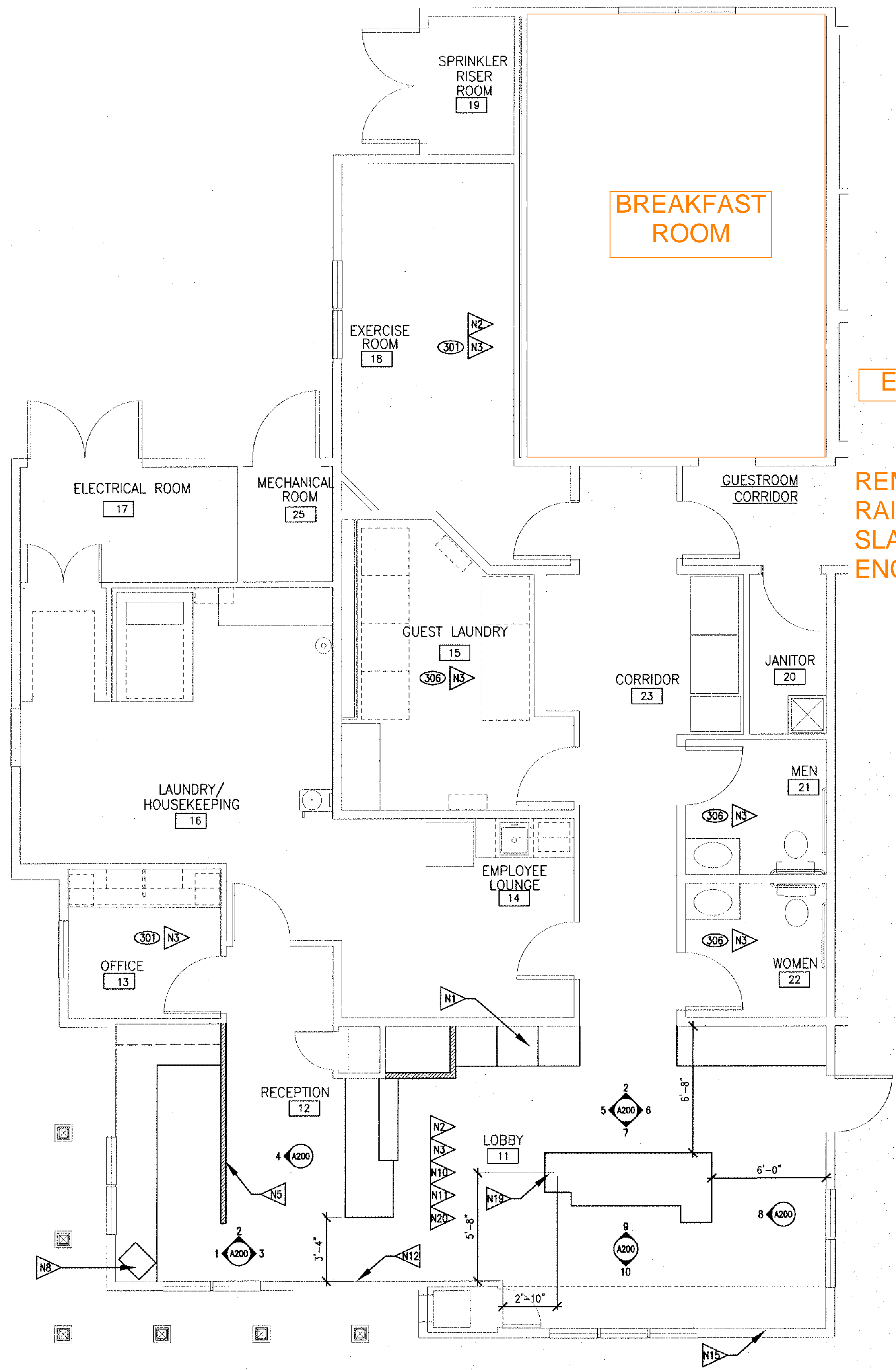


GUNKEL ARCHITECTURE  
1295 59TH STREET  
EMERYVILLE CA 94608  
GUNKELARCHITECTURE.COM  
PHONE: (510) 984 - 1112

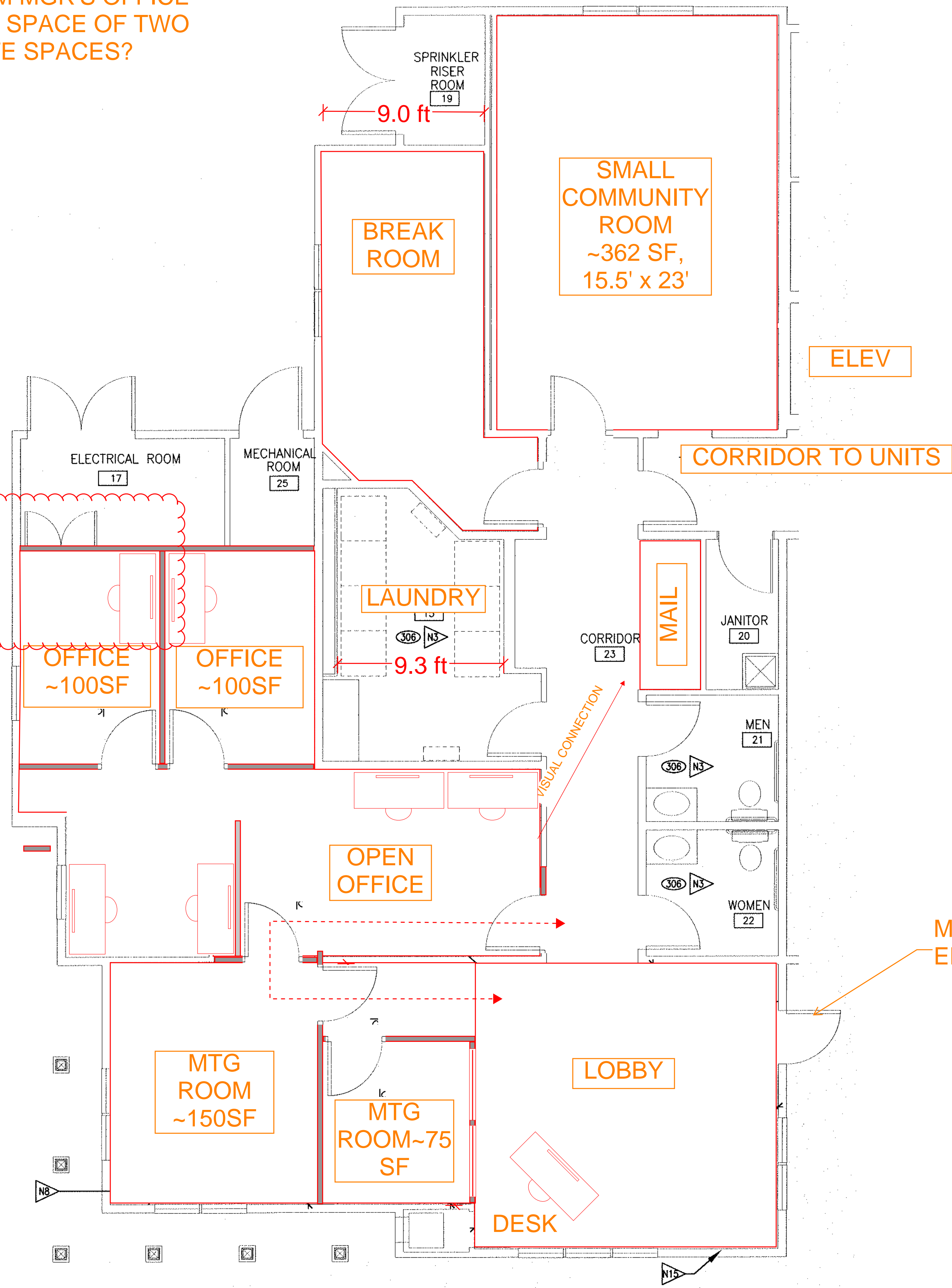
NEWARK HOMEKEY  
39802 CEDAR BLVD, NEWARK, CA

FIRST FLOOR  
PLAN  
OPTION A

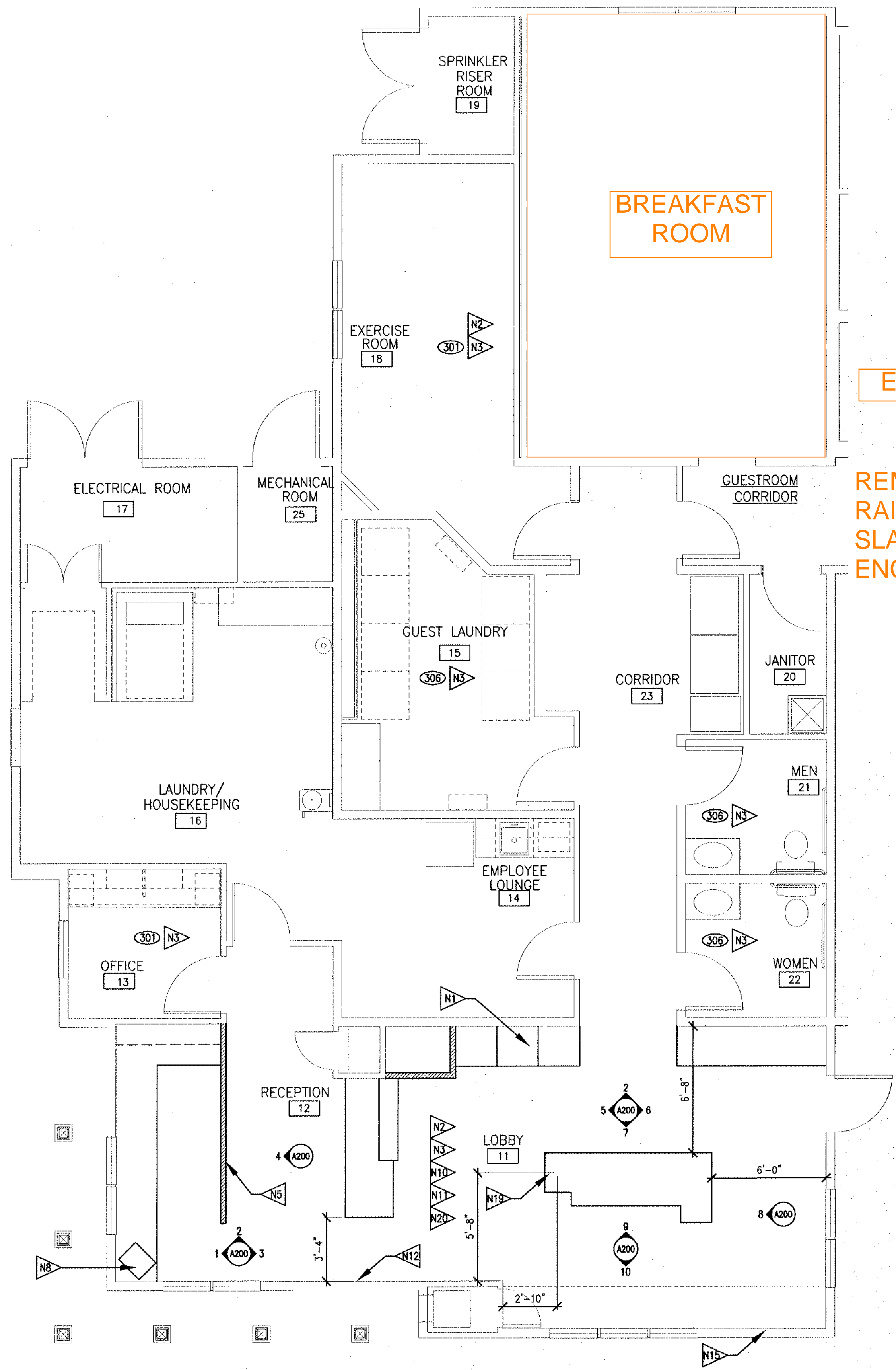
QUESTION: IS THE "4  
SERVICE CUBES, 1 SERVICE  
PROGRAM MGR'S OFFICE"  
A SINGLE SPACE OF TWO  
SEPARATE SPACES?



EXISTING PLAN

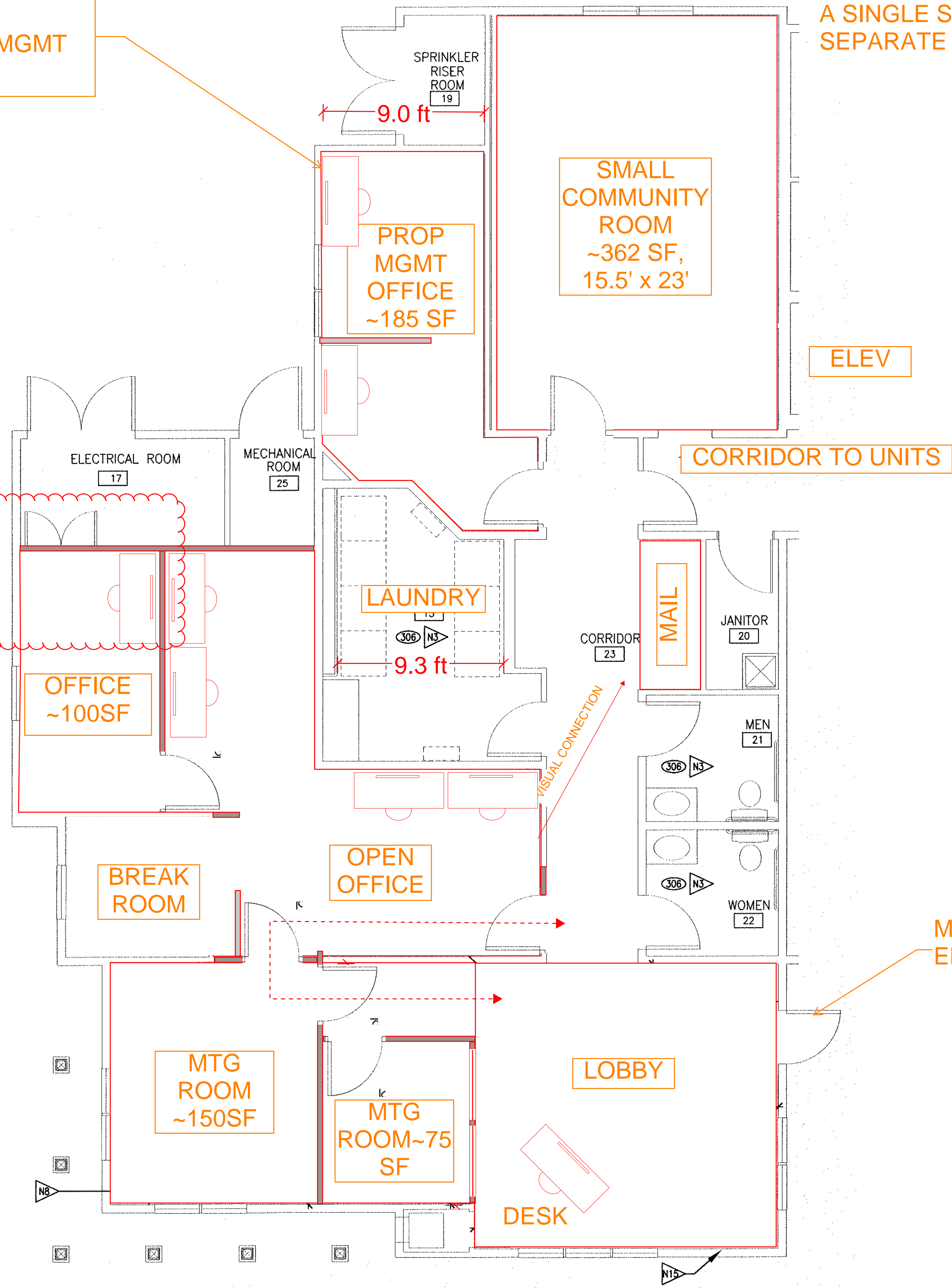


PROPOSED PLAN



EXISTING PLAN

NOTE: THIS WOULD BE SHARED PROPERTY MGMT OFFICE



PROPOSED PLAN

QUESTION: IS THE "4 SERVICE CUBES, 1 SERVICE PROGRAM MGR'S OFFICE" A SINGLE SPACE OF TWO SEPARATE SPACES?

GUNKEL ARCHITECTURE  
 1295 59TH STREET  
 EMERYVILLE CA 94608  
 GUNKELARCHITECTURE.COM  
 PHONE: (510) 984 - 1112

NEWARK HOMEKEY  
 39802 CEDAR BLVD, NEWARK, CA

FIRST FLOOR PLAN  
 OPTION A1



JULY 2022

ENVIRONMENTAL ASSESSMENT – CEDAR COMMUNITY APARTMENTS  
39802 CEDAR BOULEVARD, NEWARK, CA 94560

## Appendix C – Noise Study

**CEDAR COMMUNITY APARTMENTS AT TOWNPLACE SUITES  
ENVIRONMENTAL NOISE STUDY (HUD)**



**PREPARED FOR: Allied Housing | Abode Services**

Attn: Macy Leung

June 22, 2022

Prepared by: Randy Waldeck, PE

Cameron Sullivan

364 Bush Street, Second Floor

San Francisco, CA 94104

CSDA Project No. 22061.01

**CSDA** | DESIGN  
GROUP

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## 1.0 Project Description

The Cedar Community Apartments project in Newark, CA consists of the conversion of the existing Towne Place Suites buildings into 124 residential units. The outdoor pool area and the envelope of the existing two buildings will remain as-is.

The Department of Housing and Urban Development (HUD) provides noise standards for residential development. This report summarizes the environmental noise analysis consistent with HUD guidelines and confirms compatibility with the applicable standard. For definitions of acoustical terms used in the project, please refer to Appendix A at the end of this report.

## 2.0 Acoustical Criteria

### 2.1 U.S. Housing and Urban Development Noise Standards

HUD Noise Standards are provided in the HUD Noise Guidebook. Applicable portions of the standard are provided below. (for reference, Appendix B includes a complete version of these noise standards):

- Exterior Noise Standards:
  - If existing exterior noise levels at the project site do not exceed DNL 65 dBA, no mitigation is needed.
  - If existing exterior noise levels are between DNL 65-70 dBA, special environmental clearance is required (potentially including preparation of an EIS, see HUD Section 51.104.b [Appendix B]) and 5 dBA additional attenuation is required.
  - If existing exterior noise levels are between DNL 70-75 dBA, special environmental clearance is required (potentially including preparation of an EIS, see HUD Section 51.104.b [Appendix B]) and 10 dBA additional attenuation is required.
  - If existing exterior noise levels exceed DNL 75 dBA, an EIS is required and will be evaluated on a case-by-case basis (see HUD Section 51.104.b [Appendix B]). Additionally, exterior site attenuation is required to be submitted for approval on a case-by-case basis [see table in Appendix B].
- Interior Noise Standards: Interior residential noise environments shall not exceed a sound level of DNL 45 dBA. Attenuation measures to meet these interior goals shall be employed where feasible. Emphasis shall be given to noise sensitive interior spaces such as bedrooms. (Special considerations included in Section 51.104(a); see Appendix B).

## 3.0 Noise Environment

### 3.1 On-Site Noise Measurements

To determine if the existing interior and exterior noise environments are compatible with the HUD Guidelines presented in Section 2.1, interior and exterior measurements were conducted in two spaces within the existing TownePlace Suites buildings to determine the existing interior noise level as well as the existing transmission loss characteristics of the building facade. Measurements were conducted between June 13 and 14, 2022, for a period of 24-hours. Additionally, a noise measurement was conducted at the exterior pool area to confirm the amenity space noise environment complies with HUD Guidelines.

The two primary noise sources that impact the existing buildings are I-880 (which primarily impacts the project's northeast facade) and Cedar Boulevard (which primarily impacts the project's southwest

facade). To account for both primary noise sources, 24-hour noise measurements were conducted in Suite 418 (which faces the northeast facade towards I-880) and Suite 432 (which faces the southwest facade towards Suite 418). Twenty-four (24) hour interior and exterior noise measurements were conducted for both spaces.

Note: due to the orientation of these spaces with respect to the primary noise sources, Suites 418 and 432 are expected to be exposed to the highest levels of exterior noise. Other spaces in the TownePlace Suites buildings are expected to be exposed to lower levels of environmental noise and may refer to the results contained herein.

In addition to the 24-hour measurements in two of the existing suites, a short-term noise level measurement (approximately 20 minutes) was conducted in the exterior pool area. Since the exterior pool area is impacted by the primary noise sources measured by the 24-hour exterior measurements, a 24-hour noise level has been estimated for the exterior pool space and is compared to the applicable HUD standard.

Twenty-four (24) hour noise levels in the representative project spaces, as well as the compatibility with the HUD Noise Standard, are represented in Table 1.

**Table 1 – Noise Measurement Results**

Measurement Location	24-hour Noise Level (DNL)	Compatible with HUD Standard? (Interior Standard = DNL 45 dBA) (Exterior Standard = DNL 65 dBA)
Suite 418: Interior Noise	37 dBA	Yes
Suite 418: Exterior Noise	67 dBA	n/a <sup>1</sup>
Suite 432: Interior Noise	34 dBA <sup>2</sup>	Yes
Suite 432: Exterior Noise	66 dBA	n/a <sup>1</sup>
Exterior Pool Amenity Space	58 dBA <sup>3</sup>	Yes
Notes: 1. The since the interior noise environments in Suites 418 and 432 comply with the HUD standard, the exterior standard of DNL 65 dBA shall only be applied to exterior occupied spaces (i.e., the pool amenity space) 2. For the Suite 432 Interior measurement, the HVAC system turned on part way through the measurement. The interior 24-hour noise level presented here is based on the exterior measured noise level, minus the transmission loss value measured over the period when the HVAC system was off. 3. The 24-hour noise level at the pool space has been estimated by comparing the measured short-term noise level at the pool space with the long-term exterior noise measurement data over the same short-term period.		

Continuous interior and exterior sound levels measured in Suites 418 and 432 are represented in Figures 1 and 2, respectively.

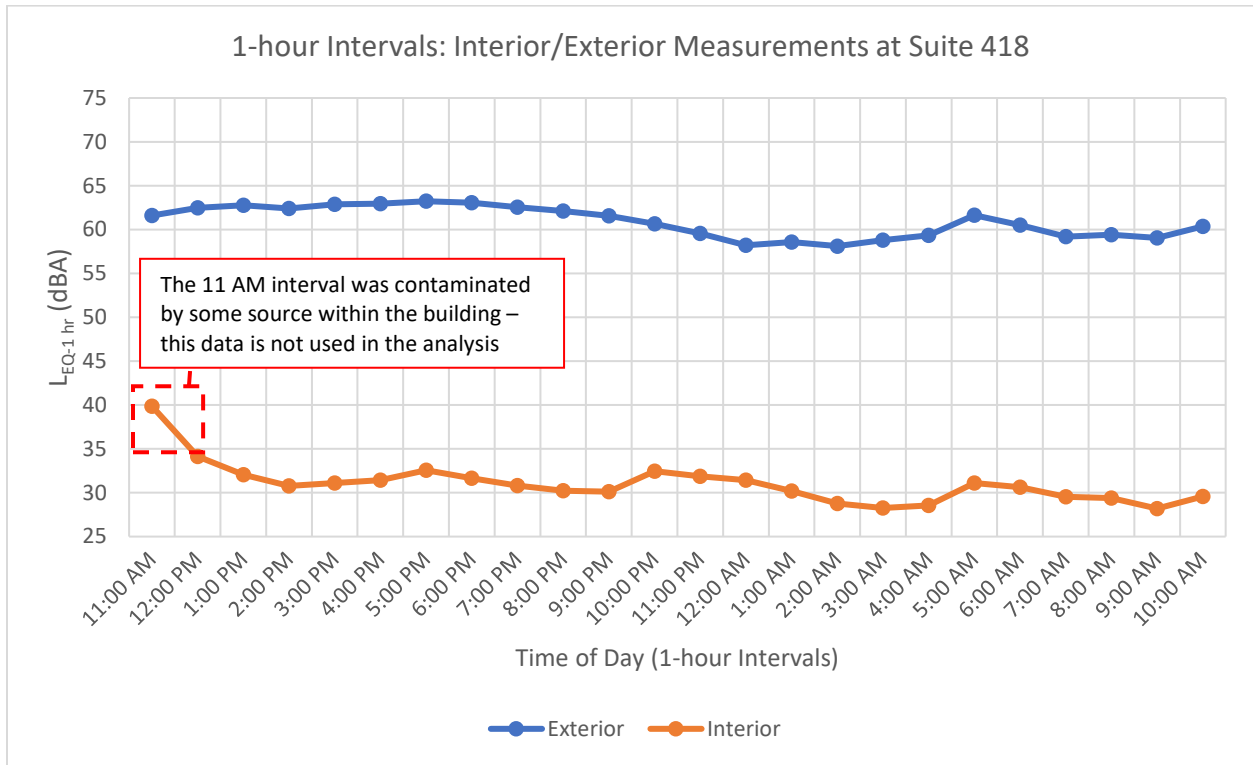


Figure 1 – Interior/Exterior Measurements at Suite 418

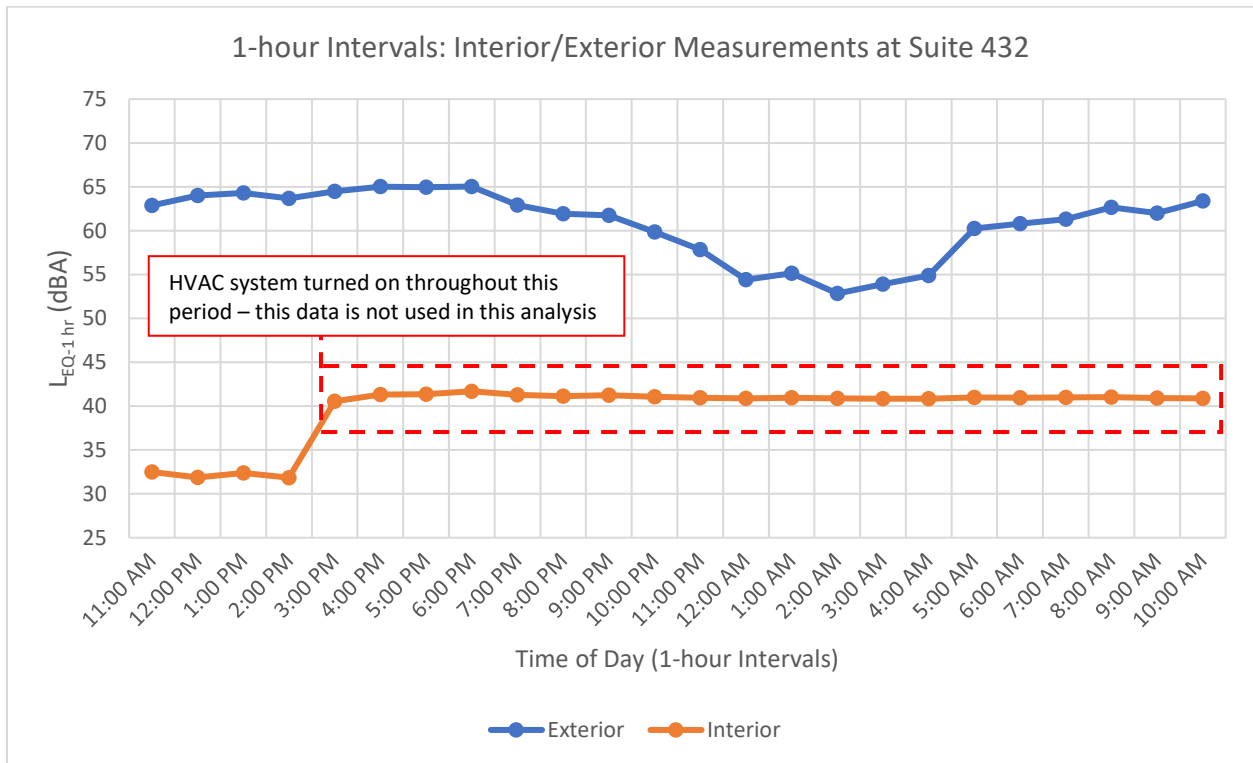


Figure 2 – Interior/Exterior Measurements at Suite 432

## 4.0 Results

As shown in Section 3.0, measured interior noise levels in representative spaces are compatible with the HUD interior noise standard of DNL 45 dBA. The exterior pool amenity space (which is the only occupied exterior area) does not exceed the minimum HUD exterior standard of DNL 65 dBA. Accordingly, no mitigation or noise control treatment is necessary with regard to the existing building envelope and the existing exterior pool amenity space.

---

This concludes our environmental noise study for the Cedar Community Apartments project in Newark, CA; please contact us with questions.

## Appendix A: Definition of Terms

**A-Weighted Sound Level:** A term for the A-Weighted sound pressure level. The sound level is obtained by use of a standard sound level meter and is expressed in decibels. Sometimes the unit of sound level is written as dB(A).

**Day/Night Average Sound Level ( $L_{dn}$  or DNL):** A descriptor established by the U.S. Environmental Protection Agency to describe the average day-night level with a 10 dB penalty applied to noise occurring during the nighttime hours (10 pm to 7 am) to account for the increased sensitivity of people during sleeping hours. A 10 dB increase in sound level is perceived by people to be twice as loud.

**$L_{eq}$ :** The equivalent continuous sound level which would contain the same sound energy as the time varying sound level.

**Sound Transmission Class (STC):** A single number used to compare walls, floor/ceiling assemblies and doors for their sound insulating properties with respect to reducing airborne noise.



## 5.0 Appendix B: Complete Noise Standard

### 5.1 U.S. Housing and Urban Development Noise Standards

Housing and Urban Development Title 24, Part 51, Environmental Criteria and Standards, Subpart B, Noise Abatement and Control, contains noise control regulations that apply to the proposed project. Applicable portions of this code are provided as follows:

#### 5.1.1 HUD Title 24, Part 51, Subpart B, Section 51.100 Purpose and Authority

- a) It is the purpose of this subpart B to:
  - 1) Call attention to the threat of noise pollution;
  - 2) Encourage the control of noise at its source in cooperation with other Federal departments and agencies;
  - 3) Encourage land use patterns for housing and other noise sensitive urban needs that will provide a suitable separation between them and major noise sources;
  - 4) Generally prohibit HUD support for new construction of noise sensitive uses on sites having unacceptable noise exposure;
  - 5) Provide policy on the use of structural and other noise attenuation measures where needed; and
  - 6) Provide policy to guide implementation of various HUD programs.
- b) Authority: Specific authorities for noise abatement and control are contained in the Noise Control Act of 1972, as amended (42 U.S.C. 4901 et seq.); and the General Services Administration, Federal Management Circular 75-2; Compatible Land Uses at Federal Airfields. [44 FR 40861, July 12, 1979, as amended at 61 FR 13333, Mar. 26, 1996]

#### 5.1.2 HUD Title 24, Part 51, Subpart B, Section 51.101 General Policy

- a) It is HUD's general policy to provide minimum national standards applicable to HUD programs to protect citizens against excessive noise in their communities and places of residence.
  - 1) Planning assistance. HUD requires that grantees give adequate consideration to noise exposures and sources of noise as an integral part of the urban environment when HUD assistance is provided for planning purposes, as follows:
    - i. Particular emphasis shall be placed on the importance of compatible land use planning in relation to air-ports, highways and other sources of high noise.
    - ii. Applicants shall take into consideration HUD environmental standards impacting the use of land.
  - 2) Activities subject to 24 CFR part 58.
    - i. Responsible entities under 24 CFR part 58 must take into consideration the noise criteria and standards in the environmental review process and consider ameliorative actions when noise sensitive land development is proposed in noise exposed areas. Responsible entities shall address deviations from the standards in their environmental reviews as required in 24 CFR part 58.
    - ii. Where activities are planned in a noisy area, and HUD assistance is contemplated later for housing and/or other noise sensitive activities, the responsible entity risks denial of the HUD assistance unless the HUD standards are met.
  - 3) HUD support for new construction: HUD assistance for the construction of new noise sensitive uses is prohibited generally for projects with unacceptable noise exposures and is

- discouraged for projects with normally unacceptable noise exposure. (Standards of acceptability are contained in §51.103(c).) This policy applies to all HUD programs providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development. The policy does not apply to research demonstration projects which do not result in new construction or reconstruction, flood insurance, interstate land sales registration, or any action or emergency assistance under disaster assistance provisions or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster.
- 4) HUD support for existing construction: Noise exposure by itself will not result in the denial of HUD support for the resale and purchase of otherwise acceptable existing buildings. However, environmental noise is a marketability factor which HUD will consider in determining the amount of insurance or other assistance that may be given.
  - 5) HUD support of modernization and rehabilitation. For modernization projects located in all noise exposed areas, HUD shall encourage noise attenuation features in alterations. For major or substantial rehabilitation projects in the Normally Unacceptable and Unacceptable noise zones, HUD actively shall seek to have project sponsors incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level or exterior noise exposure. In Unacceptable noise zones, HUD shall strongly encourage conversion of noise-exposed sites to land uses compatible with the high noise levels.
  - 6) Research, guidance and publications. HUD shall maintain a continuing program designed to provide new knowledge of noise abatement and control to public and private bodies, to develop improved methods for anticipating noise encroachment, to develop noise abatement measures through land use and building construction practices, and to foster better understanding of the consequences of noise. It shall be HUD's policy to issue guidance documents periodically to assist HUD personnel in assigning an acceptability category to projects in accordance with noise exposure standards, in evaluating noise attenuation measures, and in advising local agencies about noise abatement strategies. The guidance documents shall be updated periodically in accordance with advances in the state-of-the-art.
  - 7) Construction equipment, building equipment and appliances. HUD shall encourage the use of quieter construction equipment and methods in population centers, the use of quieter equipment and appliances in buildings, and the use of appropriate noise abatement techniques in the design of residential structures with potential noise problems.
  - 8) Exterior noise goals: It is a HUD goal that exterior noise levels do not exceed a day-night average sound level of 55 decibels. This level is recommended by the Environmental Protection Agency as a goal for outdoors in residential areas. The levels recommended by EPA are not standards and do not take into account cost or feasibility. For the purposes of this regulation and to meet other program objectives, sites with a day-night average sound level of 65 and below are acceptable and are allowable (see Standards in §51.103(c)).
  - 9) Interior noise goals: It is a HUD goal that the interior auditory environment shall not exceed a day-night average sound level of 45 decibels. Attenuation measures to meet these interior

- goals shall be employed where feasible. Emphasis shall be given to noise sensitive interior spaces such as bedrooms. Minimum attenuation requirements are prescribed in §51.104(a).
- 10) Acoustical privacy in multifamily buildings. HUD shall require the use of building design and acoustical treatment to afford acoustical privacy in multifamily buildings pursuant to requirements of the Minimum Property Standards.

*5.1.3 HUD Title 24, Part 51, Subpart B, Section 51.102 Responsibilities*

- a) Surveillance of noise problem areas: Appropriate field staff shall maintain surveillance of potential noise problem areas and advise local officials, developers, and planning groups of the unacceptability of sites because of noise exposure at the earliest possible time in the decision process. Every attempt shall be made to insure that applicants' site choices are consistent with the policy and standards contained herein.
- b) Notice to applicants. At the earliest possible stage, HUD program staff shall:
  - 1) Determine the suitability of the acoustical environment of proposed projects;
  - 2) Notify applicants of any adverse or questionable situations; and
  - 3) Assure that prospective applicants are apprised of the standards contained herein so that future site choices will be consistent with these standards.
- c) Interdepartmental coordination: HUD shall foster appropriate coordination between field offices and other departments and agencies, particularly the Environmental Protection Agency, the Department of Transportation, Department of Defense representatives, and the Department of Veterans Affairs. HUD staff shall utilize the acceptability standards in commenting on the prospective impacts of transportation facilities and other noise generators in the Environmental Impact Statement review process. [44 FR 40861, July 12, 1979, as amended at 54 FR 39525, Sept. 27, 1989; 61 FR 13333, Mar. 26, 1996]

*5.1.4 HUD Title 24, Part 51, Subpart B, Section 51.103 Criteria and Standards*

These standards apply to all pro-grams as indicated in §51.101.

- a) Measure of external noise environments. The magnitude of the external noise environment at a site is determined by the value of the day-night average sound level produced as the result of the accumulation of noise from all sources contributing to the external noise environment at the site. Day-night average sound level, abbreviated as DNL and symbolized as  $L_{dn}$ , is the 24-hour average sound level, in decibels, obtained after addition of 10 decibels to sound levels in the night from 10 p.m. to 7 a.m. Mathematical expressions for average sound level and day-night average sound level are stated in the Appendix I to this subpart.
- b) Loud impulsive sounds: On an interim basis, when loud impulsive sounds, such as explosions or sonic booms, are experienced at a site, the day-night average sound level produced by the loud impulsive sounds alone shall have 8 decibels added to it in assessing the acceptability of the site (see appendix I to this subpart). Alternatively, the C-weighted day-night average sound level ( $LC_{dn}$ ) may be used without the 8-decibel addition, as indicated in §51.106(a)(3). Methods for assessing the contribution of loud impulsive sounds to day-night average sound level at a site and mathematical expressions for determining whether a sound is classed as "loud impulsive" are provided in the appendix I to this subpart.
- c) Exterior standards:
  - 1) The degree of acceptability of the noise environment at a site is determined by the sound levels external to buildings or other facilities containing noise sensitive uses. The standards

shall usually apply at a location 2 meters (6.5 feet) from the building housing noise sensitive activities in the direction of the predominant noise source. Where the building location is undetermined, the standards shall apply 2 meters (6.5 feet) from the building setback line nearest to the predominant noise source. The standards shall also apply at other locations where it is determined that quiet outdoor space is required in an area ancillary to the principal use on the site.

- 2) The noise environment inside a building is considered acceptable if:
  - i. The noise environment external to the building complies with these standards, and
  - ii. the building is constructed in a manner common to the area or, if of uncommon construction, has at least the equivalent noise attenuation characteristics.

**Table 2 – Title 24, Part 51, Subpart B, Section 51.103 Criteria and Standards, Site Acceptability Standards**

Site Compatibility	Day-Night Average Sound Level (dB)	Special Approvals and Requirements
Acceptable	Not exceeding 65 dB <sup>1</sup>	None
Normally Unacceptable	Above 65 dB but not exceeding 75 dB	Special Approvals <sup>2</sup> ; Environmental Review <sup>3</sup> ; Attenuation <sup>4</sup>
Unacceptable	Above 75 dB	Special Approvals <sup>2</sup> ; Environmental Review <sup>3</sup> ; Attenuation <sup>5</sup>
Notes: 1. Acceptable threshold may be shifted to 70 dB in special circumstances pursuant to § 51.105(a). 2. See § 51.104(b) for requirements. 3. See § 51.104(b) for requirements. 4. 5 dB additional attenuation required for sites above 65 dB but not exceeding 70 dB and 10 dB additional attenuation required for sites above 70 dB but not exceeding 75 dB. (See § 51.104(a).) 5. Attenuation measures to be submitted to the Assistant Secretary for CPD for approval on a case-by-case basis.		

**5.1.5 HUD Title 24, Part 51, Subpart B, Section 51.104 Special Requirements**

- a)
  - 1) Noise attenuation: Noise attenuation measures are those required in addition to attenuation provided by buildings as commonly constructed in the area and requiring open windows for ventilation. Measures that reduce external noise at a site shall be used wherever practicable in preference to the incorporation of additional noise attenuation in buildings. Building designs and construction techniques that provide more noise attenuation than typical construction may be employed also to meet the noise attenuation requirements.
  - 2) Normally unacceptable noise zones and unacceptable noise zones. Approvals in Normally Unacceptable Noise Zones require a minimum of 5 decibels additional sound attenuation for buildings having noise-sensitive uses if the day-night average sound level is greater than 65 decibels but does not exceed 70 decibels, or a minimum of 10 decibels of additional sound attenuation if the day-night average sound level is greater than 70 decibels but does not exceed 75 decibels. Noise attenuation measures in Unacceptable Noise Zones require the approval of the Assistant Secretary for Community Planning and Development, or the Certifying Officer for activities subject to 24 CFR part 58. (See §51.104(b)(2).)
- b) Environmental review requirements: Environmental reviews shall be conducted pursuant to the requirements of 24 CFR parts 50 and 58, as applicable, or other environmental regulations issued by the Department. These requirements are hereby modified for all projects proposed in the Normally Unacceptable and Unacceptable noise exposure zones as follows:

- 1) Normally unacceptable noise zone.
  - i. All projects located in the Normally Unacceptable Noise Zone require a Special Environmental Clearance except an EIS is required for a proposed project located in a largely undeveloped area, or where the HUD action is likely to encourage the establishment of incompatible land use in this noise zone.
  - ii. When an EIS is required, the concurrence of the Program Assistant Secretary is also required before a project can be approved. For the purposes of this paragraph, an area will be considered as largely undeveloped unless the area within a 2-mile radius of the project boundary is more than 50 percent developed for urban uses and infrastructure (particularly water and sewers) is available and has capacity to serve the project.
  - iii. All other projects in the Normally Unacceptable zone require a Special Environmental Clearance, except where an EIS is required for other reasons pursuant to HUD environmental policies.
- 2) Unacceptable noise zone. An EIS is required prior to the approval of projects with unacceptable noise exposure. Projects in or partially in an Unacceptable Noise Zone shall be submitted to the Assistant Secretary for Community Planning and Development, or the Certifying Officer for activities subject to 24 CFR part 58, for approval. The Assistant Secretary or the Certifying Officer may waive the EIS requirement in cases where noise is the only environmental issue and no outdoor noise sensitive activity will take place on the site. In such cases, an environmental review shall be made pursuant to the requirements of 24 CFR parts 50 or 58, as appropriate.

*5.1.6 HUD Title 24, Part 51, Subpart B, Section 51.105 Exceptions*

- a) Flexibility for non-acoustic benefits: Where it is determined that program objectives cannot be achieved on sites meeting the acceptability standard of 65 decibels, the Acceptable Zone may be shifted to  $L_{dn}$  70 on a case-by-case basis if all the following conditions are satisfied:
  - 1) The project does not require an Environmental Impact Statement under provisions of §51.104(b)(1) and noise is the only environmental issue.
  - 2) The project has received a Special Environmental Clearance and has received the concurrence of the Environmental Clearance Officer.
  - 3) The project meets other program goals to provide housing in proximity to employment, public facilities and transportation.
  - 4) The project is in conformance with local goals and maintains the character of the neighborhood.
  - 5) The project sponsor has set forth reasons, acceptable to HUD, as to why the noise attenuation measures that would normally be required for new construction in the  $L_{dn}$  65 to  $L_{dn}$  70 zone cannot be met.
  - 6) Other sites which are not exposed to noise above  $L_{dn}$  65 and which meet program objectives are generally not available. The above factors shall be documented and made part of the project file. [44 FR 40861, July 12, 1979, as amended at 61 FR 13334, Mar. 26, 1996]

*5.1.7 HUD Title 24, Part 51, Subpart B, Section 51.106 Implementation*

- a) Use of available data. HUD field staff shall make maximum use of noise data prepared by others when such data are determined to be current and adequately projected into the future and are in terms of the following:

- 1) Sites in the vicinity of airports. The noise environment around airports is described sometimes in terms of Noise Exposure Forecasts, abbreviated as NEF or, in the State of California, as Community Noise Equivalent Level, abbreviated as CNEL. The noise environment for sites in the vicinity of airports for which day-night average sound level data are not available may be evaluated from NEF or CNEL analyses using the following conversions to DNL:  $DNL \approx NEF + 35$  ;  $DNL \approx CNEL$
- 2) Sites in the vicinity of highways: Highway projects receiving Federal aid are subject to noise analyses under the procedures of the Federal Highway Administration. Where such analyses are available they may be used to assess sites subject to the requirements of this standard. The Federal Highway Administration employs two alternate sound level descriptors:
  - i. The A-weighted sound level not exceeded more than 10 percent of the time for the highway design hour traffic flow, symbolized as L10; or (ii) the equivalent sound level for the design hour, symbolized as Leq. The day-night average sound level may be estimated from the design hour L10 or Leq values by the following relationships, provided heavy trucks do not exceed 10 percent of the total traffic flow in vehicles per 24 hours and the traffic flow between 10 p.m. and 7 a.m. does not exceed 15 percent of the average daily traffic flow in vehicles per 24 hours:  $DNL \approx L10$  (design hour) — 3 decibels;  $DNL \approx Leq$  (design hour) decibels. Where the auto/truck mix and time of day relationships as stated in this section do not exist, the HUD Noise Assessment Guidelines or other noise analysis shall be used.
- 3) Sites in the vicinity of installations producing loud impulsive sounds. Certain Department of Defense installations produce loud impulsive sounds from artillery firing and bombing practice ranges. Noise analyses for these facilities sometimes encompass sites that may be subject to the requirements of this standard. Where such analyses are available they may be used on an interim basis to establish the acceptability of sites under this standard. The Department of Defense uses day-night average sound level based on C-weighted sound level, symbolized  $LC_{dn}$ , for the analysis of loud impulsive sounds. Where such analyses are provided, the 8 decibel addition specified in §51.103(b), is not required, and the same numerical values of day-night average sound level used on an interim basis to determine site suitability for non-impulsive sounds apply to the  $LC_{dn}$ .
- 4) Use of areawide acoustical data: HUD encourages the preparation and use of areawide acoustical information, such as noise contours for airports. Where such new or revised contours become available for airports (civil or military) and military installations they shall first be referred to the HUD State Office (Environmental Officer) for review, evaluation and decision on appropriateness for use by HUD. The HUD State Office shall submit revised contours to the Assistant Secretary for Community Planning and Development for review, evaluation and decision whenever the area affected is changed by 20 percent or more, or whenever it is determined that the new contours will have a significant effect on HUD programs, or whenever the contours are not provided in a methodology acceptable under §51.106(a)(1) or in other cases where the HUD State Office determines that Headquarters review is warranted. For other areawide acoustical data, review is required only where existing areawide data are being utilized and where such data have been changed to reflect changes in the measurement methodology or underlying noise source assumptions. Requests for determination on usage of new or revised areawide data shall include the following:

- i. Maps showing old, if applicable, and new noise contours, along with brief description of data source and methodology.
  - ii. Impact on existing and prospective urbanized areas and on development activity.
  - iii. Impact on HUD-assisted projects currently in processing.
  - iv. Impact on future HUD program activity. Where a field office has determined that immediate approval of new areawide data is necessary and warranted in limited geographic areas, the request for approval should state the circumstances warranting such approval. Actions on proposed projects shall not be undertaken while new areawide noise data are being considered for HUD use except where the proposed location is affected in the same manner under both the old and new noise data.
- b) Site assessments. Compliance with the standards contained in §51.103(c) shall, where necessary, be determined using noise assessment guidelines, handbooks, technical documents and procedures issued by the Department.
- c) Variations in site noise levels. In many instances the noise environment will vary across a site, with portions of the site being in an Acceptable noise environment and other portions in a Normally Unacceptable noise environment. The standards in §51.103(c) shall apply to the portions of a building or buildings used for residential purposes and for ancillary noise sensitive open spaces.
- d) Noise measurements. Where noise assessments result in a finding that the site is borderline or questionable, or is controversial, noise measurements may be performed. Where it is determined that noise measurements are required, such measurements will be conducted in accordance with methods and measurement criteria established by the Department. Locations for noise measurements will depend on the location of noise sensitive uses that are nearest to the predominant noise source (see §51.103(c)).
- e) Projections of noise exposure. In addition to assessing existing exposure, future conditions should be projected. To the extent possible, noise exposure shall be projected to be representative of conditions that are expected to exist at a time at least 10 years beyond the date of the project or action under review.
- f) Reduction of site noise by use of berms and/or barriers. If it is determined by adequate analysis that a berm and/ or barrier will reduce noise at a housing site, and if the barrier is existing or there are assurances that it will be in place prior to occupancy, the environmental noise analysis for the site may reflect the benefits afforded by the berm and/or barrier. In the environmental review process under §51.104(b), the location height and design of the berm and/or barrier shall be evaluated to determine its effectiveness, and impact on design and aesthetic quality, circulation and other environmental factors. [44 FR 40861, July 12, 1979, as amended at 61 FR 13334, Mar. 26, 1996]

