**Environmental Assessment**

**Determinations and Compliance Findings**

**for HUD-assisted Projects**

**24 CFR Part 58**

# Project Information

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| **Project Name:** | Leigh-Avenue-Seniors |

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| **HEROS Number:** | 900000010022524 |

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| **Responsible Entity (RE):** | SAN JOSE, 1800 THIRD STREET SAN JOSE CA, 95814 |

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| **RE Preparer:** | Harry Freitas |

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| **State / Local Identifier:** | CA |

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| **Certifying Officer:** | Harry Freitas |

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| **Grant Recipient (if different than Responsible Entity):** | Housing Authority of County of Santa Clara |

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| **Point of Contact:** | Ron Babiera |

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| **Consultant (if applicable):** | David J. Powers and Associates, Inc. |

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| **Point of Contact:** | Akoni Danielson |

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| **Project Location:** | 1030 Leigh Avenue, San Jose, CA 95126 |

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| **Additional Location Information:** |
| The project site is located at 1030 Leigh Avenue in the City of San Jose (Figure 1). The Santa Clara County Assessor's Parcel Numbers is 284-32-014. The 0.97-acre project site is at the northeast corner of Leigh Avenue and Southwest Expressway. |

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| **Direct Comments to:** | Reema Mahamood  Planning Division  200 East Santa Clara Street T-3  San Jose, CA 95113-1905  reema.mahamood@sanjoseca.gov |

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| **Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:** |
| First Community Housing (FCH), an affordable housing developer, proposes to use Section 8 project-based vouchers (PBVs) to provide rental assistance to lower income senior tenants at a proposed 64-unit affordable housing project, located on a 0.97-acre site at 1030 Leigh Avenue in the City of San Jose (Figure 2). The site is located on the east side of Leigh Avenue, at the northwest corner of Leigh Avenue and Southwest Expressway (Figure 3). The affordable housing project would consist of a new four-story building that includes approximately 7,000 square feet of dental office space located on the ground floor and 64 affordable senior apartment units located in the three floors above. The three residential floors would be constructed over a concrete podium and at-grade parking garage. The senior housing component would include 63 one-bedroom units and one two-bedroom unit for the on-site complex manager. The project would serve low-income seniors earning 30-50 percent of the area median income (AMI). Twenty three of the units would be for seniors who required in-home medical services provided by Santa Clara County. A site plan is shown in Figure 4. The four-story building would be approximately 60 feet tall and include a common courtyard area, interview room, community room, social services room, computer room, and community gardens. Access to the site would be provided via a driveway located on Leigh Avenue near the southwest corner of the project site. The building would also include LEED Gold and Platinum green building design features including energy-efficient windows, photovoltaic electricity, VOC-free building materials, LED lighting, and water efficient fixtures. All residents would receive annual VTA Eco Passes to provide complementary bus and light rail service throughout Santa Clara County. |

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

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| Subsidized rental housing for lower income seniors is in high demand in the City of San Jose and throughout Santa Clara County. To help subsidize tenants' rents within the targeted income levels and reach deeper levels of affordability within the City, federal rental assistance is needed. Federal PBV assistance would be used during project operations and not during the development phase. The City of San Jose is conducting U.S. Department of Housing and Urban Development (HUD) NEPA review for the affordable senior apartment project, because the project sponsor, First Community Housing, proposes to use federal PBV assistance to subsidize tenants' rents. The Housing Authority of County of Santa Clara (HACSC) would provide Section 8 housing assistance to First Community Housing in the form of Section 8 PBVs for 63 units designated for occupancy by low-income seniors. The project is intended to serve seniors earning 30 to 50 percent of the County AMI. Housing assistance payments would be used for operating costs. Housing assistance would be provided for an initial contract term of 15 years with an automatic renewal for an additional 15 years, subject to annual appropriations from the Federal government and HACSC's determination that the owner (First Community Housing) is in compliance with the Housing Assistance Payment (HAP) contract and other applicable HUD requirements. Subsidized rental housing for seniors with lower incomes are in high demand throughout the Bay Area and the Leigh Avenue Senior Apartments Project would make a positive impact in addressing the need for affordable housing in the City of San Jose and in the County of Santa Clara. |

**Existing Conditions and Trends [24 CFR 58.40(a)]:**

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| Regional Outlook The Bay Area continues to be one of the most expensive real estate markets in the country. As detailed in the San Jose Housing Element, despite the prevalence of highly skilled, high-wage workers in Silicon Valley, data from the California Employment Development Department (EDD) show a divergent trend in the region: while about one third of Santa Clara County's workforce command high salaries in the range of approximately $86,000 to $144,000 per year, nearly half of all jobs pay low-income wages between $19,000 and $52,000 annually. These working class wages are not enough to pay for housing costs without creating a housing burden, defined as housing costs that exceed 30% of income. Low levels of housing production, relative to demand, contribute to this region's high housing costs. As such, both the existing and future need for affordable housing in San Jose is considerable and far exceeds available supply. Apartments can provide affordable options for seniors, who are typically over fifty five years of age and rely on limited fixed incomes. The low-income senior population is growing in the Bay Area. Apartments can vary in prices, but are typically more affordable than single-family homes. Seniors that sell or are displaced from their single family homes have challenges finding new housing options due to the rising housing costs in the Bay Area. Local Perspective According to the Santa Clara County Housing Needs Allocation, 2014 to 2022 prepared by the Association of Bay Area Governments (ABAG), the City of San Jose should add 35,080 new units by 2022 (of which 9,233 would be very low, 5,428 would be low, and 6,188 would be moderate) in order to meet the needs for affordable housing. Physical Setting/ Existing Conditions The 0.97-acre project site consists of a single vacant parcel located at 1030 Leigh Avenue in a mixed residential and commercial area of the City of San Jose. The project site is located at the northwest corner of Leigh Avenue and Southwest Expressway. The site is bound by existing multi-family residential apartments to the east, a nursery to the north, Southwest Expressway to the west, and Leigh Avenue to the south. An existing office complex is located southwest of the site and residential uses are located west and northwest of the site across Southwest Expressway. A gas station is located directly south of the site, across Leigh Avenue. The project site is located approximately 150 feet east of existing Santa Clara Valley Transportation Authority (VTA) light rail and Union Pacific Railroad (UPRR) tracks, which run in a north-south direction along the west side of Southwest Expressway. The closest light rail station is located approximately 1,500 feet north of the site at the corner of Fruitdale Avenue and Southwest Expressway. The project area is also served by local, community, and express bus routes. Local bus routes include Lines 25. Line 65 serves as a community bus route and Line 103 serve as express and bus route. Vehicle access to the project site is currently provide via existing driveways located on Leigh Avenue and Southwest Expressway. The project site is a vacant in-fill parcel that is surrounded by existing development. The site was previously occupied by a gas station from 1971 until 2006. The gas station closed in 2006 and the buildings, pumps, and structures were removed in September 2007. Prior to that the site was utilized for agricultural purposes, since as early as the 1930s. The existing project entitlement was approved by the City of San Jose and received California Environmental Quality Act (CEQA) clearance in 2008 but was not evaluated under the National Environmental Policy Act (NEPA), as no federal involvement was anticipated at the time. The General Plan land use designation for the project site is Neighborhood Community/Commercial and the site is zoned (PD) Planned Development. |

**Maps, photographs, and other documentation of project location and description:**

[Leigh Ave. - Project Location Map.pdf](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010064318_1486227001801.pdf)

**Determination:**

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| ✓ | Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment |
|  | Finding of Significant Impact |

**Approval Documents:**

[FONSI Signature Page - Leigh Ave. Seniors.pdf](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010068090_1486227001801.pdf)

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| **7015.15 certified by Certifying Officer on:** |  |

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| **7015.16 certified by Authorizing Officer on:** |  |

**Funding Information**

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| **Grant Number** | **HUD Program** | **Program Name** | **Funding Amount** |
| CDFA 14.195 | PIH | Project-Based Voucher Program | $19,731,600.00 |

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| **Estimated Total HUD Funded Amount:** | $19,731,600.00 |

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| **Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** | $42,000,000.00 |

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

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| **Compliance Factors**:  Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6 | Are formal compliance steps or mitigation required? | Compliance determination  (See Appendix A for source determinations) |
| **STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6** | | |
| **Airport Hazards** Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D | 🞎 Yes 🗹 No | The project site is located approximately 3 miles south of the Norman Y. Mineta San Jose International Airport. The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. |
| **Coastal Barrier Resources Act**  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501] | 🞎 Yes 🗹 No |  |
| **Flood Insurance** Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a] | 🞎 Yes 🗹 No | The project site is located within Zone D (FEMA Flood Insurance Rate Map No. 06085C0241H, May 18, 2009). The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. |
| **STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5** | | |
| **Air Quality** Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93 | 🞎 Yes 🗹 No | The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act. This determination is based upon the Federal Register/ Vol. 81, No. 242 / Friday, December 16, 2016 / Proposed Rules. The project would place new residences in an infill urban location that is served by transit. Proximity to busy streets, including Leigh Avenue and Southwest Expressway, is associated with exposure to toxic air contaminants (TACs) and fine particulate matter (PM2.5), predominantly from vehicle emissions. A TAC assessment to evaluate the potential community health risks to future residences was completed on September 6, 2016. Exposure of New Residences to Toxic Air Contaminants The Bay Area Air Quality Management District (BAAQMD) has established single source thresholds for evaluating potential impacts to sensitive receptors from TACs. BAAQMD considers cancer risks greater than 10 cases per one million, annual PM2.5 concentrations over 0.3Aµg/m3, and hazard index (HI) greater than 1.0 to be a significant impact. A review of the area indicates that the northwestern property boundary is across Southwest Expressway from a UPRR rail line. Federal Railroad Administration Maps tool was used to estimate the volume of train traffic and it was found to be extremely low. Therefore, the impact of railway traffic would be minimal. BAAQMDa¿¿s Stationary Source Screening Tool did not identify any stationary sources with the potential to affect the project site and nearby sensitive receptors. The TAC assessment concluded that traffic on Leigh Avenue would result in 7.4 excess cancer cases per million, setback approximately 25 feet from Leigh Avenue. The maximum PM2.5 concentration would be 0.3Aµg/m3 setback 25 feet from Leigh Avenue and chronic and acute HI from the roadway would be below 0.03. These estimated concentrations do not exceed BAAQMND thresholds and therefore the community risk impact from Leigh Avenue traffic would be less than significant. Operational Emissions The BAAQMD has established screening criteria based on project size to identify proposed projects that could generate operational-related criteria air pollutants that exceed BAAQMD thresholds of significance. Projects that generate more than 54 pounds per day (or 10 tons per year) of ROG (reactive organic gases), NOx, or PM2.5; or 82 pounds per day (or 15 tons per year) of PM10 would be considered to have a significant impact on regional air quality. The project is below the BAAQMD criteria air pollutant screening level of 451 dwelling units. The project does not include any stationary sources of emissions (e.g., generators). Therefore, the project would not result in operational-related criteria air pollutants in excess of BAAQMD thresholds. Greenhouse Gas Emissions The BAAQMD has established screening criteria based on project size to identify proposed projects that could have a cumulatively considerable contribution to significant greenhouse gas emissions (GHG). The project is below the BAAQMD GHG screening level for low-rise apartments of 78 dwelling units, therefore it would not result in cumulatively considerable contribution to significant GHG emissions. The project also includes LEED Gold and Platinum green building design features including energy-efficient windows, photovoltaic electricity, VOC-free building materials, LED lighting, and water efficient fixtures. All residents would also receive annual VTA Eco Passes to provide complementary bus and light rail service throughout Santa Clara County, which would further reduce potential project-related GHG emissions. |
| **Coastal Zone Management Act** Coastal Zone Management Act, sections 307(c) & (d) | 🞎 Yes 🗹 No | The project site is not located in a coastal zone, as defined by the California Coastal Act (Public Resources Code, Division 20, Section 3000 Et. Seq.) The nearest coastal zone is located to the west in San Mateo County. The project is in compliance with the Coastal Zone Management Act. |
| **Contamination and Toxic Substances** 24 CFR 50.3(i) & 58.5(i)(2)] | 🗹 Yes 🞎 No | A Phase I Environmental Site Assessment was prepared for the project site in August 2016. The project site was used for agricultural purposes from the 1930s to 1970 and may have been impacted by residual organochlorine pesticides (e.g., DDT and DDE) and heavy metals. Soil sampling completed at the project site in 2007 revealed the presence of residual organochlorine pesticides, arsenic, and lead, at concentrations below the Regional Water Quality Control Board (RWQCB) residential Environmental Screening Levels (ESLs) for the protection of human health or at naturally occurring background levels and do not pose a risk to future residents at the project site. Between 1971 and 2006 the project site operated as a gasoline service station. In 2007 the gas station was demolished and four underground storage tanks (USTs) used for fuel dispensing and waste oil storage were removed from the site. Soil and groundwater sampling completed between 2007 and 2009 revealed the presence of residual total petroleum hydrocarbons (gasoline), toluene, benzene, and xylenes in on-site soil and groundwater at concentration below the laboratory reporting limits and do not pose a human health risk to future residents. Soil gas samples were also collected as part of a vapor intrusion assessment conducted at the site in 2007. Analysis of soil gas samples revealed the presence of volatile organic compounds (VOCs) at concentrations below residential ESLs for the protection of indoor air. In 2009 the County of Santa Clara Department of Environmental Health (SCCDEH), with concurrence from the California RWQCB issued a case closure letter for soil and groundwater clean-up associated with the removal of the former USTs at the project site. The case closure letter required the preparation of a Site Management Plan prior to any grading or site preparation activities to reduce potential contamination and toxic substances impacts to construction workers, nearby sensitive receptors, and future residences from residual soil contamination from petroleum hydrocarbons. As a mitigation measure (MM HAZ-1), the project shall prepare a Site Management Plan which shall be reviewed and approved by the City of San Jose Environmental Services Division and the SCCDEH prior to the initiation of any construction additives to reduce potential contamination and toxic substances impacts to construction works, nearby sensitive receptors, and future site residences. |
| **Endangered Species Act** Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402 | 🞎 Yes 🗹 No | The project site is located in an urban area and is surrounded by existing development. The site was previously developed with a gas station and has been extensively disturbed by prior uses and removal of the former gas stations facility. Urban habitats include street trees, landscaping, lawns, and vacant lots, provide habitat for wildlife that is adapted to the modified environment. The project site is not located within any mapped critical habitat for any species. No rare, threatened, endangered, or special status species of flora or fauna are known to inhabit the site, and no sensitive species are anticipated in this area of the City of San Jose. The project site is located within the study area of the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (VHP). According to Santa Clara Valley Habitat Agency Geobrowser, the project site is designated as Urban-Suburban and is not located in any Land Cover Fee Zones or Plant or Wildlife Survey Area, and the project, due to its size less than two acres, is not considered a Covered Activity under the VHP. If construction of the proposed project occurs during the bird nesting season (February 1-August 31), construction activities have the potential to impact nesting birds that are protected under the Migratory Bird Treaty Act (MBTA). Mitigation measures (MM BIO-1) are included in the project to avoid the potential for construction related impacts, including the requirement to conduct preconstruction surveys, therefore the project complies with the Endangered Species Act. This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act. |
| **Explosive and Flammable Hazards** Above-Ground Tanks)[24 CFR Part 51 Subpart C | 🞎 Yes 🗹 No | An Explosives and Fire Hazards Review was performed on July 23, 2016 for the proposed project. The review and survey was conducted in accordance with 24 CFR Part 51 C. There are no explosive or flammable operations on the project site. The survey identified two businesses within 2,000 feet of the site that reported storage of materials that warranted calculation of Acceptable Separation Distance (ASD). The ASD for the propane tanks located at the Leigh Union 76 station, located southwest of the project site exceeds the ASD for the nearest residentially occupied building on the site; however, based on the distance to the tanks to the nearest proposed structure does not satisfy the required ASD. Based on the proposed site plan, the closest proposed structure would be utilized as a trash enclosure and utility building and would not be used or occupied by a future resident, therefore all identified above-ground storage containers satisfy or exceeded the required ASD for the quantities of the chemicals present. The project is in compliance with explosive and flammable hazard requirements. |
| **Farmlands Protection** Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658 | 🞎 Yes 🗹 No | The project is located in an urban area and would not impact any protected farmlands. The project is not actively farmed, subject to a Williamson Act Contract, or designated as Prime Farmland. The project site is designated as a??urban and built-up landa? on the 2012 Santa Clara County Important Farmland Map, therefore, the project complies with the Farmland Protection Policy Act. This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. |
| **Floodplain Management** Executive Order 11988, particularly section 2(a); 24 CFR Part 55 | 🞎 Yes 🗹 No | This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. |
| **Historic Preservation** National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800 | 🞎 Yes 🗹 No | The project site is not listed on the City of San JosA(c) Register of Historic Resources, the State of Californiaa??s Historic Resources Inventory (HRI) or the Federal Historic Register. A Cultural Resources Literature Search was performed for the project on August 11, 2016. The proposed Area of Potential Effect (APE) has been subjected to several cultural resource investigations over the years, including a cultural resource evaluation prepared for the CEQA Initial Study in 2007. No archeological or historic resources were identified on the project site or within a 0.25 mile radius of the project site. Native American consultation consisted of contacting the Native American Heritage Commission was initiated on July 11, 2016. Consultation did not identify any Native American concerns regarding the proposed project. Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106. |
| **Noise Abatement and Control** Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B | 🗹 Yes 🞎 No | A Noise Assessment was conducted. The noise level was normally unacceptable: 70.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation with mitigation. Sources of noise in the project vicinity include traffic along Southwest Expressway, Leigh Avenue, Union Pacific Railroad and light rail operations. An Acoustical Analysis was completed for the project site by J. C. Brennan and Associates, Inc., on August 23, 2016. Exterior Noise Environment Future cumulative exterior noise levels at the project site due to roadway traffic, rail operation, and aircraft operations are estimated to be approximately 70 dBA DNL. The project includes two designated common areas which are located approximately 150 feet from Leigh Avenue and 175 feet from Southwest Expressway. Typical construction would result in a 20 to 25 dBA reduction, therefore, the exterior noise exposure at the designated common areas is expected to between 57 and 58 dBA DNL, which is less than 65 dBA DNL and would meet HUD compatibility criteria. Interior Noise Environment Future cumulative exterior noise levels at the project site due to roadway traffic, rail operation, and aircraft operations are estimated to be approximately 70 dBA DNL. Typical construction would result in a 20 to 25 dBA exterior to interior noise level reduction, which would still exceed the 45 dBA DNL HUD compatibility threshold. |
| **Sole Source Aquifers** Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149 | 🞎 Yes 🗹 No | The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. |
| **Wetlands Protection** Executive Order 11990, particularly sections 2 and 5 | 🞎 Yes 🗹 No | The project site is an in-fill parcel located in 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 and the project complies with Executive Order 11990. The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. |
| **Wild and Scenic Rivers Act** Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c) | 🞎 Yes 🗹 No | The project site is not located within a mile of a designated wild and scenic river system. There are no such rivers in the City of San JosA(c). This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. |
| **HUD HOUSING ENVIRONMENTAL STANDARDS** | | |
| **ENVIRONMENTAL JUSTICE** | | |
| **Environmental Justice** Executive Order 12898 | 🞎 Yes 🗹 No | The project includes affordable senior housing and will not have any disproportionately high health or other negative effects on minority or low-income populations. The project would not displace any minority owned businesses or residents. The project would facilitate the General Plan goals of the City of San Jose and provide much needed rental assistance to benefit low-income and senior populations, therefore, the project complies with Executive Order 12898. No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. |

**Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]**

**Impact Codes**: An impact code from the following list has been used 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** | **Mitigation** |
| --- | --- | --- | --- |
| **LAND DEVELOPMENT** | | | |
| Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design | 2 | The project is consistent with the General Plan designation and applicable general plan policies as well as with the current zoning district regulations. The project site has a General Plan land use designation of Neighborhood/Community Commercial and is located in a Planned Development (PD) zoning district. The proposed project is consistent with the permitted land uses under the zoning designation and would be consistent with building height, landscaping, setbacks, and parking requirements. Surrounding lands uses included residential and commercial uses and would not conflict with the proposed residential and office use. The project includes landscaping around the perimeter of the site, setbacks of 10 to 15-feet at most property boundaries, and construction of the proposed building at heights comparable to the surrounding development in order to minimize any land use conflicts. |  |
| Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff | 3 | Soil Suitability/Slope/Erosion The project site is located on a relatively flat site at an elevation of approximately 153 feet above mean sea level. The project site is primarily underlain by Urban land-Still complex soils of zero to two percent slopes. Testing of subsurface soils on site indicate the presence of primarily silt with some sand, and gravel zones. The project site is not located in a Santa Clara County Liquefaction, Fault Rapture, or Landslide Hazard Zone. In addition the project is not mapped within an Alquist-Priolo Earthquake Fault Zone or City of San Jose Potential Hazard Zone. There is a potential that expansive soils that have a moderate shrink/swell potential could be located on the project site. As a mitigation measure (MM GEO-1) a geotechnical investigation report addressing the potential geotechnical hazards on the site shall be submitted to the review and approval of the City Geologist prior to issuance of any grading permits. All construction activities shall comply with the recommendations contained in the soils and geotechnical report that will be prepared for the project and in accordance with the design standards established by the City of City of San Jose. The project will also be constructed in conformance with the California Building Code. Drainage/Stormwater Runoff The project site is not located in an area of high erosion potential; however, development of the proposed project would include grading activities that may result in a temporary increase in erosion. The City of San Jose policy requires that the project prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of the National Pollution Discharge Elimination System (NPDES) General Permit for Construction Activities. Full and complete compliance with these conditions of approval will ensure that there is no new impact to stormwater runoff in terms of quality or volume as a result of project-related construction activities. Post-construction, the proposed project would not alter the existing drainage pattern of the site or area, or increase the amount of runoff in a manner that could potentially exceed the capacity of existing stormwater system, or result in erosion or siltation on- or off-site. Because the project would create 10,000 square feet or more of impervious surfaces, the City of San Jose requires that post-construction measures are undertaken that comply with the requirements of the NPDES Municipal Regional Stormwater permit as well as the City's Policy 6-29, and the project includes a post-construction stormwater control plan to manage and treat stormwater. |  |
| Hazards and Nuisances including Site Safety and Site-Generated Noise | 3 | The project will not create a risk of explosion, release of hazardous substances or other dangers to public health. The project provides a safe place for residents. Mitigation measures have been incorporated into the project to reduce potential impacts related to geology and noise impacts, as noted above. Seismicity The project site is located in the San Francisco Bay Area, which is considered one of the most seismically active regions in the United States. The project site is not located within an Alquist-Priolo Earthquake Fault Zone, a Santa Clara County Earthquake Zone for fault rupture, nor a City of San Jose Fault Hazard Zone. Significant earthquakes in the Bay Area are generally associated with the San Andreas Fault system, located about 10 miles southwest of the site. The project site could experience strong seismic ground shaking and related effects in the event of an earthquake on one of the identified active or potentially active faults in the region. Required project compliance with the latest California Building Code requirements for new construction would reduce the associated risk of property loss and hazards to occupants to a less-than significant level. Noise Community noise levels will not be significantly affected by the development in the long term. The permanent, on-going noise anticipated at the project site is from normal automobile traffic generated by the project and normal rail noise from minimal rail traffic on the UPRR tracks. The project may result in temporary noise from construction. | Seismic As a mitigation measure (MM GEO-1) a geotechnical investigation report addressing the potential geotechnical hazards on the site shall be submitted to the review and approval of the City Geologist prior to issuance of any grading permits. All construction activities shall comply with the recommendations contained in the soils and geotechnical report that will be prepared for the project and in accordance with the design standards established by the City of City of San Jose. The project will also be constructed in conformance with the California Building Code for Seismic Zone 4 to avoid and minimize potential damage from seismic ground shaking. Noise The project also includes construction mitigation measures (MM NOI-2) to minimize construction noise impacts on surrounding sensitive noise receptors. Therefore, the project complies with the HUD noise abatement and control regulations of 24 CFR 51B. |
| Energy Consumption/Energy Efficiency | 2 | The new development would not represent a wasteful use of energy. The project will be required to comply with applicable building energy efficiency standards pursuant to Title 24, Part 6 of the California Code of Regulations. At the building permit stage, the project will comply with the California Green Building Standards Code (CALGreen Code) that establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. The building will feature LEED Gold or Platinum green building design, and include a living green roof and greenhouse, photovoltaic electricity, no-VOC materials, LED lighting and energy and water efficient fixtures. |  |
| **SOCIOECONOMIC** | | | |
| Employment and Income Patterns | 1 | According to the 2010 Census, approximately 11.4 percent of San Jose households are extremely low income (earning 30% of median income or less), 11.6 percent are very low income (incomes between 31% and 50% of the area median), 15 percent are low income (between 51% and 80% of area median) and 62% are moderate income (above 80% of area median). Approximately 12.6 percent of the population of San Jose is 62 years of age or older. The project will increase the availability of senior affordable housing for the senior residents of San Jose and Santa Clara County. No significant change to the demographic character of the neighborhood is expected because of the project since it is intended to serve the existing population. |  |
| Demographic Character Changes / Displacement | 1 | The project will provide affordable housing designed to accommodate the unmet needs of the senior population of San Jose and Santa Clara County. 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 population. |  |
| **COMMUNITY FACILITIES AND SERVICES** | | | |
| Educational and Cultural Facilities (Access and Capacity) | 2 | The proposed 64 units of affordable senior apartments and approximately 7,000 square feet of dental office are not anticipated to have impacts on education or cultural facilities since the project is designed for low-income seniors and seniors who require in-home services from the County of Santa Clara. In accordance with California Government Code Section 65996, the developer shall pay a school impact fee to the School District to offset potential increased demands on school facilities. The project would not displace existing cultural facilities nor will it affect cultural facilities by its operation. |  |
| Commercial Facilities (Access and Proximity) | 2 | The proposed 64 units of affordable senior apartments and approximately 7,000 square feet of dental office are not anticipated to have impacts to education and cultural facilities. The project is located in an urban area within close proximity to shopping and commercial opportunities. |  |
| Health Care / Social Services (Access and Capacity) | 1 | The proposed 64 units of affordable senior apartments and approximately 7,000 square feet of dental office would provide housing opportunities for low-income seniors in San Jose and Santa Clara County, including seniors who require in-home services provided by Santa Clara County. The project is intended to serve the local senior population and construction of the project would improve health care and social services in the area. The project is not anticipated to have impacts to health care and social services. |  |
| Solid Waste Disposal and Recycling (Feasibility and Capacity) | 2 | The proposed 64 units of affordable senior apartments and approximately 7,000 square feet of dental office are not anticipated to have impacts to solid waste disposal/recycling facilities. The project would have an incremental increase in solid waste disposal; however, the project is subject to City of San Jose development fees to accommodate the incremental demand on services. |  |
| Waste Water and Sanitary Sewers (Feasibility and Capacity) | 2 | The proposed 64 units of affordable senior apartments and approximately 7,000 square feet of dental office are not anticipated to have impacts to waste water/sanitary sewer services. The project would have an incremental increase in waste water and sanitary sewer services. Based on the CEQA Initial Study prepared for the project, the proposed apartments are estimated to generate approximately 16,100 gallons per day of water and approximately 13,685 gallons of waste water per day. The project is subject to City of San Jose development fees to accommodate the incremental demand on waste water and sanitary sewer services. There is available wastewater treatment capacity to serve the proposed project as documented in the CEQA Initial Study. |  |
| Water Supply (Feasibility and Capacity) | 2 | The proposed 64 units of affordable senior apartments and approximately 7,000 square feet of dental office are not anticipated to have impacts on water supply. The project would have an incremental increase in water consumption. Based on the CEQA Initial Study prepared for the project, the proposed apartments are estimated to generate approximately 16,100 gallons per day for potable water and irrigation requirements. The project site is served by the San Jose Water Company (SJWC). The Envision San Jose 2040 General Plan EIR concluded that sufficient water supplies are available to serve planned growth in the City. Therefore, there will be adequate water supply to serve the project. |  |
| Public Safety - Police, Fire and Emergency Medical | 2 | The proposed 64 units of affordable senior apartments and approximately 7,000 square feet of dental office are not anticipated to have impacts on public safety, police, or fire services. Public services are generally provided to the community as a whole and financed on a community-wide basis. The proposed senior housing and office project is located on a former gas station site in an urban area that is currently served by municipal providers. The project would result in an incremental increase in the demand for public services. The project is subject to City of San Jose development fees to accommodate the incremental demand on services. Emergency Medical The project will not require a significant change in emergency medical services already provided in the area. |  |
| Parks, Open Space and Recreation (Access and Capacity) | 2 | The proposed 64 units of affordable senior apartments and approximately 7,000 square feet of dental office are not anticipated to have impacts on public safety, police, or fire services. The project would result in an incremental increase in the demand for parks, open space, and recreation. The project is subject to City of San Jose development fees to accommodate the incremental demand on parks and open space services. The project will be required to pay fees consistent with the Parkland Dedication Ordinance. These fees are used to improve existing parkland and recreational facilities. |  |
| Transportation and Accessibility (Access and Capacity) | 2 | Based on the City of San Jose Interim Guidelines for Traffic Impact Analysis for Land Development, and a traffic analysis completed for the project by Hexagon Transportation Consultants in 2007 as part of the CEQA Initial Study covering the land use entitlements including Planned Development Rezoning that currently covers the site, the project is estimated to generate 510 daily trips, including 32 AM and 40 peak hour trips. The net new trips from the project were determined by subtracting the number of trips generated by the prior gas station use on the site. Using the City rates, the prior land use (gas station) generated 620 daily trips including 50 AM and 56 PM peak hour trips. Therefore, the project would result in net decrease of 110 daily trips, 18 AM trips, and 16 PM trips. In addition, the project includes free Eco Passes to all residents to allow unlimited access to local public transit systems. Trips generated by the project will have a less than significant impact on local and regional roadways. |  |
| **NATURAL FEATURES** | | | |
| Unique Natural Features /Water Resources | 2 | The proposed 64 units of affordable senior apartments and approximately 7,000 square feet of dental office would be located on an in-fill lot previously occupied by a gas station and would not impact unique natural features or water resources. There are no surface waters on or near the project site. Los Gatos Creek is approximately 0.25 mile to the east, separated by several city blocks, and would be unaffected by the project. The project would be served by the San Jose Water Company (SJWC). The project would have an incremental increase in water consumption, estimated to be approximately 16,100 gallons per day of water. The Envision San Jose 2040 General Plan EIR concluded that sufficient water supplies are available to serve planned growth in the City. Therefore, there will be adequate water supply to serve the project. There will be no significant change to water resources used. |  |
| Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.) | 3 | The project is located on an in-fill lot located in an urban area that was previously occupied by a gas station. The project would not impact natural habitat containing endangered species or any designated or proposed critical habitat. The project will remove approximately 20 trees that will be replaced in accordance with the City of San Jose replacement ratios. | In compliance with the MBTA and the California Fish and Game Code, the proposed project shall implement a mitigation measure, including conducting pre-construction nesting bird surveys to reduce or avoid construction-related impacts to nesting raptors and their nests, if construction cannot be scheduled between September and January (inclusive) to avoid the nesting season. |
| Other Factors | 1 | New construction of the apartment building will provide safe living conditions for low income senior residents by meeting fire, life safety, and Americans with Disabilities Act (ADA) codes. |  |

**Supporting documentation**

**Additional Studies Performed:**

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **Field Inspection [Optional]:** Date and completed by: |  |
| Eric Calleja | 1/12/2017 12:00:00 AM |

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

|  |
| --- |
|  |

**List of Permits Obtained:**

|  |
| --- |
|  |

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

|  |
| --- |
| The FONSI/NOIRROF notice will be noticed in five newspapers in the following languages: English Spanish Tagalog Chinese Vietnamese |

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

|  |
| --- |
| The potential environmental impacts from the proposed project are primarily short-term impacts associated with the construction of the affordable apartment building. It is possible that other proposed construction schedules in the project area may overlap with the project, but the overlap is likely to be minimal, and the proposed project includes mitigation measures (listed above) to limit disturbance to adjacent land uses and would not result in cumulatively considerable impacts. |

**Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]**

|  |
| --- |
| No development alternatives to the proposed project have been identified or considered, because the proposed action would not result in any significant unavoidable impacts. |

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

|  |
| --- |
| The No Action Alternative would not construct a 64 unit affordable senior apartment project in the City of San Jose. Under this alternative, the affordable housing objectives included in the project would not be achieved and it is possible that another residential development or commercial project could be approved for the site that might not include affordable housing units. With implementation of mitigation measures, which are included in the project, the proposed project would not result in any substantial adverse short- or long-term environmental impacts. Any residential project proposed on the site would result in short-term impacts similar to those of the proposed project. |

**Summary of Findings and Conclusions:**

|  |
| --- |
| \* The proposed project will be compatible with existing and future land uses in the vicinity of the project site. \* The proposed project will provide affordable housing in the City of San Jose where affordable housing options are in high demand. \* The proposed project will comply with all statutory regulations pertaining to environmental issues. \* The proposed project could result in adverse long-term environmental impacts with regard to air quality, and noise. Mitigation measures have been incorporated into the project that will minimize or avoid these long-term impacts. \* The proposed project could result in short-term (i.e. construction-related) environmental impacts with regard to hazardous materials, air quality, noise, biological resources, cultural resources, and storm water runoff. Mitigation Measures have been incorporated into the project that will minimize or avoid these short-term impacts. |

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

Summarized below areall 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 or Condition** | **Comments on Completed Measures** | **Complete** |
| Noise Abatement and Control | A mitigation measure (MM NOI-1) and design features are included in the project to ensure that interior noise levels in all units do not exceed 45 dBA DNL, in conformance with HUD and the State of California Title 24 requirements. The residential windows and sliding glass doors associated with living areas, including bathrooms would be required to be STC 30 rated on the facades facing parallel to and perpendicular to Leigh Avenue and Southwest Expressway.   With these mitigation measures, the project will be in compliance with HUD Noise Abatement and Control levels. | N/A |  |
| Hazards and Nuisances including Site Safety and Site-Generated Noise | Seismic As a mitigation measure (MM GEO-1) a geotechnical investigation report addressing the potential geotechnical hazards on the site shall be submitted to the review and approval of the City Geologist prior to issuance of any grading permits. All construction activities shall comply with the recommendations contained in the soils and geotechnical report that will be prepared for the project and in accordance with the design standards established by the City of City of San Jose. The project will also be constructed in conformance with the California Building Code for Seismic Zone 4 to avoid and minimize potential damage from seismic ground shaking. Noise The project also includes construction mitigation measures (MM NOI-2) to minimize construction noise impacts on surrounding sensitive noise receptors. Therefore, the project complies with the HUD noise abatement and control regulations of 24 CFR 51B. | N/A |  |
| Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.) | In compliance with the MBTA and the California Fish and Game Code, the proposed project shall implement a mitigation measure, including conducting pre-construction nesting bird surveys to reduce or avoid construction-related impacts to nesting raptors and their nests, if construction cannot be scheduled between September and January (inclusive) to avoid the nesting season. | N/A |  |

**Mitigation Plan**

|  |
| --- |
| Standard mitigation measures attached. |

[Mitigation Measures and Conditions - Leigh Ave. Seniors.docx](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010068085_1486227001801.docx)

**Supporting documentation on completed measures**

**APPENDIX A: Related Federal Laws and Authorities**

**Airport Hazards**

|  |  |  |
| --- | --- | --- |
| General policy | Legislation | Regulation |
| It is HUD’s policy to apply standards to prevent incompatible development around civil airports and military airfields. |  | 24 CFR Part 51 Subpart D |

**1. To ensure compatible land use development, you must determine your site’s proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?**

|  |  |
| --- | --- |
| ✓ | **No** |

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

|  |  |
| --- | --- |
|  | **Yes** |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| The project site is located approximately 3 miles south of the Norman Y. Mineta San Jose International Airport. The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. |

**Supporting documentation**

[FACTOR - San Jose Mineta International Airport Clear Zone Map.docx](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010064326_1486227001801.docx)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Coastal Barrier Resources**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS. | Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501) |  |

**This project is located in a state that does not contain CBRA units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.**

**Compliance Determination**



**Supporting documentation**

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Flood Insurance**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained. | Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128) | 24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b). |

**1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?**

|  |  |
| --- | --- |
|  | No. This project does not require flood insurance or is excepted from flood insurance. |

|  |  |
| --- | --- |
| ✓ | Yes |

**2. Upload a FEMA/FIRM map showing the site here:**

|  |
| --- |
| [FACTOR - Flood Zone FEMA map.docx](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010064327_1486227001801.docx) |

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](http://www.msc.fema.gov) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information.  Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

**Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?**

|  |  |
| --- | --- |
| ✓ | No |

Based on the response, the review is in compliance with this section.

|  |  |
| --- | --- |
|  | Yes |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| The project site is located within Zone D (FEMA Flood Insurance Rate Map No. 06085C0241H, May 18, 2009). The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. |

**Supporting documentation**

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Air Quality**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP. | Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d)) | 40 CFR Parts 6, 51 and 93 |

**1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?**

|  |  |
| --- | --- |
| ✓ | Yes |
|  | No |

**Air Quality Attainment Status of Project’s County or Air Quality Management District**

**2. Is your project’s air quality management district or county in non-attainment or maintenance status for any criteria pollutants?**

|  |  |
| --- | --- |
| ✓ | No, project’s county or air quality management district is in attainment status for all criteria pollutants. |

|  |  |
| --- | --- |
|  | Yes, project’s management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply): |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act. This determination is based upon the Federal Register/ Vol. 81, No. 242 / Friday, December 16, 2016 / Proposed Rules. The project would place new residences in an infill urban location that is served by transit. Proximity to busy streets, including Leigh Avenue and Southwest Expressway, is associated with exposure to toxic air contaminants (TACs) and fine particulate matter (PM2.5), predominantly from vehicle emissions. A TAC assessment to evaluate the potential community health risks to future residences was completed on September 6, 2016. Exposure of New Residences to Toxic Air Contaminants The Bay Area Air Quality Management District (BAAQMD) has established single source thresholds for evaluating potential impacts to sensitive receptors from TACs. BAAQMD considers cancer risks greater than 10 cases per one million, annual PM2.5 concentrations over 0.3Aµg/m3, and hazard index (HI) greater than 1.0 to be a significant impact. A review of the area indicates that the northwestern property boundary is across Southwest Expressway from a UPRR rail line. Federal Railroad Administration Maps tool was used to estimate the volume of train traffic and it was found to be extremely low. Therefore, the impact of railway traffic would be minimal. BAAQMDa¿¿s Stationary Source Screening Tool did not identify any stationary sources with the potential to affect the project site and nearby sensitive receptors. The TAC assessment concluded that traffic on Leigh Avenue would result in 7.4 excess cancer cases per million, setback approximately 25 feet from Leigh Avenue. The maximum PM2.5 concentration would be 0.3Aµg/m3 setback 25 feet from Leigh Avenue and chronic and acute HI from the roadway would be below 0.03. These estimated concentrations do not exceed BAAQMND thresholds and therefore the community risk impact from Leigh Avenue traffic would be less than significant. Operational Emissions The BAAQMD has established screening criteria based on project size to identify proposed projects that could generate operational-related criteria air pollutants that exceed BAAQMD thresholds of significance. Projects that generate more than 54 pounds per day (or 10 tons per year) of ROG (reactive organic gases), NOx, or PM2.5; or 82 pounds per day (or 15 tons per year) of PM10 would be considered to have a significant impact on regional air quality. The project is below the BAAQMD criteria air pollutant screening level of 451 dwelling units. The project does not include any stationary sources of emissions (e.g., generators). Therefore, the project would not result in operational-related criteria air pollutants in excess of BAAQMD thresholds. Greenhouse Gas Emissions The BAAQMD has established screening criteria based on project size to identify proposed projects that could have a cumulatively considerable contribution to significant greenhouse gas emissions (GHG). The project is below the BAAQMD GHG screening level for low-rise apartments of 78 dwelling units, therefore it would not result in cumulatively considerable contribution to significant GHG emissions. The project also includes LEED Gold and Platinum green building design features including energy-efficient windows, photovoltaic electricity, VOC-free building materials, LED lighting, and water efficient fixtures. All residents would also receive annual VTA Eco Passes to provide complementary bus and light rail service throughout Santa Clara County, which would further reduce potential project-related GHG emissions. |

**Supporting documentation**

[Appendix A- Community Risk Assessment.pdf](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010068071_1486227001801.pdf)

[FACTOR - Clean Air Map.pdf](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010064524_1486227001801.pdf)

[FACTOR - Clean Air Determination (Federal Registry).pdf](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010064523_1486227001801.pdf)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Coastal Zone Management Act**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans. | Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d)) | 15 CFR Part 930 |

**1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| The project site is not located in a coastal zone, as defined by the California Coastal Act (Public Resources Code, Division 20, Section 3000 Et. Seq.) The nearest coastal zone is located to the west in San Mateo County. The project is in compliance with the Coastal Zone Management Act. |

**Supporting documentation**

[FACTOR - Coastal Zone Managment - StateCZBoundaries.pdf](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010064329_1486227001801.pdf)

[FACTOR - Coastal Barrier Map.docx](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010064328_1486227001801.docx)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Contamination and Toxic Substances**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulations |
| It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property. |  | 24 CFR 58.5(i)(2)  24 CFR 50.3(i) |

**1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.**

|  |  |
| --- | --- |
| ✓ | American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA) |
|  | ASTM Phase II ESA |
|  | Remediation or clean-up plan |
|  | ASTM Vapor Encroachment Screening |
|  | None of the Above |

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

|  |  |
| --- | --- |
| ✓ | No |

**Explain:**

|  |
| --- |
| Phase 1 did not identify any environmental conditions or RECs. |

Based on the response, the review is in compliance with this section.

|  |  |
| --- | --- |
|  | Yes |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| A Phase I Environmental Site Assessment was prepared for the project site in August 2016. The project site was used for agricultural purposes from the 1930s to 1970 and may have been impacted by residual organochlorine pesticides (e.g., DDT and DDE) and heavy metals. Soil sampling completed at the project site in 2007 revealed the presence of residual organochlorine pesticides, arsenic, and lead, at concentrations below the Regional Water Quality Control Board (RWQCB) residential Environmental Screening Levels (ESLs) for the protection of human health or at naturally occurring background levels and do not pose a risk to future residents at the project site. Between 1971 and 2006 the project site operated as a gasoline service station. In 2007 the gas station was demolished and four underground storage tanks (USTs) used for fuel dispensing and waste oil storage were removed from the site. Soil and groundwater sampling completed between 2007 and 2009 revealed the presence of residual total petroleum hydrocarbons (gasoline), toluene, benzene, and xylenes in on-site soil and groundwater at concentration below the laboratory reporting limits and do not pose a human health risk to future residents. Soil gas samples were also collected as part of a vapor intrusion assessment conducted at the site in 2007. Analysis of soil gas samples revealed the presence of volatile organic compounds (VOCs) at concentrations below residential ESLs for the protection of indoor air. In 2009 the County of Santa Clara Department of Environmental Health (SCCDEH), with concurrence from the California RWQCB issued a case closure letter for soil and groundwater clean-up associated with the removal of the former USTs at the project site. The case closure letter required the preparation of a Site Management Plan prior to any grading or site preparation activities to reduce potential contamination and toxic substances impacts to construction workers, nearby sensitive receptors, and future residences from residual soil contamination from petroleum hydrocarbons. As a mitigation measure (MM HAZ-1), the project shall prepare a Site Management Plan which shall be reviewed and approved by the City of San Jose Environmental Services Division and the SCCDEH prior to the initiation of any construction additives to reduce potential contamination and toxic substances impacts to construction works, nearby sensitive receptors, and future site residences. |

**Supporting documentation**

[Appendix B- Phase I.pdf](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010064530_1486227001801.pdf)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
| ✓ | Yes |
|  | No |

**Endangered Species**

|  |  |  |
| --- | --- | --- |
| General requirements | ESA Legislation | Regulations |
| Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”). | The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq*.); particularly section 7 (16 USC 1536). | 50 CFR Part 402 |

**1. Does the project involve any activities that have the potential to affect specifies or habitats?**

|  |  |
| --- | --- |
|  | No, the project will have No Effect due to the nature of the activities involved in the project. |

|  |  |
| --- | --- |
|  | No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office |

|  |  |
| --- | --- |
| ✓ | Yes, the activities involved in the project have the potential to affect species and/or habitats. |

**2. Are federally listed species or designated critical habitats present in the action area?**

|  |  |
| --- | --- |
| ✓ | No, the project will have No Effect due to the absence of federally listed species and designated critical habitat |

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Documentation may include letters from the Services, species lists from the Services’ websites, surveys or other documents and analysis showing that there are no species in the action area.

|  |  |
| --- | --- |
|  | Yes, there are federally listed species or designated critical habitats present in the action area. |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| The project site is located in an urban area and is surrounded by existing development. The site was previously developed with a gas station and has been extensively disturbed by prior uses and removal of the former gas stations facility. Urban habitats include street trees, landscaping, lawns, and vacant lots, provide habitat for wildlife that is adapted to the modified environment. The project site is not located within any mapped critical habitat for any species. No rare, threatened, endangered, or special status species of flora or fauna are known to inhabit the site, and no sensitive species are anticipated in this area of the City of San Jose. The project site is located within the study area of the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (VHP). According to Santa Clara Valley Habitat Agency Geobrowser, the project site is designated as Urban-Suburban and is not located in any Land Cover Fee Zones or Plant or Wildlife Survey Area, and the project, due to its size less than two acres, is not considered a Covered Activity under the VHP. If construction of the proposed project occurs during the bird nesting season (February 1-August 31), construction activities have the potential to impact nesting birds that are protected under the Migratory Bird Treaty Act (MBTA). Mitigation measures (MM BIO-1) are included in the project to avoid the potential for construction related impacts, including the requirement to conduct preconstruction surveys, therefore the project complies with the Endangered Species Act. This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act. |

**Supporting documentation**

[Habitat Agency Geobrowser - 1030 Leigh Ave..pdf](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010068075_1486227001801.pdf)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Explosive and Flammable Hazards**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards. | N/A | 24 CFR Part 51 Subpart C |

**1. Is the proposed HUD-assisted project a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals), i.e. bulk fuel storage facilities, refineries, etc.?**

|  |  |
| --- | --- |
| ✓ | No |
|  | Yes |

**2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?**

|  |  |
| --- | --- |
|  | No |

|  |  |
| --- | --- |
| ✓ | Yes |

**3. Within 1 mile of the project site, are there any current *or planned* stationary aboveground storage containers:**

* **Of more than 100 gallon capacity, containing common liquid industrial fuels OR**
* **Of any capacity, containing hazardous liquids or gases that are not common liquid industrial fuels?**

|  |  |
| --- | --- |
|  | No |

|  |  |
| --- | --- |
| ✓ | Yes |

**4. Is the Separation Distance from the project acceptable based on standards in the Regulation?**

|  |  |
| --- | --- |
| ✓ | Yes |

Based on the response, the review is in compliance with this section.

|  |  |
| --- | --- |
|  | No |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| An Explosives and Fire Hazards Review was performed on July 23, 2016 for the proposed project. The review and survey was conducted in accordance with 24 CFR Part 51 C. There are no explosive or flammable operations on the project site. The survey identified two businesses within 2,000 feet of the site that reported storage of materials that warranted calculation of Acceptable Separation Distance (ASD). The ASD for the propane tanks located at the Leigh Union 76 station, located southwest of the project site exceeds the ASD for the nearest residentially occupied building on the site; however, based on the distance to the tanks to the nearest proposed structure does not satisfy the required ASD. Based on the proposed site plan, the closest proposed structure would be utilized as a trash enclosure and utility building and would not be used or occupied by a future resident, therefore all identified above-ground storage containers satisfy or exceeded the required ASD for the quantities of the chemicals present. The project is in compliance with explosive and flammable hazard requirements. |

**Supporting documentation**

[Appendix C- Fire and Hazards Review.pdf](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010064331_1486227001801.pdf)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Farmlands Protection**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes. | Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.) | [7 CFR Part 658](http://www.access.gpo.gov/nara/cfr/waisidx_11/7cfr658_11.html) |

**1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:



Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| The project is located in an urban area and would not impact any protected farmlands. The project is not actively farmed, subject to a Williamson Act Contract, or designated as Prime Farmland. The project site is designated as a??urban and built-up landa? on the 2012 Santa Clara County Important Farmland Map, therefore, the project complies with the Farmland Protection Policy Act. This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. |

**Supporting documentation**

[FACTOR - Farmland Protection Map.pdf](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010064330_1486227001801.pdf)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Floodplain Management**

|  |  |  |
| --- | --- | --- |
| General Requirements | Legislation | Regulation |
| Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable. | Executive Order 11988 | 24 CFR 55 |

**1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]**

|  |  |
| --- | --- |
|  | 55.12(c)(3) |
|  | 55.12(c)(4) |
|  | 55.12(c)(5) |
|  | 55.12(c)(6) |
|  | 55.12(c)(7) |
|  | 55.12(c)(8) |
|  | 55.12(c)(9) |
|  | 55.12(c)(10) |
|  | 55.12(c)(11) |
| ✓ | None of the above |

**2. Upload a FEMA/FIRM map showing the site here:**

[FACTOR - Flood Zone FEMA map.docx](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010064327_1486227001801.docx)

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

**Does your project occur in a floodplain?**

|  |  |
| --- | --- |
| ✓ | No |

Based on the response, the review is in compliance with this section.

|  |  |
| --- | --- |
|  | Yes |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. |

**Supporting documentation**

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Historic Preservation**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects | Section 106 of the National Historic Preservation Act  (16 U.S.C. 470f) | 36 CFR 800 “Protection of Historic Properties” <http://www.access.gpo.gov/nara/cfr/waisidx_10/36cfr800_10.html> |

***Threshold***

**Is Section 106 review required for your project?**

|  |  |
| --- | --- |
|  | No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA ). (See the PA Database to find applicable PAs.) |
|  | No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)]. |
| ✓ | Yes, because the project includes activities with potential to cause effects (direct or indirect). |

***Step 1 – Initiate Consultation***

**Select all consulting parties below (check all that apply):**

|  |  |
| --- | --- |
|  |  |
| ✓ State Historic Preservation Offer (SHPO) | Completed |

|  |  |
| --- | --- |
|  |  |

|  |  |
| --- | --- |
|  | Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs) |

|  |  |
| --- | --- |
|  | Other Consulting Parties |

**Describe the process of selecting consulting parties and initiating consultation here:**

|  |
| --- |
| The project site is not listed on the City of San Jose Register of Historic Resources, the State of Californiaa??s Historic Resources Inventory (HRI) or the Federal Historic Register. A Cultural Resources Literature Search was performed for the project on August 11, 2016. The proposed Area of Potential Effect (APE) has been subjected to several cultural resource investigations over the years, including a cultural resource evaluation prepared for the CEQA Initial Study in 2007. No archeological or historic resources were identified on the project site or within a 0.25 mile radius of the project site. Native American consultation consisted of contacting the Native American Heritage Commission was initiated on July 11, 2016. Consultation did not identify any Native American concerns regarding the proposed project. SHPO concurrence was received on 12/01/2016. |

Document and upload all correspondence, notices and notes (including comments and objections received below).

***Step 2 – Identify and Evaluate Historic Properties***

1. **Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:**

|  |
| --- |
| The area of potential effects APE) encompasses the entire parcel designated 1030 Leigh Avenue (APN 284-32-014; Map 2). At its widest, the Project APE is 200 ft. (west/west) by 250 ft. (north/south). The deepest disturbance is the elevator shaft planned for 10 feet below surface. |

**In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.**

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

|  |  |  |  |
| --- | --- | --- | --- |
| **Address / Location / District** | **National Register Status** | **SHPO Concurrence** | **Sensitive Information** |

**Additional Notes:**

|  |
| --- |
|  |

1. **Was a survey of historic buildings and/or archeological sites done as part of the project?**

|  |  |
| --- | --- |
| ✓ | Yes |

Document and uploadsurveys and report(s) below.

For Archeological surveys, refer to HP Fact Sheet #6, Guidance on Archeological Investigations in HUD Projects.

Additional Notes:

|  |
| --- |
|  |

|  |  |
| --- | --- |
|  | No |

***Step 3 –Assess Effects of the Project on Historic Properties***

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

**Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.**

|  |  |
| --- | --- |
| ✓ | No Historic Properties Affected |

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

**Document reason for finding:**

|  |  |
| --- | --- |
| ✓ | No historic properties present. |
|  | Historic properties present, but project will have no effect upon them. |

|  |  |
| --- | --- |
|  | No Adverse Effect |

|  |  |
| --- | --- |
|  | Adverse Effect |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| The project site is not listed on the City of San JosA(c) Register of Historic Resources, the State of Californiaa??s Historic Resources Inventory (HRI) or the Federal Historic Register. A Cultural Resources Literature Search was performed for the project on August 11, 2016. The proposed Area of Potential Effect (APE) has been subjected to several cultural resource investigations over the years, including a cultural resource evaluation prepared for the CEQA Initial Study in 2007. No archeological or historic resources were identified on the project site or within a 0.25 mile radius of the project site. Native American consultation consisted of contacting the Native American Heritage Commission was initiated on July 11, 2016. Consultation did not identify any Native American concerns regarding the proposed project. Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106. |

**Supporting documentation**

[SHPO Concurrence Letter 1030 Leigh Avenue.pdf](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010064336_1486227001801.pdf)

[Appendix D- Section 106 Support.pdf](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010064335_1486227001801.pdf)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Noise Abatement and Control**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| HUD’s noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate. | Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: “Compatible Land Uses at Federal Airfields” | Title 24 CFR 51 Subpart B |

**1. What activities does your project involve? Check all that apply:**

|  |  |
| --- | --- |
| ✓ | New construction for residential use |

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

|  |  |
| --- | --- |
|  | Rehabilitation of an existing residential property |

|  |  |
| --- | --- |
|  | A research demonstration project which does not result in new construction or reconstruction |
|  | An interstate land sales registration |
|  | Any timely emergency assistance under disaster assistance provision 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 |
|  | None of the above |

4**. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000’ from a major road, 3000’ from a railroad, or 15 miles from an airport).**

**Indicate the findings of the Preliminary Screening below:**

|  |  |
| --- | --- |
|  | There are no noise generators found within the threshold distances above. |

|  |  |
| --- | --- |
| ✓ | Noise generators were found within the threshold distances. |

5**. Complete the Preliminary Screening to identify potential noise generators in the**

|  |  |
| --- | --- |
|  | Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a)) |

|  |  |
| --- | --- |
| ✓ | Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a)) |

**Is your project in a largely undeveloped area?**

|  |  |
| --- | --- |
| ✓ | No |

|  |  |
| --- | --- |
| Indicate noise level here: | 70 |

Document and upload noise analysis, including noise level and data used to complete the analysis below.

|  |  |
| --- | --- |
|  | Yes |

|  |  |
| --- | --- |
|  | Unacceptable: (Above 75 decibels) |

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels.

|  |  |
| --- | --- |
|  | Check here to affirm that you have considered converting this property to a non-residential use compatible with high noise levels. |

|  |  |
| --- | --- |
| Indicate noise level here: | 70 |

Document and upload noise analysis, including noise level and data used to complete the analysis below.

6**. HUD strongly encourages mitigation be used to eliminate adverse noise impacts. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review.**

|  |  |
| --- | --- |
| ✓ | Mitigation as follows will be implemented: |

|  |
| --- |
| A mitigation measure (MM NOI-1) and design features are included in the project to ensure that interior noise levels in all units do not exceed 45 dBA DNL, in conformance with HUD and the State of California Title 24 requirements. The residential windows and sliding glass doors associated with living areas, including bathrooms would be required to be STC 30 rated on the facades facing parallel to and perpendicular to Leigh Avenue and Southwest Expressway. With these mitigation measures, the project will be in compliance with HUD Noise Abatement and Control levels. |

Based on the response, the review is in compliance with this section. Document and upload drawings, specifications, and other materials as needed to describe the project’s noise mitigation measures below.

|  |  |
| --- | --- |
|  | No mitigation is necessary. |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| A Noise Assessment was conducted. The noise level was normally unacceptable: 70.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation with mitigation. Sources of noise in the project vicinity include traffic along Southwest Expressway, Leigh Avenue, Union Pacific Railroad and light rail operations. An Acoustical Analysis was completed for the project site by J. C. Brennan and Associates, Inc., on August 23, 2016. Exterior Noise Environment Future cumulative exterior noise levels at the project site due to roadway traffic, rail operation, and aircraft operations are estimated to be approximately 70 dBA DNL. The project includes two designated common areas which are located approximately 150 feet from Leigh Avenue and 175 feet from Southwest Expressway. Typical construction would result in a 20 to 25 dBA reduction, therefore, the exterior noise exposure at the designated common areas is expected to between 57 and 58 dBA DNL, which is less than 65 dBA DNL and would meet HUD compatibility criteria. Interior Noise Environment Future cumulative exterior noise levels at the project site due to roadway traffic, rail operation, and aircraft operations are estimated to be approximately 70 dBA DNL. Typical construction would result in a 20 to 25 dBA exterior to interior noise level reduction, which would still exceed the 45 dBA DNL HUD compatibility threshold. |

**Supporting documentation**

[Appendix E- Noise Analysis.pdf](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010068077_1486227001801.pdf)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
| ✓ | Yes |
|  | No |

**Sole Source Aquifers**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health. | Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349) | 40 CFR Part 149 |

**1. Is the project located on a sole source aquifer (SSA)?**

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

|  |  |
| --- | --- |
| ✓ | No |

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

|  |  |
| --- | --- |
|  | Yes |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. |

**Supporting documentation**

[FACTOR - Sole Source Aquifer Map.docx](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010064332_1486227001801.docx)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Wetlands Protection**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service’s National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed. | Executive Order 11990 | 24 CFR 55.20 can be used for general guidance regarding the 8 Step Process. |

**1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building’s footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order**

|  |  |
| --- | --- |
|  | No |

|  |  |
| --- | --- |
| ✓ | Yes |

**2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.**

**"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."**

|  |  |
| --- | --- |
| ✓ | No, a wetland will not be impacted in terms of E.O. 11990’s definition of new construction. |

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

|  |  |
| --- | --- |
|  | Yes, there is a wetland that be impacted in terms of E.O. 11990’s definition of new construction. |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| The project site is an in-fill parcel located in 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 and the project complies with Executive Order 11990. The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. |

**Supporting documentation**

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Wild and Scenic Rivers Act**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development. | The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c)) | 36 CFR Part 297 |

**1. Is your project within proximity of a NWSRS river?**

|  |  |
| --- | --- |
| ✓ | No |

|  |  |
| --- | --- |
|  | Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River. |
|  | Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River. |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| The project site is not located within a mile of a designated wild and scenic river system. There are no such rivers in the City of San JosA(c). This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. |

**Supporting documentation**

[FACTOR - Wild and Scenic Rivers Determination.doc](https://www.onecpd.info/reports/ESD_900000010022524_02252017_900000010064333_1486227001801.doc)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Environmental Justice**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project. | Executive Order 12898 |  |

**HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.**

**1. Were any adverse environmental impacts identified in any other compliance review portion of this project’s total environmental review?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

Based on the response, the review is in compliance with this section.

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| The project includes affordable senior housing and will not have any disproportionately high health or other negative effects on minority or low-income populations. The project would not displace any minority owned businesses or residents. The project would facilitate the General Plan goals of the City of San Jose and provide much needed rental assistance to benefit low-income and senior populations, therefore, the project complies with Executive Order 12898. No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. |

**Supporting documentation**

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |