



**U.S. Department of Housing and Urban Development**

451 Seventh Street, SW  
Washington, DC 20410  
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**Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5**

**Pursuant to 24 CFR 58.35(a)**

**Project Information**

**Project Name:** Maitri Compassionate Care 401 Duboce Window Replacement

**Responsible Entity:** City and County of San Francisco Mayor’s Office of Housing and Community Development (MOHCD)

**Grant Recipient** (if different than Responsible Entity): Maitri Compassionate Care (Sub-recipient)

**State/Local Identifier:**

**Preparer:** Eugene T. Flannery, Environmental Compliance Manager MOHCD

**Certifying Officer Name and Title:** Brian Cheu, Deputy Director MOHCD

**Consultant** (if applicable):

**Direct Comments to:** Eugene T. Flannery at [eugene.flannery@sfgov.org](mailto:eugene.flannery@sfgov.org)

**Project Location:** 401 Duboce Avenue, San Francisco, CA 94114 APN 0195-023

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

Window replacement at 401 Duboce Residential Care Facility.

Window Replacement	\$ 125,000
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**Level of Environmental Review Determination:**

Categorically Excluded per 24 CFR 58.35(a)(3)(iii) - Rehabilitation of non-residential buildings and improvements.

**Funding Information**

Grant Number	HUD Program	Funding Amount
	CARES	\$ 125,000

**Estimated Total HUD Funded Amount:** \$125,000

**Estimated Total Project Cost** (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$150,000

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

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

<b>Compliance Factors:</b> 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 &amp; 58.6</b>		
<b>Airport Hazards</b>  24 CFR Part 51 Subpart D	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project does not lie within an Airport Clear Zone or Accident Potential Zone.  Source Documents: 1. City/County Association of Governments of San Mateo County, 2012 (November). Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport. Available at <a href="https://ccag.ca.gov/wp-content/uploads/2018/01/SFO-AIA-B.pdf">https://ccag.ca.gov/wp-content/uploads/2018/01/SFO-AIA- B.pdf</a> Prepared by Jacobs Consultancy, and Clarion. 2. Google Earth Pro, Distance to SFO, April 14, 2022
<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"/>	The project is not located in a coastal barrier resource area.  Source Document: 1. 16 USC §3501(a)(1) which defines the locations of coastal barrier resource areas. The Pacific Coast of the Continental United States is not included in that definition.

<b>Compliance Factors:</b> 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>The project involves the rehabilitation of a non-residential building. The project site is not located in a FEMA designated Special Flood Hazard Area.</p> <p>The project is located in an area of minimal flood hazard Zone X. See map Number 0602980118A, effective March 23, 2021. The project would not involve either direct or indirect support of development in a floodplain.</p> <p>Source Documents:</p> <p>1. City and County of San Francisco Interim Floodplain Map. Internet Web Site:  <a href="https://sfgsa.org/san-francisco-floodplain-management-program">https://sfgsa.org/san-francisco-floodplain-management-program</a>    Accessed on April 14, 2022.</p> <p>2. United States Federal Emergency Management Administration. FEMA Issued Flood Maps, San Francisco County. Internet Web Site:  <a href="https://msc.fema.gov/portal/search?AddressQuery=55%20Columbus%20Avenue%20San%20Francisco%20CA#searchresultsanchor">https://msc.fema.gov/portal/search?AddressQuery=55%20Columbus%20Avenue%20San%20Francisco%20CA#searchresultsanchor</a>    Accessed on April 14, 2022.</p>
<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 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes    No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>The project does not involve acquisition of undeveloped land, a change in land use, major rehabilitation that would cost 75% or more of the property value, or new construction. The project does not meet thresholds for review by the Bay Area Air Quality Management District (BAAQMD) for air quality impacts, as it is minor in nature; thus, the project conforms to the State Implementation Plan (SIP).</p> <p>Air Pollutant Exposure Zone, San Francisco Health Code Article 38 - Site is located in an area with elevated pollutant concentrations. Sensitive use buildings, as defined in the Applicability section of the Ordinance, must</p>

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		<p>comply with Health Code Article 38. While the building is a Sensitive use building as defined by Article 38 the project is not a major rehabilitation project as defined by the San Francisco Green Building Code and compliance with Health Code Article 38 is not required.</p> <p>The building was constructed in 1925, before the 1978 federal bans on friable asbestos-containing building materials and lead-containing paints became effective. Due to the age of the subject property building, there is a potential that asbestos-containing material (ACM) and/or lead-based paint (LBP) are present.</p> <p>Due to the probability of disturbances to surfaces it is highly likely that ACM would be disturbed. A preconstruction survey to identify the presence of asbestos containing materials or lead based paint should be conducted. The identified suspect ACMs would need to be sampled to confirm the presence or absence of asbestos prior to any renovation or demolition activities to prevent potential exposure to workers and/or building occupants.</p> <p>Removal of asbestos materials would comply with the National Emissions Standards for Hazardous Air Pollutants and the Bay Area Air Quality Management District Regulation 11, Rule 2.</p> <p>Operations and Maintenance (O&amp;M) Programs should be implemented in order to safely manage the suspect ACMs and LBP located at the subject property.</p> <p>Source Documents:</p> <ol style="list-style-type: none"> <li>1. Bay Area Air Quality Management District Regulation 11, Rule 2, The Bay Area Air Quality Management District</li> <li>2. U.S. Department of Housing and Urban Development, Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in</li> </ol>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
		<p>Housing, Office of Healthy Homes and Lead Hazard Control, Second Edition, July 2012</p> <p>3. San Francisco Property Information Map, <a href="https://sfplanninggis.org/pim/">https://sfplanninggis.org/pim/</a>, site accessed on April 14, 2022</p> <p>Mitigation Measures:</p> <p>Asbestos and Lead Survey - A preconstruction survey to identify asbestos containing materials and lead based paint should be conducted. The identified suspect ACMs and LBP would need to be sampled to confirm the presence or absence of such prior to any renovation or demolition activities to prevent potential exposure to workers and/or building occupants.</p>
<b>Coastal Zone Management</b>  Coastal Zone Management Act, sections 307(c) & (d)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The San Francisco Bay Conservation and Development Commission (BCDC) has permit authority over San Francisco Bay and lands located within 100 feet of the Bay shoreline.</p> <p>BCDC's San Francisco Bay Plan is the Coastal Zone Management Program for the San Francisco Bay Segment of the California Coastal Zone Management Program, pursuant to the Federal Coastal Zone Management Act (CZMA).</p> <p>The project site is located more than 100 feet from the San Francisco Bay shoreline; and is not an activity for which a permit is required, therefore, no formal finding of consistency with the San Francisco Bay Plan is required. The project activity does not involve activity within a Coastal Zone Management Area (CZMA).</p> <p>Source Documents:</p> <p>1. San Francisco Bay Conservation and Development Commission. San Francisco Bay Plan. Adopted 1973. Reprinted in February 2008. <a href="http://www.bcdc.ca.gov/laws_plans/plans/sfbay_plan.shtml">http://www.bcdc.ca.gov/laws_plans/plans/sfbay_plan.shtml</a></p> <p>2. United States National Oceanic and Atmospheric Administration. State Coastal Zone Boundaries, California. Internet Web Site:</p>

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		<a href="http://coastalmanagement.noaa.gov/mystate/docs/StateCZBoundaries.pdf">http://coastalmanagement.noaa.gov/mystate/docs/StateCZBoundaries.pdf</a> 3. San Francisco Property Information Map: <a href="https://sfplanninggis.org/pim/">https://sfplanninggis.org/pim/</a>
<b>Contamination and Toxic Substances</b>  24 CFR Part 50.3(i) & 58.5(i)(2)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	A search by MOHCD of the California Department of Toxic Substance Control Envirostor and the California State Water Board's Geotracker Databases on April 14, 2022 returned no sites within a 2,000-foot radius of the project site.  Source Documents: 1. DTSC Envirostor Database, accessed 04/14/2022, <a href="https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=401+Duboce+Avenue+San+Francisco+CA">https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=401+Duboce+Avenue+San+Francisco+CA</a> 2. California State Waterboards Geotracker Database accessed 04/14/2022 <a href="https://geotracker.waterboards.ca.gov/map/?CMD=runreport&amp;myaddress=401+Duboce+avenue+san+francisco+ca#">#"&gt;https://geotracker.waterboards.ca.gov/map/?CMD=runreport&amp;myaddress=401+Duboce+avenue+san+francisco+ca# #</a>
<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"/>	The project activity involves a previously developed urban property and thus would have no effect on any natural habitats or federally protected species. The project site is entirely developed and therefore does not support identified species' habitat requirements. There are no critical habitats at this location. Source Documents:  1. U.S. Fish and Wildlife Services Information for Planning and Consultation Website (IPaC). <a href="https://ecos.fws.gov/ipac/location/EGWKO/GI4DVH7FJK2SZNFQFFIME/resources">https://ecos.fws.gov/ipac/location/EGWKO/GI4DVH7FJK2SZNFQFFIME/resources</a>  Accessed on April 14, 2022.

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<b>Explosive and Flammable Hazards</b>  24 CFR Part 51 Subpart C	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The project will not result in an increased number of people being exposed to hazardous operations by increasing residential densities, converting the type of use of a building to habitation, or making a vacant building habitable. The project does not involve explosive or flammable materials or operations.</p> <p>No evidence of current or former ASTs or USTs was observed during the site reconnaissance</p> <p>Source Documents:</p> <ol style="list-style-type: none"> <li>1. United States Department of Housing and Urban Development. Environmental Criteria and Standards. 24 CFR Part 51</li> <li>2. San Francisco Department of Public Health List of Above Ground Storage Tanks in San Francisco,</li> <li>3. United States Department of Housing and Urban Development. Siting of HUD-Assisted Projects Near Hazardous Facilities: Acceptable Separation Distances from Explosive and Flammable Hazards. Office of Community Planning and Development, Office of Environment and Energy. Washington, CD September 1996.</li> </ol>
<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 consists of urban land; therefore, the project would not affect farmlands. There are no protected farmlands in the City and County of San Francisco.</p> <p>Source Documents:</p> <ol style="list-style-type: none"> <li>1. United States Department of Agriculture. 7 CFR Part 658.2(a) Farmland Protection Policy Act</li> <li>2. United States Department of Agriculture, Natural Resources Conservation Services. Web Soil Survey. Internet Web Site: <a href="http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx">http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx</a>. Accessed on April 14, 2022.</li> </ol>
<b>Floodplain Management</b>	Yes    No	The Federal Emergency Management Agency [24 CFR 55, Executive Order 11988] (FEMA)

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>prepares Flood Insurance Rate Maps (FIRMs) that identify areas subject to flood inundation, most often from a flood having a one percent chance of occurrence in a given year (also known as a “base flood” or “100-year flood”). FEMA refers to the portion of the floodplain or coastal area that is at risk from floods of this magnitude as a Special Flood Hazard Areas (SFHA).</p> <p>The project is not within a known FEMA floodplain nor within the preliminary Flood Insurance Rate Map prepared for the City and County of San Francisco in November 2015. The project is located in an area of minimal flood hazard Zone X. See map Number 0602980118A, effective March 23, 2021. The project would not involve either direct or indirect support of development in a floodplain.</p> <p>Source Documents:</p> <ol style="list-style-type: none"> <li>1. City and County of San Francisco Interim Floodplain Map. Internet Web Site: <a href="https://sfgsa.org/san-francisco-floodplain-management-program">https://sfgsa.org/san-francisco-floodplain-management-program</a> Accessed on April 14, 2022.</li> <li>2. United States Federal Emergency Management Administration. FEMA Issued Flood Maps, San Francisco County. Internet Web Site: <a href="https://msc.fema.gov/portal/search?AddressQuery=55%20Columbus%20Avenue%20San%20Francisco%20CA#searchresultsanchor">https://msc.fema.gov/portal/search?AddressQuery=55%20Columbus%20Avenue%20San%20Francisco%20CA#searchresultsanchor</a> Accessed on April 14, 2022.</li> </ol>
<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"/>	<p>The building was constructed in 1925. As such, it is a potential historic resource and subject to the 2007 Programmatic Agreement By And Among The City And County Of San Francisco, The California State Historic Preservation Officer, And The Advisory Council On Historic Preservation Regarding Historic Properties Affected By Use Of Revenue From The Department Of Housing And Urban Development Part 58 Programs (PA).</p>



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		<p>MOHCD has reviewed the project under the PA and has determined that the undertaking is exempt from review by the SHPO or ACHP per Stipulations II.A and IV.A. The undertaking is subject to Appendix A paragraph 6 of the PA: <u>Repair, replacement or installation of windows and storm windows (exterior, interior, metal or wood) provided these match the shape, size and materials of the historic windows and provided that, for storm windows, the meeting rail coincides with that of the historic window. Color should match trim. If reproduction of damaged elements must be accomplished with new materials then any reproduction or replacement shall be in kind.</u></p> <p>The City and County of San Francisco Planning Department has determined that the Undertaking conforms to the Standards and the State Historic Building Code.</p> <p>No Historic Properties are Affected.</p> <p>Source Documents:</p> <ol style="list-style-type: none"> <li>1. City and County of San Francisco. Programmatic V Agreement by and among the City and County of Son Francisco, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Historic Properties Affected by Use of Revenue from the Department of Housing and Urban Development Part 58 Programs. January 19, 2007;</li> <li>2. City of San Francisco Planning Department Property Information Map, <a href="http://ec2-50-17-237-182.compute-1.amazonaws.com/PIM/?dept=planning">http://ec2-50-17-237-182.compute-1.amazonaws.com/PIM/?dept=planning</a> , Site accessed on April 14, 2022</li> <li>3. United States Advisory Council on Historic Preservation. 36 CFR Part 800 Protection of Historic Properties.</li> </ol>



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<b>Wild and Scenic Rivers</b>  Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	No wild and scenic rivers are located within the City and County of San Francisco.  Source Documents:  1. United States National Park Service. Designated Wild and Scenic Rivers by State. California. Internet Web Site:  <a href="https://www.nps.gov/orgs/1912/plan-your-visit.htm">https://www.nps.gov/orgs/1912/plan-your-visit.htm</a>  Accessed on April 14, 2022.
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b>  Executive Order 12898	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project would not result in disproportionately adverse environmental effects on minority or low- income populations as the project will not result in any significant impacts. The project does not involve displacement of residents. The rehabilitation activities would enhance the quality of life for low income residents of the complex.  Source Documents:  1. EPA NEPAssist EJSCREEN tool: <a href="https://ejscreen.epa.gov/mapper/">https://ejscreen.epa.gov/mapper/</a> Site accessed on April 14, 2022  2. HUD Guidance and Technical Advice, Environmental Justice. <a href="http://portal.hud.gov/hudportal/HUD?srrv/programmoffices/commplanning/environment/review/ius">http://portal.hud.gov/hudportal/HUD?srrv/programmoffices/commplanning/environment/review/ius</a> Uce

**Field Inspection** (Date and completed by): Eugene T. Flannery April 14, 2022

**Summary of Findings and Conclusions:** Possible lead based paint and asbestos present

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

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<p>Due to the probability of disturbances to surfaces it is highly likely that ACM would be disturbed. A preconstruction survey to identify asbestos containing materials should be conducted. The identified suspect ACMs would need to be sampled to confirm the presence or absence of asbestos prior to any renovation or demolition activities to prevent potential exposure to workers and/or building occupants.</p> <p>Removal of asbestos materials would comply with the National Emissions Standards for Hazardous Air Pollutants and the Bay Area Air Quality Management District Regulation 11, Rule 2.</p> <p>Operations and Maintenance (O&amp;M) Programs should be implemented in order to safely manage the suspect ACMs and LBP located at the subject property.</p>
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	<p>The buildings at the Target Property have the coatings and materials that may contain measurable amounts of lead.</p> <p>Recommendation: Representative samples of coatings should be collected to evaluate lead content, and samples of materials that frequently contain elevated levels of lead (e.g., vinyl flooring, etc.) should also be collected. Dust control procedures should be implemented for compliance with Cal/OSHA's Construction Lead Standard under 8 CCR 1532.1 during any renovations. In addition, waste profiling should be completed by the contractor to characterize waste prior to disposal.</p>

**Determination:**

- This categorically excluded activity/project converts to Exempt, per 58.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at §58.5. **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
- This categorically excluded activity/project cannot convert to Exempt because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain “Authority to Use Grant Funds”** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
- This project is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature: *Eugene Flannery* Date: 04/14/2022

Name/Title/Organization: Eugene T. Flannery, Environmental Compliance Manager, MOHCD

Responsible Entity Agency Official Signature:

Brian Cheu Date: 04/14/2022

Name/Title: Brian Cheu, Deputy Director, MOHCD

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).

Signature: *Brian Cheu*  
Brian Cheu (Apr 15, 2022 11:12 PDT)  
Email: [brian.cheu@sfgov.org](mailto:brian.cheu@sfgov.org)






# Maitri SW 401 Duboce 04142022

Final Audit Report

2022-04-15

Created:	2022-04-15
By:	Eugene Flannery (geneflan@gmail.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAbvJ_zwLZidUJTxXEUflUG_-V6AFR1dPL

## "Maitri SW 401 Duboce 04142022" History

-  Document created by Eugene Flannery (geneflan@gmail.com)  
2022-04-15 - 2:31:41 AM GMT- IP address: 208.121.5.36
-  Document emailed to Brian Cheu (brian.cheu@sfgov.org) for signature  
2022-04-15 - 2:32:16 AM GMT
-  Email viewed by Brian Cheu (brian.cheu@sfgov.org)  
2022-04-15 - 6:12:18 PM GMT- IP address: 208.121.64.7
-  Document e-signed by Brian Cheu (brian.cheu@sfgov.org)  
Signature Date: 2022-04-15 - 6:12:34 PM GMT - Time Source: server- IP address: 208.121.64.7
-  Agreement completed.  
2022-04-15 - 6:12:34 PM GMT