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

Project Identification/Name  Gallup and Mesa Affordable Housing Project
Responsible Entity  City of San José
Preparer  AECOM
Month/Year  July 2020
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Acronyms and Abbreviations

AF  acre feet
AM  ante meridiem; morning
APE  Area of Potential Effects
APN  Assessor Parcel Number
ASTM  American Society for Testing and Materials
BAAQMD  Bay Area Air Quality Management District
bgs  below ground surface
BMP  Best Management Practice
CAAQS  California Ambient Air Quality Standards
CalEEMod  California Emissions Estimator Model, Version 2016.3.2
CalGreen  California Green Building Standards
CEQ  Council on Environmental Quality
CEQA  California Environmental Quality Act
CO  carbon monoxide
dB  decibel
DNL  Day/Night Noise level Average
EJ  Environmental Justice
EO  Executive Order
EPA  Environmental Protection Agency
ESA  Environmental Site Assessment
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>Etc.</td>
<td>etcetera</td>
</tr>
<tr>
<td>GHG</td>
<td>Greenhouse Gas</td>
</tr>
<tr>
<td>GwH</td>
<td>gigawatt hours, equivalent to one million kilowatt hours</td>
</tr>
<tr>
<td>HI</td>
<td>Hazards Index</td>
</tr>
<tr>
<td>HUD</td>
<td>United States Department of Housing and Urban Development</td>
</tr>
<tr>
<td>IPaC</td>
<td>Information for Planning and Consultation</td>
</tr>
<tr>
<td>L$_{dn}$</td>
<td>Day/Night Noise Level Average</td>
</tr>
<tr>
<td>MRP</td>
<td>San Francisco Bay Regional Water Quality Control Board’s Municipal Regional Permit</td>
</tr>
<tr>
<td>MT CO$_2$e</td>
<td>metric tons carbon dioxide equivalent</td>
</tr>
<tr>
<td>NAAQS</td>
<td>National Ambient Air Quality Standards</td>
</tr>
<tr>
<td>NAHC</td>
<td>Native American Heritage Commission</td>
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<tr>
<td>NEPA</td>
<td>National Environmental Policy Act</td>
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<tr>
<td>NHHA</td>
<td>National Historic Preservation Act</td>
</tr>
<tr>
<td>NRHP</td>
<td>National Register of Historic Places</td>
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<tr>
<td>PG&amp;E</td>
<td>Pacific Gas and Electric</td>
</tr>
<tr>
<td>PM</td>
<td>post meridiem, afternoon</td>
</tr>
<tr>
<td>PM$_{10}$</td>
<td>respirable particulate matter with an aerodynamic diameter of 10 micrometers or less</td>
</tr>
<tr>
<td>PM$_{2.5}$</td>
<td>fine particulate matter with an aerodynamic diameter of 2.5 micrometers or less</td>
</tr>
<tr>
<td>ppm</td>
<td>parts per million</td>
</tr>
<tr>
<td>R-M</td>
<td>Multiple Residence District</td>
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<tr>
<td>SCE</td>
<td>San José Clean Energy</td>
</tr>
<tr>
<td>SF</td>
<td>square foot, feet</td>
</tr>
<tr>
<td>SHPO</td>
<td>State Historic Preservation Officer</td>
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<td>SJCE</td>
<td>San José Clean Energy</td>
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<td>SJPD</td>
<td>San José Police Department</td>
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<tr>
<td>TAC</td>
<td>Toxic Air Contaminants</td>
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<tr>
<td>UR</td>
<td>Urban Residential</td>
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<tr>
<td>USFWS</td>
<td>United States Fish and Wildlife Service</td>
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<tr>
<td>VMT</td>
<td>Vehicle Miles Traveled</td>
</tr>
</tbody>
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Environmental Assessment
Determinations and Compliance Findings for HUD-assisted Projects
24 CFR Part 58

Project Information

Grant Recipient (if different than Responsible Entity)
Gallup and Mesa, LLC

State/Local Identifier

Preparer
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100 West San Fernando Street, Suite 200
San José, CA 95113

Certifying Officer Name and Title
Rosalynn Hughey, Director
Department of Planning, Building and Code Enforcement
City of San José

Consultant (if applicable)
AECOM Technical Services, Inc.
100 West San Fernando Street, Suite 200
San José, CA 95113

Direct Comments to
Planning Division, Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Tower 3 Floor
San José, CA 95113
Attention: Reema Mahamood, Planner III
(408) 535-6872
reema.mahamood@sanjoseca.gov

Project Location
The project site for proposed affordable housing units comprises two adjacent parcels at the intersection of the west side of Gallup Drive and the north side of Mesa Drive in the City of San José, Santa Clara
County, California. The street address for each parcel of the project site is 1171 Mesa Drive and 5647 Gallup Drive. The assessor’s parcel numbers (APNs) are 567-52-028 and 567-52-029 (see Source Document (1)).

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

Site Location and Overall Site Plan

The project applicant proposes to construct a five-story, approximately 55-foot-tall (excluding parapet, stairs, elevator room, and other rooftop accessories), 41,888 square-foot mixed-use affordable housing development on approximately 0.38 acre (16,576 square feet). The existing property previously contained structures but is currently vacant with grasses and scattered, mature redwood trees onsite. See Figure 1 and Figure 2 for images of the project site. The proposed project would include 45 affordable residential units and 1 market-rate manager’s unit, and service areas. Services include a neighborhood room, podium courtyard, residential community room, bike room, property management, mechanical, maintenance, and electrical rooms, mail room, an elevator, and stairs. An enclosed ground-floor garage and parallel parking spaces along an alley to the north would provide parking for project residents (see Source Document (2)).

Development Program

The proposed composition of the 45 affordable residential units includes 16 studios, 19 one-bedroom units, 6 two-bedroom units, and 5 three-bedroom units. The ground-level enclosed parking garage would accommodate 19 vehicles (two accessible, nine compact, and eight standard) with a single ingress/egress driveway on Gallup Drive. Infrastructure for electric vehicle charging stations would be provided in accordance with the California Green Building Standards (CalGreen). An additional six parallel parking spaces would be maintained along the adjacent alley on the north, which would be resurfaced with approximately 3,560 square feet of pervious concrete and permeable pavers. The bike room on the ground-floor would accommodate 20 bicycles. To encourage affordable housing residents to utilize the transit service in the Cambrian/Pioneer area of the proposed project, transit passes would be provided to residents. Building amenities would include laundry rooms, computer rooms, a podium courtyard, residential community room, and a neighborhood community room (see Source Document (2)).

The neighborhood community room on the ground floor would include simple amenities such as a kitchen and would be available to residents of the surrounding community to reserve and use.

A summary of the development program is provided in Table 1, below, which presents the allocation of square footage by each proposed use.

Floor Plans and Elevations

The proposed floor plans are shown in Figures 3 through 8 and consist of the following:

- Level 1 – At-grade parking with lobby, building services, and neighborhood community room
- Level 2 – Residential Units, computer room, laundry room, residential community room, and podium courtyard
- Level 3 to 5 – Housing
- Roof - Stair Tower, solar thermal and/or photo voltaic panels

Figures 9 through 12 depict the elevations of the proposed project.
Table 1

Proposed Action Summary of Net Building Areas by Use

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>Square Feet (approximate)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enclosed Parking Garage</td>
<td>6,800</td>
</tr>
<tr>
<td>Circulation and Services(^1)</td>
<td>7,859</td>
</tr>
<tr>
<td>Amenity(^2)</td>
<td>2,770</td>
</tr>
<tr>
<td>Residential Units(^3)</td>
<td>27,575</td>
</tr>
</tbody>
</table>

Notes:

\(^1\) – Includes horizontal circulation, vertical circulation, and services.

\(^2\) – Includes neighborhood community room, computer room, laundry room, residential community room, and podium courtyard.

\(^3\) – Includes studio, one-, two-, and three-bedroom units.

(see Source Document (2))

Landscape Improvements

Landscape plans include low groundcover in landscaped areas with non-woody plants to allow for fire access, refer to Figure 13 for the proposed landscape plan. Landscape planting design would use water-conserving plant species that are accustomed to the local climatic conditions. Twelve trees within the property would be removed, refer to Figure 14 for proposed tree removal locations.

Shrub and ground cover would provide a visual separation between the proposed building and adjacent streets. Taller plants would be planted around the building perimeter and in some of the large open space areas. In addition, flowering shrubs and other ground cover plants would create a visually layered appearance. Composted, non-floatable mulch would be used in areas between stormwater treatment plantings. A rain garden would contribute to stormwater management on the west side of the building.

The podium courtyard would have lounge and dining areas with seats, tables, and planters. The planters would be landscaped with shrubs and ground covers (see Source Document (2)).

Lighting

Exterior lighting along the ground level of the project site is primarily along Gallup Drive and Mesa Drive streets and at entrances or places of potentially heavy foot-traffic such as stairwell entrances, trash areas, and garage driveway. A mix of lights such as recessed downlights, wall mounted lights, and bollard lights would be used to light the exterior. The recessed downlights and bollard lights would primarily be used along Gallup Drive and Mesa Drive. The podium courtyard would be illuminated using a mix of lights such as wall mounted lights, step lights, and bollard lights (see Source Document (2)).
Off-Site Improvements

Off-site improvements include: planting of trees along Gallup Drive and Mesa Drive selected in accordance with the City of San José Street Tree Master Plan; street lighting; replacement sidewalks and curb accessibility ramps on portions of Gallup Drive and Mesa Drive; widening of the alley and updating its driveway; and replacing an existing mailbox along Mesa Drive.

Three fire hydrants are proposed on Mesa Drive, Gallup Drive and at the northwest corner of the property near the alley. Approximately 3,500 square feet (SF) of impervious asphalt in the alley to the north of the property would be resurfaced with permeable pavers and permeable concrete. To accommodate the proposed driveway into the parking garage, two street-level parking spaces along Gallup Drive would be removed (see Source Document (2)).

Construction

The proposed project would begin construction as early November 2020. Construction is anticipated to take approximately 16 months. No demolition is proposed as there are no existing structures on-site. Construction staging and construction employee parking may be located in nearby parking lots and nearby streets.

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

The 2016 Santa Clara County voter-approved $950 million Measure A Affordable Housing Bond is projected to fund 120 new affordable housing developments over 10 years, including 4,800 new apartments dedicated to extremely low-income and very low-income households. The bond will enhance the County’s ability to achieve its housing priorities, which include: increasing the scope and breadth of supportive housing for special needs populations (including veterans, seniors, people who are disabled, foster youth, survivors of abuse, the chronically homeless, and individuals suffering from mental health or substance abuse illnesses); increasing the supply of housing that is affordable to extremely low-income households; and improving coordination and collaboration among the County, cities, other governmental agencies, and the affordable housing community (see Source Document (3)).

The proposed project is needed to help achieve the following:

- Fill a growing need to house fixed-income residents, including seniors, who are particularly vulnerable to displacement in the Bay Area’s expensive housing market.
- Assist the City of San José in meeting its 5th Cycle (2015-2023) Adopted Housing Element, including requirements for State and regional funding, including initiatives to avoid displacement of lower-income households.
- Utilize financing provided under the Santa Clara County’s voter-approved Measure A affordable housing bond and a State bond program called No Place Like Home.

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

Existing Conditions

The fenced project site is undeveloped and unused. There are several mature trees among ruderal vegetation on the project site (refer to Figure 2).

The project site is in the Hoffman Via Monte neighborhood, 550 feet southeast of Blossom Hill Road and approximately 800 feet west of Almaden Expressway. Approximately 0.40-mile north is California State Route 85, also known as the West Valley Freeway.
Surrounding land uses include a four-unit apartment building to the west, a former movie theater that has been converted to a church to the north. Multi-family residential uses to the south, and commercial uses to the east. Directly across Gallup Drive is a shopping center that includes several stores and restaurants including an Office Max, Pet Food Express, and Whole Foods Market. Pioneer High School is located 0.06 mile to the west (refer to Figure 1).

Trends

The City of San José 2014-2023 Housing Element discusses the current housing conditions and expected trends. The City has experienced an increased housing stock along with a growing population in the past 50 years. Several indicators such as overcrowding, low vacancy rates, and overpayment, suggest that housing supply is low. In 2000, San José had a tight vacancy rate in the rental housing market during the dot-com boom with a vacancy rate of 1.9 percent. Even though in 2010 the vacancy rate was higher at 4.9 percent, it was still below the “natural rate” of 5 percent. In 2013, the vacancy rate was reported at approximately 3 percent. The homeownership rate in San José had been relatively stable during 1990-2000. With the “housing boom” in the mid-2000, homeownership peaked at 63.7 percent. However, by 2010, the rate of homeownership dropped to 58.5 percent. The decline in homeownership rates naturally leads to an increase in the portion of households that rent (see Source document (4)).

Overcrowding often occurs because households cannot afford the cost of housing, requiring multiple household or more persons on average to live under one roof. In San José, overcrowding occurred in approximately 30,000 housing units in 2010, with nearly 75 percent of this figure comprising of rental homes. Overall, this represents a 10 percent rate of overcrowding (see Source document (4)).

These trends will likely continue in the absence of the proposed project. The project will help to stem these trends by providing affordable apartments for families as well as individuals.

Funding Information

The Santa Clara County Housing Authority (SCCHA) would be providing Section 8 housing assistance to the project in the form of Project Based Vouchers (PBVs) for 23 dwelling units (16 studios and seven one-bedroom apartments), as authorized under Section 8 of the Housing Act of 1937, as amended.

<table>
<thead>
<tr>
<th>Number</th>
<th>Studios</th>
<th>1 Bedrooms</th>
<th>2 Bedrooms</th>
<th>3 Bedrooms</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vouchers</td>
<td>16</td>
<td>18</td>
<td>8</td>
<td>4</td>
<td>46</td>
</tr>
<tr>
<td>%</td>
<td>34.8%</td>
<td>39.1%</td>
<td>17.4%</td>
<td>8.7%</td>
<td>23</td>
</tr>
</tbody>
</table>

PBV housing assistance would be provided for an initial contract term of 20 years, with a possible automatic renewal of an additional 20 years subject to annual appropriates from the federal government and SCCHA’s determination that the owner is in compliance with the Housing Assistance Payment contract and other applicable HUD requirements, for a total of 40 years. The estimated total funding for
rental subsidy is $13,422,960 ($671,148 annually) for the initial 20-year term of the Housing Assistance Payment contract and contingent upon the availability of Section 8 funds as allocated by HUD.

<table>
<thead>
<tr>
<th>Grant Number</th>
<th>HUD Program</th>
<th>Funding Amount</th>
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<tr>
<td>N/A</td>
<td>Project Based Voucher</td>
<td>$671,148</td>
</tr>
</tbody>
</table>

Estimated Total HUD Funded Amount: $13,422,960

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: $37,594,418
FIGURE 1
Vicinity Map

Pioneer High School
Menlo Church
Pet Food Express
Whole Foods Market

Source: AECOM, 2019; ESRI, 2019 (imagery); ESRI, 2016 (roads)
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FIGURE 2
Site Photos

Photo A: Facing west towards Gallup Drive and Mesa Drive Intersection.

Photo B: Facing north from Mesa Drive.

Photo C: Facing southwest from Gallup Dr. and alley.

Photo D: Facing west from Gallup Drive.

Source: AECOM, 2019. Photos taken on 1/21/2020
PRIVATE ALLEY

MESA RD

GALLUP RD

Level 1 Floor Plan

Source: AECOM, 2019, See Source Document (2)
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FIGURE 4
Level 2 Floor Plan

Source: AECOM, 2019; See Source Document (2)
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FIGURE 5
Level 3 Floor Plan

Source: AECOM, 2019; See Source Document (2)
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FIGURE 6

Level 4 Floor Plan

Source: AECOM, 2019; See Source Document (2)
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FIGURE 7
Level 5 Floor Plan

Source: AECOM, 2019; See Source Document (2)
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FIGURE 8
Roof Floor Plan

Source: AECOM, 2019; See Source Document (2)
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This page intentionally left blank to facilitate double-sided printing
FIGURE 11
West Elevation

Source: AECOM, 2019; See Source Document (2)
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Source: AECOM, 2019; See Source Document (2)

FIGURE 12
North Elevation
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The landscape planting design will utilize aesthetically-pleasing water-conserving plant species that are well suited to the project's local climatic conditions. Street trees will be selected in accordance with the City's Street Tree Master Plan. Layered shrub and ground cover massing will provide a pleasing separation between the proposed buildings and adjacent streets. Taller shrub massings will be utilized around the building perimeters and in some of the large open space areas. Lower foreground flowering shrubs and ground covers will provide a layered appearance.

The podium level courtyard will have lounge and dining areas with seating furniture and tables, surrounded by planters. The planters will be landscaped with shrubs and ground covers to provide a pleasant courtyard experience.

Notes:
1. Street trees shown in the public right-of-way are for information only. The planning permit does not authorize the installation or removal of trees in the public right of way. Actual street tree location will be determined by public works at the implementation stage on the public improvement plan. The installation or removal of the street trees requires a permit from the Department of Transportation. The city arborist will specify the species.
2. Include 3 inches of composted, non-floatable mulch in areas between stormwater treatment plantings.
3. Refer to sheet L3.1 for plant legend and information.

Legend:
- Fire Ladder Pad per arch plans, typ.
- Fire ladder work zone
- Fire Ladder Pad per City Plans, typ.
- New tree, Ginkgo biloba, typ.
- New shrubs and ground cover, typ.
- Vehicular permeable pavers
- Vehicular concrete pavement
- Water treatment planting area. See L3.1 for plant list. All plants to be low non-woody plants for fire access.
- Low groundcover area. All plants to be low non-woody plants for fire access.
- Include 3” of composted, non-floatable mulch in areas between stormwater treatment plantings.

Source: AECOM, 2019; See Source Document (2)
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FIGURE 14

Tree Removal Plan

Source: AECOM, 2019; See Source Document (2)
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Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

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

<table>
<thead>
<tr>
<th>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</th>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determinations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Hazards</td>
<td>Yes No</td>
<td>The airport influence area is the area in which safety, protection factors, and/or restrictions can affect other land uses. The project site is not located within the airport influence area of the Norman Y. Mineta San José International Airport, which is approximately seven miles north of the project site. (see Source Document (5))</td>
</tr>
<tr>
<td>Coastal Barrier Resources</td>
<td>Yes No</td>
<td>There are no coastal barrier resources on the west coast of the United States. (see Source Document (49))</td>
</tr>
<tr>
<td>Flood Insurance</td>
<td>Yes No</td>
<td>According to FEMA’s Flood Hazard Map #06085C0382H, the project site is in Zone D or an area of undetermined flood hazard. Zone D designations are made for areas where there are possible but undetermined flood hazards, as no analysis of flood hazards has been conducted. However, the project site is not in the Special Hazard Flood Area or a Base Floodplain. Therefore, flood insurance is not federally mandatory in this zone. (see Source Document (7), (8), and (Appendix F))</td>
</tr>
</tbody>
</table>
### Compliance Factors:
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6

<table>
<thead>
<tr>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determinations</th>
</tr>
</thead>
</table>

### STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5

<table>
<thead>
<tr>
<th>Clean Air</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

#### Construction Emission: As shown in Table 1 in Appendix C, Air Quality Technical Memorandum, average daily and annual construction-related emissions would be less than the thresholds of significance recommended by the BAAQMD and the *de minimis* levels. Therefore, construction-related emissions associated with the proposed project would conform to the State Implementation Plan, and a formal conformity analysis would not be required. No direct or indirect effects would occur.

The BAAQMD recommends that all projects, regardless of the level of average daily emissions, implement applicable best management practices (BMPs), including those listed as Basic Construction Measures in the BAAQMD CEQA Guidelines. As such, implementation of construction BMPs have been included as Mitigation Measure AIR-1 in Mitigation Measures and Conditions [40 CFR 1505.2(c)], below.

The nearest sensitive receptors to the project site are the immediately adjacent multi-family residences. Emissions would occur intermittently throughout the construction period and would not occur as a constant plume of emissions from the project site. Given the construction schedule, varying buffer distances to the nearest sensitive receptors as construction moves across the project site, and the highly dispersive nature of diesel PM emissions, construction of the project would not expose sensitive receptors to substantial toxic air contaminate (TAC) concentrations. Implementation of the BAAQMD’s basic construction practices for construction-related emissions would also reduce diesel PM emissions during construction by minimizing vehicle idling and maintaining construction equipment properly tuned in accordance with manufacturer’s specifications.

#### Operational Emissions: As shown in Table 2 in Appendix C, the average daily and annual operational emissions associated with the proposed project would not exceed the thresholds of significance recommended by the BAAQMD and the *de minimis* levels. Therefore, operational emissions associated with the proposed project would conform to the State Implementation Plan, and a formal conformity analysis would not be required. No direct or indirect effects would occur.
### Compliance Factors:
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6

<table>
<thead>
<tr>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determinations</th>
</tr>
</thead>
</table>
| Operation of the proposed project would involve residential land uses that would not be a substantial source of TAC and/or PM$_{2.5}$ emissions. The cancer risk from a gasoline dispensing facility would be below BAAQMD’s recommended significance threshold of a cancer risk. The Screening Analysis also estimates the chronic hazard index at this distance from a gasoline dispensing facility to be below the BAAQMD’s cumulative significance threshold. Therefore, construction and operation of the proposed project would not result in a direct impact requiring mitigation with respect to health risks. No adverse effects would occur.  

The proposed project would not increase traffic volumes at affected intersections. Therefore, the proposed project would not violate the California Ambient Air Quality Standards (CAAQS) for either the 1-hour or the 8-hour period. CAAQS CO concentrations are more conservative than the NAAQS. The proposed project would not violate the NAAQS of 35 parts per million (ppm) for 1-hour period and 9 ppm for 8-hour period. Therefore, direct or indirect effects associated with CO emissions would not be adverse.  

As shown in Table 3 in Appendix C, construction and operational greenhouse gas (GHG) emissions are projected to result in total annual GHG emissions of 301 MT CO$_{2}$e per year, below the BAAQMD and Reporting Rule threshold. Therefore, no substantial adverse direct or indirect effects would occur. The proposed project would not generate GHG emissions that may have a cumulatively considerable contribution to the significant cumulative impact of global climate change.  

(see Source Document (9), (10), (11), (38), (47), (Appendix C)) |

<table>
<thead>
<tr>
<th>Coastal Zone Management</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coastal Zone Management Act, sections 307(c) &amp; (d)</td>
<td>☑</td>
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</tr>
</tbody>
</table>
| The project site is located inland, over 10 miles away from the San Francisco Bay. It is not located within the California coastal zone as determined by the San Francisco Bay Conservation and Development Commission (BCDC). There would be no adverse impacts related to coastal zone management.  

(see Source Document (6), (15)) |
## Compliance Factors:
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6

<table>
<thead>
<tr>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determinations</th>
</tr>
</thead>
</table>

The project site is not on the federal National Priorities List (a.k.a. “Superfund” site), nor is it on the list of hazardous materials sites compiled pursuant to California Public Resources Code Section 65962.5 (a.k.a. the “Cortese List”). The nearest known hazardous materials site is approximately 550 feet north of the site, with additional sites approximately 660 feet to the northwest, and 660 feet to the north.

A Phase I Environmental Site Assessment (ESA), prepared for the project site in accordance with American Society for Testing and Materials (ASTM) Standard E-1527-13, found no Recognized Environmental Conditions at the project site. The site was used for agricultural orchard purposes from approximately 1939 until at least 1953, which may have resulted in accumulation of pesticides in shallow soils. However, the Phase I ESA concluded that because agricultural uses ceased by at least 1963, and because the site was subject to excavation and/or fill associated with residential development in the 1960s and its subsequent demolition in 2009, any residual pesticides at the project site would have either been removed during development and/or would have naturally degraded over the intervening years.

Approximately 25 tons of asbestos-containing waste was removed from the site during 2009 demolition activities and disposed of by landfill or surface impoundment that will be closed as landfill method. No reports of violations or release were identified in association with this disposal of asbestos-containing waste.

Since the early 1800s arsenic containing insecticides and organochlorine pesticides were applied to crops in the normal course of farming operations. Lead arsenate was extensively used up until the 1960s and organochlorine pesticides were used between the 1940s and 1980s. It is not uncommon to find residual agricultural chemicals in the soil of properties with an agricultural history in San José. Therefore, preconstruction soil sampling is required to ensure safety of workers and future residents. See Mitigation Measure HAZ-1 in Mitigation Measures and Conditions [40 CFR 1505.2(c)], below.

(see Source Document (Appendix A))

## Contamination and Toxic Substances
24 CFR Part 50.3(i) & 58.5(i)(2)

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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</table>

## Endangered Species

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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</table>

To assess the potential for plant and wildlife species listed under the Endangered Species Act to occur in the project site, an official
Compliance Factors:
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6

<table>
<thead>
<tr>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determinations</th>
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</table>
| Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402 | protected species list was generated on February 10, 2020 via the United States Fish and Wildlife Service (USFWS) IPaC web-based system available from the USFWS Sacramento Field Office. The IPaC official species list generated the following protected species: Plants:
- Robust Spineflower (*Chorizanthe robusta var. robusta*)- endangered
- Santa Clara Valley Dudleya (*Dudleya setchellii*)- endangered
- Metcalf Canyon Jewelflower (*Streptanthus albidus ssp. Albidus*)- endangered

Wildlife:
- Tidewater Goby (*Eucyclogobius newberryi*)- endangered
- Delta Smelt (*Hypomesus transpacificus*)- threatened
- California Tiger Salamander (*Ambystoma californiense*)- threatened
- California Red-legged Frog (*Rana draytonii*)- threatened
- Marbled Murrelet (*Brachyramphus marmoratus*)- threatened
- California Least Tern (*Stern antillarum brownii*)- endangered
- Bay Checkerspot butterfly (*Euphydryas editha bayensis*)- threatened

Robust spineflower requires sandy or gravelly soil in chaparral, coastal dune, or coastal scrub habitat and Santa Clara Valley dudleya and Metcalf Canyon jewelflower both require serpentine, rocky soil in valley and foothill grassland habitat. These habitats are absent from the project site.

There is no aquatic habitat in the project site and there would be no adverse impact on Delta smelt and tidewater goby.

California red-legged frog and California tiger salamander both require standing bodies of fresh water (e.g., natural and manmade ponds) for breeding and adjacent upland dispersal habitat containing refugia habitat such as small mammal burrows. The habitat within the project site is not suitable for either species as it lacks aquatic breeding habitat, suitable upland habitat with refugia, and connectivity to aquatic breeding habitat or suitable upland habitat.

The two bird species returned in the USFWS IPaC query, the marbled murrelet and the California least tern, have very specific nesting...
### Compliance Factors:
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6

<table>
<thead>
<tr>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determinations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Habitat requirements. Marbled murrelets nest in old growth or large redwood trees where there is contiguous redwood forest and suitable nesting platforms. California least terns nest in open beaches free of vegetation. Neither of these habitat types is present in the project site, and the project site is therefore unsuitable for these species. Bay checkerspot butterfly is restricted to native grassland habitat with serpentine outcrops that support the butterfly’s host plants <em>Plantago erecta</em>, <em>Castilleja densiflora</em>, and <em>C. exserta</em>. This habitat type is not present in the project site, and the project site is therefore unsuitable for Bay checkerspot butterfly. Tree removal associated with the project has the potential to adversely impact nesting migratory birds, which are protected under the federal Migratory Bird Treaty Act. These adverse impacts would be avoided with implementation of Mitigation Measure BIO-1 for preconstruction surveys for nesting birds and establishing construction avoidance buffers around active nests, see Mitigation Measures and Conditions [40 CFR 1505.2(c)], below. (see Source Documents (16), (17), (18), (19), (20), (21), (22))</td>
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</tbody>
</table>

### Explosive and Flammable Hazards
24 CFR Part 51 Subpart C

<table>
<thead>
<tr>
<th>Yes</th>
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</table>

Properties that are located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature are subject to HUD safety standards (24 CFR 51, Subpart C). In the case of tanks containing common liquid fuels, the requirement for an acceptable separation distance calculation applies to storage tanks that have a capacity of more than 100 gallons and which are located aboveground. However, recent amendments to the regulations now include an exemption for LPG tanks of 1,000 gallons or less. The project is surrounded by residential- and commercial-zoned properties which, as noted above, are presently developed with residential and small commercial structures. The nearest properties containing explosive or flammable materials are the Shell and 76 service stations, approximately 750 feet and 1,350 feet northwest of the site respectively. There are no aboveground gasoline or diesel storage tanks at these gas stations, and underground storage tanks are not subject to 24 CFR Part 51 Subpart C. The 76 Service Station contains two 500-gallon aboveground propane tanks, however, as noted above, tanks of 1,000 gallons or less are no longer subject to 24 CFR Part 51 Subpart C. In any case, at a distance of 1,350 feet from
### Compliance Factors:
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6

<table>
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<tr>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determinations</th>
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<tbody>
<tr>
<td></td>
<td>the project site, these tanks are located well beyond the acceptable separation distance required by 24 CFR Part 51 Subpart C. (see Source Document (46))</td>
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</table>

### Farmlands Protection
Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658

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<tr>
<th>Yes</th>
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</table>

The project site is in an urbanized and built environment. There is no Prime, unique, or important farmland of Statewide or local importance are not present on or around the project site. Therefore, there would be no impact to farmland and the Farmland Protection Policy Act would not apply. (see Source Document (23))

### Floodplain Management
Executive Order 11988, particularly section 2(a); 24 CFR Part 55

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<th>Yes</th>
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The project site is in Zone D or an area of undetermined flood hazard as defined by the Federal Emergency Management Agency. Zone D designations are made for areas where flood hazards are possible but are uncertain, due to lack of analysis of flood hazards. However, the project site is not in a Base Floodplain. The Base Floodplain is the 100-year flood zone, which is only zoned along the streambed of Guadalupe Creek to the west and south. Furthermore, the project site is more than ¼ mile from Guadalupe Creek, and is 2-3 feet in elevation above the streambed. Therefore, there would be no issues related toflooding and EO 11988 would not apply. (see Source Document (7))

### Historic Preservation
National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800

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<tr>
<th>Yes</th>
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</table>

In 2016, a Historic Property Survey Report/Finding of Effect for archaeological resources in support of Section 106 for a similar HUD development project at the same project site was prepared by Basin Research Associates (Basin) on behalf of the City. Basin’s 2016 report concluded that no historic properties were located within the Area of Potential Effect (APE); it did not address built environment resources. The SHPO concurred with the findings in a letter dated March 4, 2016. Because Basin’s 2016 report was limited to archaeological resources at the project site. AECOM (2020) prepared a Section 106 report to evaluate the historic-age built environment for potential eligibility as historic properties under Section 106 of the National Historic
### Compliance Factors:
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6

<table>
<thead>
<tr>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determinations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preservation Act (NHPA) that may be indirectly adversely affected by the project.</td>
<td></td>
</tr>
<tr>
<td>See Appendix D for information regarding the proposed project and potential effects pursuant to the NHPA Section 106.</td>
<td></td>
</tr>
</tbody>
</table>

**Area of Potential Effects**

The Direct APE for the 2016 and the current HUD project is the limits of the project site, including the two parcels. The 2016 maximum depth of disturbance was 10 feet below ground surface (bgs); however, the current vertical Direct APE has been reduced to 3 feet bgs.

The Indirect APE includes parcels with historic-age buildings within immediate view of the project site, including a series of six, two-story, 1963 multi-family residential buildings, and a former 1971 movie theater currently used as a church. The Indirect APE was developed to address potential indirect visual adverse effects to any adjacent historic properties with the introduction of a five-story tall building as part of the project.

**Survey Results**

No documented archeological resources or previous studies were on file at the Northwest Information Center. AECOM conducted an intensive archaeological pedestrian survey of the project site on January 21, 2020 for the proposed project. No archaeological resources were identified during AECOM’s 2020 survey.

No buildings or structures were located in the Direct APE within the project site. The survey identified seven historic-age buildings in the Indirect APE that required analysis for eligibility against NRHP criteria. The buildings were recorded and evaluated on Department of Parks and Recreation 523 (DPR 523) forms in Appendix D.

**Tribal Consultation**

Basin (2016) contacted the NAHC multiple times and failed to receive a response.

For the current project, the City of San José contacted the NAHC and received a consultation list of tribes that are traditionally and
Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6

<table>
<thead>
<tr>
<th>Compliance determinations</th>
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<tbody>
<tr>
<td>Are formal compliance steps or mitigation required?</td>
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<tr>
<td>culturally affiliated with the geographic area for the project. On June 5, 2020, the City of San José sent letters (via mail and/or email) describing the project, with a map depicting the project area, to the tribes specified by the NAHC. As of the writing of this report, a response has been received from The Ohlone Indian Tribe and is included in Appendix D.</td>
</tr>
</tbody>
</table>

Determination of Eligibility/Finding of Effects

No archaeological historic properties were identified during Basin’s 2016 report or during AECOM’s 2020 survey on the project site.

Basin’s (2016) HUD project depth of excavation was 10 feet bgs. Based on the background research, Basin (2016) determined that the potential for exposing significant archaeological materials within the Direct APE was very low. SHPO concurred with the findings of No Historic Properties Affected (see Appendix D).

The current project depth of excavation is 3 feet bgs. Given that the sensitivity of the project area has not changed since Basin’s (2016) study in conjunction with AECOM’s (2020) negative archaeological survey findings, the overall sensitivity of the Direct APE still appears to be very low.

There are no built environment resources on the project site in the Direct APE. None of the seven historic-age built environment resources within the Indirect APE were found eligible for listing in the NRHP. As a result of this evaluation, no historic properties as defined under Section 106 were identified in the APE.

Determination

The project, which is subject to Section 106 review and has a Section 106 finding of No Historic Properties Affected recommended, has been analyzed for potential effects on historic properties in the Direct and Indirect APE. There are no archaeological resources in the APE. None of the seven historic-age built environment resources in the Indirect APE are eligible for the NRHP. No historic properties were identified in the APE; therefore, a finding of No Historic Properties Affected would be appropriate for this proposed project.

(Source Document (24) and (Appendix D))
Compliance Factors:
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6

Are formal compliance steps or mitigation required?

Compliance determinations

<table>
<thead>
<tr>
<th>Noise Abatement and Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</td>
</tr>
</tbody>
</table>

Based on the HUD DNL Calculator, noise was determined to be loudest at the edge of the project site along Gallup Drive. At the corner second level residential unit, predicted 2030 sound levels would be 68 dB L_{dn} before any noise attenuation attributable to off-site barriers or project design features.

The pre-attenuated noise level at the outdoor podium courtyard was calculated using the HUD DNL Calculator and is based on the 10-year traffic levels on Gallup Drive and Mesa Drive. The pre-attenuated noise levels at the outdoor podium courtyard is 57.74 dB L_{dn} along Gallup Drive and 62.85 dB L_{dn} along Mesa Drive.

On-site attenuation features include an assumed 4-foot wall where the podium courtyard is located. The podium courtyard would be shielded by the upper levels of the proposed building to the north and east and would only be exposed to traffic noise from the south towards Mesa Drive. The wall that covers the opening to the south on the second floor, combined with the shielding provided by the building to the east, would help screen the podium courtyard from vehicular traffic noise from the east. These features would attenuate noise resulting in noise levels at the outdoor area of 51 dB L_{dn}, below HUD’s outdoor noise threshold of 65 dB L_{dn}.

In order to achieve interior noise levels of 45 dB L_{dn} or less, the applicant would design the building in a manner that would attenuate noise. This could be achieved through a combination of noise-attenuating insulation, windows, doors, walls, and roofs. Standard building construction attenuates exterior noise by 20 dB. The walls and windows would be required to further attenuate interior noise to meet HUD’s interior noise threshold of 45 dB L_{dn} by an additional 3 dB L_{dn}, see Mitigation Measure NOI-1 in Mitigation Measures and Conditions [40 CFR 1505.2(c)], below.

The proposed project does not include mechanical equipment in locations that could expose noise-sensitive uses to operational noise in excess of the HUD exterior noise standards.

The City has established construction noise reduction measures that may be applied to avoid or minimize impacts that could occur. Project construction would be completed in accordance with the provisions of the City of San José’s General Plan and the Municipal Code. The City
**Compliance Factors:**
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6

<table>
<thead>
<tr>
<th>Compliance determinations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are formal compliance steps or mitigation required?</td>
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<tr>
<td>of San José shall require the construction crew to adhere to construction BMPs to reduce construction noise levels from emanating from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity, see Mitigation Measure NOI-2 in Mitigation Measures and Conditions [40 CFR 1505.2(c)], below.</td>
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</table>

(see Source Document (Appendix E))

<table>
<thead>
<tr>
<th>Sole Source Aquifers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</td>
</tr>
<tr>
<td>Yes No</td>
</tr>
<tr>
<td>There are no sole source aquifers in the City of San José. The nearest aquifer is the Santa Margarita Aquifer in Scotts Valley, approximately 11 miles from the project site. Therefore, there would be no adverse impacts related to sole source aquifers.</td>
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</tbody>
</table>

(see Source Document (27), (28))

<table>
<thead>
<tr>
<th>Wetlands Protection</th>
</tr>
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<tbody>
<tr>
<td>Executive Order 11990, particularly sections 2 and 5</td>
</tr>
<tr>
<td>Yes No</td>
</tr>
<tr>
<td>The project site is located in an urban, developed area in the City of San José and there are no wetlands in the project site. The nearest wetland or aquatic feature is approximately 0.2 mile east of the project site (the Los Alamitos Percolation Pond). The project would not involve new construction in wetlands and would not adversely impact the survival or quality of wetlands, and therefore Executive Order 11990 is not applicable to the project.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wild and Scenic Rivers</th>
</tr>
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<tbody>
<tr>
<td>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</td>
</tr>
<tr>
<td>Yes No</td>
</tr>
<tr>
<td>There are no wild or scenic rivers that traverse the project site. Therefore, there would be no adverse impacts to wild and scenic rivers, and the provisions of Wild and Scenic Rivers Act would not be applicable to the proposed project.</td>
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</table>

(see Source Document (29))

**ENVIRONMENTAL JUSTICE**

<table>
<thead>
<tr>
<th>Environmental Justice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes No</td>
</tr>
<tr>
<td>An environmental justice population consists of minority and/or low-income populations. An environmental justice community would be</td>
</tr>
</tbody>
</table>
Compliance Factors:
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6

Are formal compliance steps or mitigation required?

Compliance determinations

Executive Order 12898

identified when the percentage of ethnic minorities is above 50 percent, or when the percentage of individuals living below the poverty line in a census block is at least 10 percentage points higher than the citywide percentage.

Tables 2 and 3 compare ethnic minority and poverty statistics of the Tract 5119.15, Block Group 2, and the City of San José. The project site is in Census Tract 5119.15, Block Group 2, which is considered an environmental justice community. As shown in Table 2, both the Census Tract and City of San José have minority percentages of over 50 percent. As shown in Table 3, the Census Tract has almost 3 times the percentage of the population living under the poverty line compared to the City of San José.

| Table 2: 5-Year Average of Ethnic Minority Percentage by Geographic Area between 2013-2017 |
|-----------------------------------------------|----------------|--------------|----------------|
| Census Tract                                  | Block Group 2  | Minority (%) | EJ Community    |
| Census Tract 5119.15                          |                | 53.7%        | Yes            |
| City of San José                              |                | 60.9%        |                |

Note: EJ = environmental justice; EJ population identified when the percentage of ethnic minority in a census block is greater than 50 percent. (see Source Document (30), (31))

There would be impacts related to noise and air quality during project construction. However, these impacts would be short-term and temporary, and would not be substantial due to the relatively small size of the project (0.38-acre site). Furthermore, construction impacts would be localized. During project operation, a total of 46 apartments would provide housing to low-income populations. Therefore, the project would be beneficial to these populations. Thus, the proposed action would not create adverse environmental impacts to low-income or minority community.
Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6

<table>
<thead>
<tr>
<th>Census Tract 5119.15</th>
<th>Block Group</th>
<th>Population Under the Poverty Line (%)</th>
<th>EJ Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of San José</td>
<td>Block group 2</td>
<td>23%</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8.4%</td>
<td></td>
</tr>
</tbody>
</table>

Note: EJ = environmental justice; EJ population identified when the percentage of households living below the poverty line in a census block is at least 10 percentage points higher than the citywide average of 20 percent.

(see Source Document (30), (31))
Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27]

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

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

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

<table>
<thead>
<tr>
<th>Environmental Assessment Factor</th>
<th>Impact Code</th>
<th>Impact Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAND DEVELOPMENT</td>
<td>2</td>
<td>The project site currently has a land use designation of Urban Residential (UR) and is zoned Multiple Residence District (R-M). The project would require multiple concessions pertaining to parking, open space, and front setback requirements, and a waiver for building height from the Planning Department. The specific zoning of the project site is R-M. The purpose of the multiple residence district is to reserve land for the construction and use of higher density residential development and higher density residential-commercial mixed-use development. The proposed project would not conflict with the established zoning of R-M. The project site has a land use designation of UR which allows for medium density residential development (3 to 12 stories). The allowable density is 95 dwelling units per acre. The project would apply for a density bonus consistent with the State Density Bonus Law to allow the development of up to 48 dwelling units on the site (the project proposes 46 dwelling units). With the density bonus, the proposed project would be consistent with the permitted land uses.</td>
</tr>
<tr>
<td>Environmental Assessment Factor</td>
<td>Impact Code</td>
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<td>The project would seek reduced parking standards to consider a low-income parking reduction to reduce the parking requirement to 25 spaces. (see Source Documents (1), (2), (26))</td>
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<tr>
<td>Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff</td>
<td>3</td>
<td>The project would create approximately 12,000 SF of new impervious surfaces at the project site and replace approximately 3,500 SF of existing impervious surfaces with pervious paving and pervious concrete in the alley to the north. A small landscaped area would be retained which connects to a new 370 SF bioretention basin with outlet control and impermeable concrete liner. The outlet for the bioretention basin would connect to the City’s existing storm drain system on Mesa Drive. The project site is located on soil mapped by the Natural Resources Conservation Service as Urban land-Elpaloalto complex, 0 to 2 percent slopes. This soil type is comprised of 70 percent urban land and 23 percent Elpaloalto and similar soils. The Elpaloalto complex is alluvium derived from metamorphic and sedimentary rock and contains clay loam and silty clay loam that is well drained with moderately high permeability. This soil type does not pose constructability issues for the project. <strong>Slope</strong> The project site and adjacent areas are in a low-lying, nearly flat area approximately 200 feet above mean sea level. The ground slopes gently to the east. Due to the flat topography at the site and adjacent areas, no adverse impacts related to slope failure, landslides, or mudflow would occur. <strong>Erosion</strong> Construction activities have some potential to affect on-site erosion. Because of site soil texture, flat topography, and the site’s small size, the erosion potential at the project site is low. This is true even with a construction duration of 16 months, inclusive of the winter rainy season. As such, construction activities are expected to have minor to negligible impacts due to erosion and downstream siltation. An erosion control plan is not required by the City for issuance of the grading permit due to the sites small size (less than 0.5 acres) and flat topography. The majority of the project site would be impervious and not subject to erosion once construction is complete. Permeable pavers would prevent soil erosion from the alley along the northern property line. Cobble is placed near downspouts and other areas where concentrated flows enter</td>
</tr>
</tbody>
</table>
Stormwater Runoff

Stormwater runoff could become contaminated with chemicals typically used during construction through the daily use, transportation, and storage of these materials. Therefore, implementation of industry-standard construction BMPs are required to reduce and eliminate potential contamination of stormwater and non-stormwater discharges from the construction site, see Mitigation Measure HYD-1 in Mitigation Measures and Conditions [40 CFR 1505.2(c)], below. When properly controlled, potential contamination of stormwater runoff would be minimized and substantially avoided, mitigating minor adverse impacts.

Introduction of new impervious surfaces can increase the volume and/or peak flow of stormwater runoff from the site. The project would add more than 10,000 SF of impervious surfaces to a subwatershed that is less than 65 percent impervious and is therefore required to comply with the San Francisco Bay Regional Water Quality Control Board’s Municipal Regional Permit (MRP), City Council Policy 6-29: Post-Construction Urban Runoff Management, and City Council Policy 8-14: Post Construction Hydromodification Management. Compliance with the MRP and City Council policies requires low impact development source control, site design, treatment measures, and hydromodification management measures to be incorporated at the site.

Runoff from rooftops, sidewalks, and patios would be directed to a bioretention planter along the project’s western property line and existing impervious surfaces along the northern side of the project site would be replaced with pervious pavers and concrete. The bioretention plants and pervious pavers and concrete are stormwater pollution control measures which are consistent with the site design, source control, and treatment system requirements of the MRP. The use of these low impact development measures would reduce potential stormwater contamination and attenuate peak stormwater runoff at the site. As such, no impacts from stormwater runoff post-construction are anticipated.

The City’s Department of Public Works will review conformance with MRP during the project’s approval process. A stormwater control plan and grading and drainage plans will be submitted as part of the grading permit process with the City.

(see Source Documents (2), (23), (32), (33), (34), (35), (36))
### Hazards and Nuisances including Site Safety and Noise

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<tr>
<th>Environmental Assessment Factor</th>
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<tr>
<td>Site Safety</td>
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The proposed project would not create a risk of explosion, release of hazardous substances or other dangers to public health. The project is not located near any hazardous operations. The project would provide a safe place for customers, employees, and residents.

Although no site safety hazards or nuisances are present at the site, it is possible that during construction of the project, construction traffic, noise and dust could be considered as a nuisance to immediate neighbors.

As discussed in the Stormwater Section above, the proposed project would implement industry-standard BMPs for erosion and sedimentation control that would prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations, see Mitigation Measures and Conditions [40 CFR 1505.2(c)], below.

As discussed in the Air Quality section of the Statutory Checklist above, the maximum health risk for both workers and residential receptors would not exceed 10 excess cancer cases per one million exposed individuals. In addition, annual average concentrations for PM$_{2.5}$ would not exceed the threshold. Therefore, construction of the proposed project would not expose sensitive receptors to substantial pollutant concentrations.

In addition, the cancer risk levels for workers, residential, or day care receptors at the project site would not exceed 10 excess cancer cases per one million exposed individuals due to the existing traffic from State Route 85; Chronic and acute Hazard Index levels are below relevant significance thresholds; and toxic air contaminant and PM$_{2.5}$ emissions generated during construction and operation would not require mitigation with respect to health risks.

### Noise

The proposed project may result in temporary construction noise. The project includes measures to reduce construction-related noise (see “Noise Abatement and Control” above and see Mitigation Measures and Conditions [40 CFR 1505.2(c)] below) on surrounding sensitive noise receptors.

The analysis in this section is based on results from the HUD DNL Calculator and Barrier Performance Module, which are provided in Appendix E. In addition, the noise levels at the project site before
The proposed project would introduce noise-sensitive uses in a location affected by exterior traffic noise in excess of the HUD standards (more than 65 dB L_{dn} without special attenuation measures).

The HUD Noise Guidebook recommends using 10-year traffic volumes (year 2030), which are the basis for predicting future noise levels using the HUD DNL Calculator. As stated in the section “Noise Abatement and Control,” 10-year traffic noise levels at outdoor areas on the project site after attenuation would be 51 dB L_{dn} at the podium courtyard on the second floor. For indoor areas within the project site, the building would be designed to attenuate traffic noise levels to below the interior threshold of 45 dB L_{dn}. As a result, noise levels at these receptors would be below the exterior threshold of 65 dB L_{dn} and below the interior threshold of 45 dB L_{dn}. Also see Mitigation Measures and Conditions [40 CFR 1505.2(c)], below, in addition to the attenuation features described in the section “Noise Abatement and Control” for special attenuation measures that would be required.

The residential use of the project would involve noise attributable to vocalizations of residents, car doors shutting, and other typical urban residential noise that would not result in a noticeable increase in the ambient noise levels in the project vicinity. The project does not propose air conditioning systems, exhaust systems, large refrigeration units, or other mechanical equipment in locations that could expose noise-sensitive uses to operational noise in excess of both the City and HUD standards described above under Noise Abatement and Control in the Statutory Checklist.

(see Source Document (25), (Appendix E))

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<td>attenuation, as well as the attenuation features considered in this EA, are described above in the section “Noise Abatement and Control.”</td>
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<td>Energy Consumption</td>
<td>2</td>
<td>Total energy use in Santa Clara County was 16,708 million kilowatt hours (GWh) in 2018. The energy use in the residential sector was 3,860 GWh in 2018. San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and the Pacific Gas and Electric Company (PG&amp;E) delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, with an energy mix that is a minimum of 45 percent renewable and provides 80 percent GHG emission-free electricity. Customers can choose to enroll in SJCE’s TotalGreen program at any time to receive 100 percent GHG emission-free electricity from entirely renewable sources.</td>
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### Environmental Assessment Factor

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<td>Although development of the proposed project would contribute incrementally to the regional use of energy, the development, use and maintenance of the proposed building, this incremental change is not considered to produce an adverse impact. The project would 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 would comply with the California Green Building Standards Code that establishes mandatory green building standards for all buildings in California. The project would feature solar panels or photovoltaic panels on the roof for improved building energy performance. (see Source Document (37))</td>
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### SOCIOECONOMIC

#### Employment and Income Patterns

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<td>1</td>
<td>The proposed project would entail the construction of a residential building consisting of 46 affordable housing units, a residential garage, community amenities and management offices. The addition of approximately 108 residents associated with the proposed 46 housing units is unlikely to result in substantial changes to employment and income patterns. During project construction, there would be a temporary and short-term economic benefit. The construction of the project would require more than approximately 100 construction workers over the course of construction activities with the highest number of construction workers occurring during the construction building phase. Project operation would create approximately three permanent jobs needed to run the community facilities and management offices, such as management, clerical and janitorial jobs. These jobs could be supported by the skill sets available in San José’s labor pool. Furthermore, these jobs could be available for low-income, unemployed and minority members of the local community. Therefore, no adverse impact related to employment and income patterns would occur. Rather, the proposed project would result in a minor beneficial impact, in that, it would help fulfill the need for affordable housing, and create a few permanent jobs.</td>
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#### Demographic Character Changes, Displacement

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<td>2</td>
<td>The project site is located in an urbanized area in San José in Tract 5119.15, Block Group 2. As described in the Environmental Justice section, Tract 5119.15, Block Group 2 has 53.7 percent minorities and 23 percent of the population living under the poverty line. The proposed project would contribute to the construction of apartment units to help individuals and families with special needs obtain and maintain permanent housing. Specifically, the project would provide a total of 46 residential units for very low-income and low-income individuals and</td>
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households. However, the project would not create a concentration of low-income or disadvantaged populations.

Using the acceptable HUD occupancy standard of two persons per bedroom, the proposed project’s 16 studios; 19 one-bedroom; six two-bedrooms and five three-bedroom units could result in approximately 108 permanent residents. According to the United States Census Bureau’s American Community Survey five-year estimates (2013-2017), the average population in the City of San José was 1,035,353. The additional 108 residents would represent approximately 0.02 percent of that population. This population growth would be within Association of Bay Area Governments (ABAG) Projections 2009 forecasts. Additionally, the City of San José needs to create more affordable housing, and the project would be consistent with the City’s goals. Thus, the proposed project would not have an adverse impact on demographic character of the community.

The existing project site is undeveloped. Implementation of the project would not displace current population and would provide housing within walking distance to a variety of community services, retail shops, grocery stores and restaurants. Therefore, there would be no displacement of residential uses and a relocation plan would not be required.

(see Source Document (38), (39))

COMMUNITY FACILITIES AND SERVICES

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<th>Educational and Cultural Facilities</th>
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<td>2</td>
<td>The project is situated in an urban area well served by educational facilities and could be served by the following public schools within the San José Unified School District:</td>
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<td>• Almaden Elementary School, located at 1295 Dentwood Drive;</td>
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<td>• Castillero Middle School, located at 6384 Leyland Park Drive; and</td>
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<td>• Pioneer High School located at 1290 Blossom Hill Road.</td>
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<td>In addition to these schools, the area is also served by the Cambrian Academy. The San José Unified School District has over 30,000 students with 41 schools.</td>
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<td>Given the availability for new enrollment, and because Section 65595 of the California Government Code requires payment of a school facilities fee for any new development within its boundaries, the impact to school enrollment would be mitigated. Therefore, the proposed project’s impacts on schools would not be considered adverse or substantial.</td>
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<td>(see Source Document (40))</td>
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<td><strong>Commercial Facilities</strong></td>
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<td>Properties on adjacent streets to the project site contain one-story commercial buildings that includes a grocery store, church, Office Max, pet store, and home furnishing store. Other commercial facilities located in the immediate vicinity (within 0.1 mile) include a Shell gas station, auto parts store, bank with ATM, fast food establishment, donut store, and a coffee shop. Across Blossom Hill Road (approximately 0.2 mile north) is Almaden Plaza which includes a Trader Joes, Costco Wholesale, TJ Maxx, and various other commercial establishments. The project proposes uses that are compatible with these surrounding establishments and would provide patrons and customers for these businesses. Thus, the proposed project would not create an adverse impact on commercial facilities. (see Source Document (41), (15))</td>
</tr>
<tr>
<td><strong>Health Care and Social Services</strong></td>
<td>2</td>
<td><strong>Health Care</strong>&lt;br&gt;Three major medical centers are located within 5 miles of the project site:&lt;br&gt;- Good Samaritan Hospital at 2425 Samaritan Drive, with bus service to the facility;&lt;br&gt;- Kaiser Permanente San José Medical Center located at 2600 International Circle with bus service to the facility; and&lt;br&gt;- El Camino Hospital Los Gatos located at 815 Pollard Road, with bus service to the facility.&lt;br&gt;A pharmacy is located within 0.65 mile of the project site at the intersection of Blossom Hill Road and Kooser Road with bus service to the facility and a pharmacy located 0.4 mile to the north of the project site in the Almaden Plaza. The addition of approximately 108 residents associated with the proposed project would not adversely impact use of these health care services.&lt;br&gt;&lt;br&gt;<strong>Social Services</strong>&lt;br&gt;The proposed project would not result in an adverse effect on social services. The proposed project is located near several social service offices; the nearby social service offices include:&lt;br&gt;- Social Security Administration located at 6140 Cottle Road, approximately 5.3 miles from the project site with a direct bus line to the facility.&lt;br&gt;- United States Postal Service located at 1375 Blossom Hill Road #61, approximately 1.2 miles from the project site with a direct bus line to the facility.</td>
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### Environmental Assessment Factor

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<td>Solid Waste Disposal / Recycling</td>
<td>2</td>
<td>Santa Clara County’s Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030. Solid waste generated within the County is landfilled at Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road landfills. The project would be required to conform to City policies to reduce solid waste generation. Compliance with the City’s policies would ensure that the proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. (see Source Document (42))</td>
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<tr>
<td>Waste Water / Sanitary Sewers</td>
<td>2</td>
<td>Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF) in Alviso. The RWF has the capacity to treat 167 million gallons per day of sewage. In 2016, the RWF’s average effluent flow was 110 million gallons per day. Fresh water flow from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution. The City of San José generates approximately 69.8 million gallons per day of sewage flow. The City’s share of the RWF’s treatment capacity is 108.6 million gallons per day; therefore, the City has approximately 38.8 million gallons per day of excess treatment capacity. The City’s Envision San José 2040 General Plan would allow development that increases sewage generation throughout the City. Based on the Genera Plan EIR, the increment of additional development allowed by the General Plan is estimated to generate average dry weather flow of approximately 30.8 mgd. Therefore, development allowed under the General Plan would not exceed the City’s allotted capacity of the RWF treatment facility. The proposed project is</td>
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<tr>
<td>Water Supply</td>
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<td>Water supply lines to the project would connect to existing City service lines. San José Water Company would supply potable water to the project site. The company is privately owned and regulated by the California Public Utilities Commission and serves over one million customers in the San José metropolitan area. The projected water demand for San José Water Company in 2020 is 144,600 acre-feet annually. Multi-family residential makes up 17 percent of the water use demand for San José Water Company. The average daily gallons of water used by each residential customer is 62.9 gallons. Based on these rates, the project’s 108 residents would require approximately 11,447.8 gallons of water per day or 12.8 acre-feet per year. This would make up less than 0.01 percent of the overall water demand for projected for San José Water Company in 2020. Since the proposed project’s demand is already accounted for in future City water demand, the San José Water Company would have sufficient capacity to meet the increase in water demand from the project. Therefore, the project would result in no anticipated impact due to demand on the community’s available water supply. (see Source Documents (27), (44))</td>
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</table>
| Public Safety, Police, Fire and Emergency Medical | 2 | Police  
The San José Police Department (SJPD) provides police services to the greater metropolitan area. The site is in Patrol District Adam within the Southern Division of the SJPD. The nearest police substation is located at 6087 Great Oaks Parkway, approximately seven miles to the east from the project site. The proposed project would not result in an adverse effect related to police services.  
Fire  
The proposed project is close to one fire station and would be well-served by the City’s Fire Department. The closest Fire Station is Fire Station Number 17 at 5170 Coniston Way, approximately one mile from the project site. The proposed project would not result in any anticipated impact related to fire services. |
### Emergency Medical

The proposed project would not result in an adverse effect related to emergency medical services. Three major medical centers are located within five miles of the project site: Kaiser Permanente (5831 Cottle Road), Good Samaritan Hospital (2425 Samaritan Drive), and San José Blossom Hill Center (1071 Blossom Hill Road). A pharmacy is located within approximately one mile of the project site at the intersection of Blossom Hill Road and Meridian Avenue.

The project site is approximately one-mile northwest of Fire Station Number 17, located 5170 Coniston Way. Response time to the project site from Fire Station Number 1 is estimated at approximately three minutes.

Also, access to SR 87 and SR 85 are located within two miles of the project site, and there are no obstacles to emergency vehicular access. As a result, the proposed project would incrementally increase demand for emergency medical services; however, this impact would not result in any anticipated impacts.

### Parks, Open Space and Recreation

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<td><strong>Parks, Open Space and Recreation</strong></td>
<td>1</td>
<td>The project provides for an 1,830 square-foot podium courtyard and 572 square-foot community room for residential use. In addition, a 971 square-foot neighborhood community room is proposed for use by the surrounding neighborhood. The project applicant would pay applicable impact fees for the construction of the proposed project, a portion of which would go to public improvements such as parks. These fees would satisfy the need for any new or physically altered parks or recreational facilities in order to maintain current service ratios. Therefore, the proposed project’s effect on parks and recreational facilities would not be adverse.</td>
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### Transportation and Accessibility

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| **Transportation and Accessibility** | 3 | **Construction-related Transportation and Traffic**

During the most active construction period, construction-related traffic would add approximately 214 total passenger car equivalents to area roadways.

The construction workers who drive to the site would cause a temporary increase in parking demand. Parking demand generated by construction employees’ personal vehicles could be accommodated within nearby off-street facilities. The applicant will work with neighboring facilities to secure additional parking.

No travel lane closures, sidewalk closures, or transit stop relocations are anticipated during construction. During the construction period, on-
street parking on roadways adjacent to the project site (i.e., Gallup Drive and Mesa Drive) may be closed for construction purposes.

Overall, project construction-related transportation impacts would be temporary in nature. Potential short-term construction impacts generated by the project would include impacts associated with the delivery of construction materials and equipment, removal of construction debris, and parking for construction workers. To reduce impacts to traffic, Mitigation Measures TRA-1 and TRA-2 are incorporated, see Mitigation Measures and Conditions [40 CFR 1505.2(c)], below. With incorporation of these mitigation measures, traffic impacts would be further reduced and not adverse.

In addition, the following Encroachment Permits would be required to perform work in the City of San José right-of-way. The types of permits issued are listed below.

- Construction Activity within the Public Right-of-Way
- Private Improvements within the Public Right-of-Way
- Sidewalk Permit

**Operational Intersection Analysis**

State Bill 743 is California’s law to replace level of service (LOS) with vehicle miles traveled (VMT) in environmental review. This shift towards VMT aligns with San José’s long-term goal of reducing drive-alone trips and increasing the use of walking, bicycling, and transit modes.

The existing VMT is 12.19 which is above the VMT threshold of 10.12. Implementation of San José’s Tier 1-4 strategies, the proposed VMT is expected to reduce to 9.75. The proposed VMT is below the threshold, therefore the proposed project would not result in an adverse impact to intersection operations.

**Operational Circulation and Safety Analysis**

Vehicular traffic under project conditions is expected to be concentrated in the areas surrounding the parking garage and on-street parking area. The proposed project would provide an on-site, at-grade garage with access from a new 26-foot wide curb cut on Gallup Drive, between the public alley and Mesa Drive and six parallel parking spaces in the public alley. Installation of a garage pedestrian alert system would alert pedestrians walking near the garage. Also, it is recommended that the project provide gate openers so that vehicles may start to open the gate before entering the driveway. This would reduce the time the vehicle spends on the sidewalk. With the new project area, the sight distances for vehicles entering and leaving the driveway would not be sufficient. A parking space south of the driveway on west Gallup Drive and a
Parking space on the east side north of Mesa Drive would need to be removed. This would allow sufficient sight distances for vehicles turning right and left onto Gallup Drive from Mesa Drive.

In addition, the proposed project would be designed so that all units and common areas would be ADA compliant.

**Pedestrian Access and Circulation Analysis**

Pedestrian access for residents would be provided via the entrance located on Mesa Drive, through the parking garage, and the public alley. Since the project does not plan on new pedestrian facilities, there would not be an increase in pedestrian conflicts.

**Bicycle Access and Circulation Analysis**

The proposed project would not expose bicyclists to a permanent and substantial transportation hazard and would not result in a substantial decrease in bicyclist safety. Therefore, the proposed project would result in no adverse effects to bicyclists.

**Transit and Emergency Response Analysis**

Project-related vehicle trips would not increase traffic volumes, delays at intersections, or along streets within the vicinity of the project and, thus, would not substantially impede access or circulation by emergency vehicles.

**Vehicle Miles Traveled**

The proposed project is in a high-VMT Area. Reduction strategies to bring the VMT for the area below thresholds include providing affordable, below market housing, limiting parking spaces, providing bike parking facilities, and subsidizing 100 percent of transit passes for residents.

(see Source Document (Appendix B))

### NATURAL FEATURES

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<th>Environmental Assessment Factor</th>
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| **Unique Natural Features, Water Resources** | 2 | Unique Natural Features
The project site is located in a developed, urban part of San José and does not contain any unique natural features. Therefore, the project would not cause adverse impacts to unique natural features. |
| **Water Resources** |  | Water Resources
There are no water resources on the project site and the closest natural aquatic feature (the Guadalupe River) is well outside of the footprint of |
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<td>the project. Due to the lack of aquatic features in the project site the project would not cause adverse impacts to water resources.</td>
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| Vegetation, Wildlife            | 2           | The project site is located within a developed, urban part of San José. It does not contain state or federally protected wildlife species, and therefore, the project would not cause adverse impacts to protected wildlife.  
The only protected botanical species are the trees within the project site, which are addressed in the City of San José’s Tree Removal Controls (Code of Ordinances Chapter 13.32). Under this code, removal of ordinance-sized trees (i.e., single trunk trees 38 inches or more in circumference at 4.5 feet above ground and multi trunk trees in which the combined measurements of each trunk circumference at 4.5 feet above ground add up to 38 inches or more) requires a Tree Removal Permit from the City of San José. The application for this permit includes a tree description table and site plan, a clear photograph of each tree, and a fee paid to the City of San José. In addition, City staff may require an arborist’s report. While up to 10 ordinance-sized nonnative trees and up to two non-ordinance-sized nonnative trees would be removed, trees would be replaced following the City of San José’s Tree Removal Controls. Therefore, the project would not cause adverse impacts to protected vegetation. |
| Other Factors                   | 1           | Proposed construction of the apartment building would provide additional low-income housing. In addition, it would provide an indoor recreational community room with a small kitchen and open area for residents of the neighborhood to reserve during typical business hours. |

### Additional Studies Performed

- **Appendix A**  
  Phase I Environmental Site Assessment
- **Appendix B**  
  Transportation Analysis Report
- **Appendix C**  
  Air Quality Technical Memorandum
- **Appendix D**  
  Section 106 of the National Historic Preservation Act Review
- **Appendix E**  
  Noise Technical Memorandum
- **Appendix F**  
  Additional Maps and Field Notes
- **Appendix G**  
  No Effect Determination for species under the jurisdiction of the U.S. Fish and Wildlife Service
Field Inspection (Date and completed by)

Field inspections and data collection were completed in January 21, 2020 by John Chamberlain, Michelle Dunn, and Joe Bandel.

List of Permits Obtained

The following approval has been obtained:

- SB35 Ministerial Approval with Density Bonus issued May 14, 2020

Public Outreach [24 CFR 50.23 & 58.43]

Two local public outreach meetings were held by the Eden Housing staff and their project architect following the distribution of invitations in multiple languages. The first meeting was in April 2017 and a second meeting was held in March 2018. A project PowerPoint presentation was presented each time and shared during the meeting.

Cumulative Impact Analysis [24 CFR 58.32]

The proposed project is consistent with the type and density of development established under land use regulations in the City of San José’s General Plan after considering concessions and a density bonus for the proposed project. The proposed project helps achieve the goal of increasing affordable housing units in the area and providing a recreational area to the residents of the neighborhood. Environmental impacts identified in this document, including cumulative impacts, are mitigated through the mitigation measures, and would be adopted as a condition of approval of the project. No negative (adverse) cumulative impact is anticipated.

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

No Action Alternative [24 CFR 58.40(e)]

No change to the project site would occur and it would continue in its current vacant state for the foreseeable future. The impacts discussed in this EA would not occur. No beneficial benefits would occur such as providing much needed affordable housing in the area and the associated amenities to the community. It is unknown at this time, if or when another development would be forthcoming. It is unlikely, however, that this project site would remain vacant, and it is more likely that another development would be proposed on the project site. The project site is zoned R-M Multiple Residence District, which is primarily set aside for high-density residential development, and residential-commercial mixed-use development. Thus, it is reasonable to assume that any forthcoming projects would also be residential developments and may include first floor retail or commercial uses.

Off-site Alternative

An off-site alternative was not evaluated because the purpose of this proposed project and its design is specific to this project site opportunity, and no significant adverse impacts related to the proposed action at this site location were considered likely to arise.

Reduced Project Alternative

Reducing the size of the project could potentially reduce impacts incrementally, such as construction period air quality and noise. However, the mitigation measures identified for the project would still apply to a reduced project on this site. Reducing the size of the project would not change the relative magnitude
of the impact or the mitigation measures as compared to the project as proposed. A reduced project would not fully realize the potential of this currently unused site to provide the City with an opportunity to best meet its affordable housing goals. Therefore, a reduced-project alternative was not considered.

Summary of Findings and Conclusions

The proposed project involves the development of a five-story affordable housing complex with garage, bicycle parking, a podium courtyard and residential community room, neighborhood community room, and other supporting amenities. The proposed project would result in environmental effects with regards to Clean Air, Endangered Species, Noise Abatement and Controls, Soil Suitability/Slope/Erosion/Drainage/Storm Water Runoff, Hazards and Nuisances including Site Safety and Noise, and Transportation and Accessibility. Mitigation measures are identified below and would be implemented to minimize or avoid these impacts:

- **Clean Air**: Potential Air Quality impacts are primarily short-term construction related. Implementation of AIR-1: Construction Related Air Pollution Controls (Dust and Equipment Conditions) would reduce potential impacts.

- **Contamination and Toxic Substances**: Potential residual agricultural chemicals in the soil has the potential to adversely impact construction workers and future residents. These adverse impacts would be avoided with implementation of HAZ-1: Preconstruction Soil Sampling.

- **Endangered Species**: Tree removal has the potential to adversely impact nesting migratory birds, which are protected under the federal Migratory Bird Treaty Act. These adverse impacts would be avoided with implementation of BIO-1: Preconstruction Surveys for Nesting Birds and Construction Avoidance Buffers.

- **Noise Abatement and Controls**: Interior noise levels have the potential to exceed established HUD interior noise thresholds. This adverse impact would be avoided with implementation of NOI-1: Interior Noise Attenuation which would require adherence to established interior noise thresholds. Short-term construction-related noise impacts have the potential to adversely impact surrounding uses. Implementation of NOI-2: Construction Noise would reduce construction noise levels.

- **Soil Suitability/Slope/Erosion/Drainage/Storm Water Runoff**: Potential impacts related to stormwater runoff has the potential to impact runoff. Implementation of HYD-1: Implement Best Management Practices During Construction would reduce and eliminate potential contamination of stormwater and non-stormwater discharges from the construction site.

- **Hazards and Nuisances including Site Safety and Noise**: As mentioned in previous sections, potential impacts relate to Storm Water Runoff, Construction-related Noise and Interior Noise Attenuation. Implementation of mitigation measures mentioned above (HYD-1, NOI-1, and NOI-2) would reduce potential impacts.

- **Transportation and Accessibility**: Project construction-related transportation impacts generated by the project would be reduced with implementation of TRA-1: Traffic Control Plan and TRA-2: Repair of City Streets.

The findings of this EA indicate that no significant effects would result from implementation of the proposed project assuming standards and recommended impact mitigation measures listed in Mitigation Measures and Conditions [40 CFR 1505.2(c)], below, are implemented. Based on this analysis, a Finding of No Significant Impact (FONSI) is warranted for the proposed project.

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


16 United States Fish and Wildlife Service. 2020. List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project. Consultation Code 08ESMF00-2020-SLI-1004. February 10.


32 City of San José, 2011. *Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements*. Available at: https://www.sanjoseca.gov/home/showdocument?id=27925


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

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

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<th>Law, Authority, or Factor</th>
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<tr>
<td>Clean Air</td>
<td><strong>AIR-1: Construction Related Air Pollution Controls (Dust and Equipment Emissions)</strong></td>
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The project applicant shall implement all of the following applicable air pollution control measures during construction of the project:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered 2 times per day.
- All haul trucks transporting soil, sand, or other loose material shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads will be laid as soon as possible after grading, unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s
### Law, Authority, or Factor

#### Mitigation Measure

- Specifications. All equipment will be checked by a certified visible emissions evaluator.
- A publicly visible sign shall be posted at the project site with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD’s phone number also shall be visibly posted, for compliance with applicable regulations.

### Contamination and Toxic Substances

#### HAZ-1: Preconstruction Soil Sampling

The project would implement the following measure to ensure the safety of workers and future residences:

Prior to issuance of grading permits, shallow soil samples shall be taken in the near surface soil in the proposed project area and tested for organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous agricultural operations occur at concentrations above established construction worker safety and residential environmental screening levels. The result of soil sampling and testing shall be provided to the Director of Planning, Building and Code Enforcement or the Director’s designee, and the Municipal Environmental Compliance Officer for review. If pesticides and/or metals exceed residential environmental screening levels, then regulatory oversight and remediation/mitigation in accordance with State and Federal regulations shall be performed.

### Endangered Species

#### BIO-1: Preconstruction Surveys for Nesting Birds and Construction Avoidance Buffers

The project would implement the following measures to avoid impacts to nesting migratory birds:

- Avoidance: The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 15th (inclusive), as amended.
- Nesting Bird Surveys: If it is not possible to schedule demolition and construction between August 16th and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of
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<td>construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 15th inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.</td>
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<td>• Buffer Zones: If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance buffer shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.</td>
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<td>• Reporting: Prior to any tree removal, or approval of any grading permits (whichever occurs first), the project applicant shall submit the ornithologist’s report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director’s designee, prior to issuance of any grading or building permits.</td>
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<td>Noise Abatement and Control</td>
<td><strong>NOI-1: Interior Noise Attenuation</strong></td>
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<td>The following measure shall be implemented by the project applicant to ensure interior noise levels are reduced.</td>
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<td>The project applicant shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with HUD’s interior noise threshold of 45 dB L_{dn}. The City shall ensure that the design incorporates controls to reduce interior noise levels to 45 dB L_{dn} or lower within the residential units. The project applicant shall conform with special building construction techniques requested by the City, which may include sound-rated windows and doors, sound-rated wall constructions, and/or acoustical caulking.</td>
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**NOI-2: Construction Noise**

Consistent with the City of San José General Plan and Municipal Code, implementation of these construction BMP would be required to reduce construction noise levels.

- Erect sound barriers around ground level construction sites adjacent to residences or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. If necessary, construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- Prior to the start of construction, notify all adjacent residences and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise barrier along surrounding building facades that face the construction sites.
- Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- Limit construction to the hours of 7:00 AM to 7:00 PM Monday through Friday for any onsite or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the City of San José Director of Planning, Building and Code
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<td>Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.</td>
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Stormwater pollution prevention measures shall be implemented throughout the year in accordance with City specifications and with the document “Clean Bay Blueprint” (see Source Document (48), or current version). These measures include best management practices from the following categories:  
- Material storage and spill cleanup,  
- Earth-moving activities and erosion control,  
- Roadwork and pavement construction,  
- Vehicle and equipment maintenance,  
- Paints, solvents and adhesives,  
- Concrete, cement and mortars, and  
- Waste disposal  
This is consistent with standard grading and drainage plan requirements provided by the Department of Public Works. |
| Hazards and Nuisances including Site Safety and Noise | See HYD-1: Implement Best Management Practices During Construction  
See NOI-1: Interior Noise Attenuation  
See NOI-2: Construction Noise |
| Transportation and Accessibility | **TRA-1: Traffic Control Plan**  
In the event of obstructions to vehicle or bicycle travel lanes, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction. |
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<td>TRA-2: Repair of City Streets</td>
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<td>The project applicant shall repair any damage to the public right-of-way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.</td>
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## Determination

- **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]
  
The project will not result in a significant impact on the quality of the human environment.

- **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]
  
The project may significantly affect the quality of the human environment.

Preparer Signature: __________________________ Date: 7/10/2020

Name/Title/Organization: ___________ John Chamberlain, Project Manager, AECOM

Certifying Officer Signature: __________________________ Date: ______

Name/Title: ___________ Rosalynn Hughey, Director, Planning, Building and Code Enforcement

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