



U.S. Department of Housing and Urban Development

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Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR 58.35(a)

Project Information

Project Name: 519 Ellis Street RAD Conversion

Responsible Entity: City and County of San Francisco, Mayor's Office of Housing and Community Development

Grant Recipient (if different than Responsible Entity): Community Housing Partnership (CHP)

State/Local Identifier:

Preparer: Eugene T. Flannery

Certifying Officer Name and Title: Eric D. Shaw, Director, Mayor's Office of Housing and Community Development

Consultant (if applicable):

Direct Comments to: Eugene T. Flannery, Environmental Compliance Manager, MOHCD, One South Van Ness Avenue, 5th Floor, San Francisco, CA 94103 or to eugene.flannery@sfgov.org during Covid Crisis

Project Location: 519 Ellis Street, San Francisco, CA 94103 APN: 3726/105

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

Community Housing Partnership, a 501(c)(3) nonprofit corporation, seeks to convert the Senator, located at 519 Ellis Street, San Francisco, to funding under the federal Rental Assistance Demonstration Program (RAD) under the United States Housing Act of 1937, as amended, and/or The Consolidated and Further Continuing Appropriations Act of 2012, Public Law 112-55. Conversion to RAD will create financially sustainable real estate assets with a minimum of 20-year useful life, improve resident experience, and ensure the sustainability of the Senator in order to preserve 89 units of housing for extremely low income, homeless individuals.

Under RAD, Community Housing Partnership will be able to leverage additional private resources, and will convert its Mod Rehab Section 8 Contract subsidy payments to RAD project-based Section 8 vouchers (PBVs) for the existing Mod Rehab assisted units. The development will receive increased rent subsidies while continuing to be 100 percent affordable for low-income, homeless households.

The requirements of the RAD program include completing physical upgrades that are noted in the attached Physical Condition Assessment (PCA).¹

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5. This proposal is determined to be categorically excluded according to:

24 CFR §58.35(a). Rehabilitation of buildings and improvements when the following conditions are met:

ii. In the case of multifamily residential buildings:

A. Unit density is not changed more than 20 percent;

B. The project does not involve changes in land use from residential to non-residential; and

C. The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation

24 CFR §58.35(a)(5): Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.

24 CFR §58.35(b)(3): Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs.

Funding Information

Grant Number	HUD Program	Funding Amount
	RAD	

Estimated Total HUD Funded Amount: No HUD Funding

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

Repair Costs:	1,352,256
Total Costs:	1,352,256

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.

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
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project does not lie within an Airport Clear Zone or Accident Potential Zone. The nearest airport is San Francisco International Airport 9 miles distant from the project site. Source Documents: (1) (2)
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not located in a coastal barrier resource area. The Pacific Coast of the Continental United States is not included in the statutory definition. Source Document: (3)
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project involves the acquisition, construction or rehabilitation of structures, buildings or mobile homes. The project site is not located in a FEMA designated Special Flood Hazard Area FEMA has not completed a study to determine flood hazard for the selected location; therefore, a flood map has not been published at this time. The project is neither within a known FEMA floodplain nor within the preliminary Flood Insurance Rate Map prepared for the City and County of San Francisco in November 2016. The project would not involve either direct or indirect support of development in a floodplain. Source Documents: (4)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	The project does not involve acquisition of undeveloped land, a change in land use, major rehabilitation that would cost 75% or more of the property value, or new construction. The project does not meet thresholds for review by the Bay

		<p>Area Air Quality Management District (BAAQMD) for air quality impacts, as it is minor in nature; thus, the project conforms to the State Implementation Plan (SIP).</p> <p>Project activities could potentially result in a release of asbestos containing materials or lead based paint. However, the project would be required to comply with BAAQMD Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing), which controls emissions of asbestos to the atmosphere during demolition activities in accordance with the US Environmental Protection Agency's (USEPA) asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) and establishes appropriate waste disposal procedures.</p> <p>Source Document: (5)</p>
<p>Coastal Zone Management</p> <p>Coastal Zone Management Act, sections 307(c) & (d)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The San Francisco Bay Conservation and Development Commission (BCDC) has permit authority over San Francisco Bay and lands located within 100 feet of the Bay shoreline.</p> <p>BCDC's San Francisco Bay Plan is the Coastal Zone Management Program for the San Francisco Bay Segment of the California Coastal Zone Management Program, pursuant to the Federal Coastal Zone Management Act (CZMA).</p> <p>The project site is located more than 100 feet from the San Francisco Bay shoreline; therefore, no formal finding of consistency with the San Francisco Bay Plan is required. The project activity does not involve activity within a Coastal Zone Management Area (CZM) area.</p> <p>Source Documents: (6) (7) (8)</p>
<p>Contamination and Toxic Substances</p> <p>24 CFR Part 50.3(i) & 58.5(i)(2)</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements. Information was obtained from California Department of Toxic Substance Control, California State Water Boards, and EPA Envirofacts databases on September 25, 2017.</p> <p>Considering the age of the structure, lead based paints may be present. The project has the potential to disturb lead-based paint. Construction activities that disturb materials or paints containing</p>

		<p>any amount of lead are subject to certain requirements of the Cal/OSHA lead standard contained in Title 8, CCR Section 1532.1. Deteriorated paint is defined to be Title 17, CCR, Division 1, Chapter 8, Section 35022 as a presumed lead-based paint that is cracking, chalking, chipping, peeling, non-intact, failed, or otherwise separating from a component. Demolition of a deteriorated lead containing paint component would require waste characterization and appropriate disposal.</p> <p>In addition, lead-based paint remediation and stabilization associated with the proposed project will comply with the HUD Lead Safe Housing Rule 24 CFR Part 35, Subpart R — Methods and Standards for Lead-Paint Hazard Evaluation and Hazard Reduction Activities. Subpart R provides standards and methods for evaluation and hazard reduction activities required in subparts B, C, D, and F through M of 24 CFR Part 35.</p> <p>Source Documents: (9) (10)</p>
<p>Endangered Species</p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project activity involves rehabilitation and financing for a previously developed urban property and thus would have no effect on any natural habitats or federally protected species. The project site is entirely developed and therefore does not support these species' habitat requirements.</p> <p>Source Documents: (8)</p>
<p>Explosive and Flammable Hazards</p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project will not result in an increased number of people being exposed to hazardous operations by increasing residential densities, converting the type of use of a building to habitation, or making a vacant building habitable. The project does not involve explosive or flammable materials or operations.</p> <p>Source Documents: (11)</p>
<p>Farmlands Protection</p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project site consists of urban land; therefore, the project would not affect farmlands. There are no protected farmlands in the City and County of San Francisco.</p> <p>Source Documents: (12)</p>
<p>Floodplain Management</p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>FEMA has not completed a study to determine flood hazard for the selected location; therefore, a flood map has not been published at this time.</p>

		<p>The project is neither within a known FEMA floodplain nor within the preliminary Flood Insurance Rate Map prepared for the City and County of San Francisco in November 2015. The project would not involve either direct or indirect support of development in a floodplain.</p> <p>Source Documents: (4) (13).</p>
<p>Historic Preservation</p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The San Francisco Mayor's Office of Housing and Community Development has reviewed the project under the 2007 Programmatic Agreement and determined that certain activities connected with the undertaking are exempt from review by the SHPO or ACHP per Stipulation IV.C. T</p> <p>Source Documents: (14) (8)</p>
<p>Noise Abatement and Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project would not create new noise sources and would have no noise impacts under HUD guidelines. The project does lie within 15 miles of San Francisco International Airport, but because the project would not significantly expand existing operations, this airport noise would not have an effect on the area.</p> <p>Source Documents: (15)</p>
<p>Sole Source Aquifers</p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project is not served by a US EPA designated sole-source aquifer, is not located within a sole source aquifer watershed, and would not affect a sole-source aquifer subject to the HUD EPA MOU.</p> <p>Source Documents: (16) (17)</p>
<p>Wetlands Protection</p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project activities are not located near any coastal, riparian or bayfront wetlands. Therefore, the Proposed Action would not affect wetland or riparian areas.</p> <p>Source Document: (18)</p>
<p>Wild and Scenic Rivers</p> <p>Wild and Scenic Rivers Act of 1973, particularly section 7(b) and (c)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>No wild and scenic rivers are located within the City and County of San Francisco.</p> <p>Source Documents: (19)</p>
<p>ENVIRONMENTAL JUSTICE</p>		
<p>Environmental Justice</p> <p>Executive Order 12898</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project would not result in disproportionately adverse environmental effects on minority or low-income populations as the project does not involve displacement of residents.</p> <p>Source Documents: (20)</p>

Field Inspection (Date and completed by): September 25, 2017 Eugene Flannery.

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

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

Law, Authority, or Factor	Mitigation Measure
Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Removal of asbestos materials would comply with the National Emissions Standards for Hazardous Air Pollutants and the Bay Area Air Quality Management District Regulation 11, Rule 2
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	The project has the potential to disturb lead based paint. Construction activities that disturb materials or paints containing any amount of lead are subject to certain requirements of the Cal/OSHA lead standard contained in Title 8, CCR Section 1532.1. Demolition of a deteriorated lead containing paint component would require waste characterization and appropriate disposal. Based on the construction of the onsite structure in approximately 1912, asbestos and lead based paint materials may be present onsite. Although not considered a REC, renovation activities would require an asbestos and lead-based paint survey and possibly abatement.

Bibliography

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2. **Association of Governments of San Mateo County.** *Comprehensive Airport Land Use Compatabilty Plans for the Environs of San Francisco Airport.* 2012.
3. **United States Congress.** *Coastal Barrier Resources Act (CBRA),*. 1982. Public Law 97-348 (96 Stat. 1653; 16 U.S.C. 3501 et seq.).
4. **FEMA.** *Preliminary Flood Plain Rated Map.* [Map] San Francisco : s.n., 2016.
5. **United States Department of Housing and Urban Development.** Air Quality. *HUD Exchange.* [Online] [Cited: November 18, 2020.]
[https://www.hudexchange.info/programs/environmental-review/air-quality.](https://www.hudexchange.info/programs/environmental-review/air-quality)
6. **San Francisco Bay Conservation and Development district.** *San Francisco Bay Plan.* [Online] 2008. [Cited: November 18, 2020.] [http://www.bcdc.ca.gov/.](http://www.bcdc.ca.gov/)
7. **California Coastal Commission.** Coastal Zone Management. [Online] [Cited: November 18, 2020.] [https://www.coastl.ca.gov/maps/czb.](https://www.coastl.ca.gov/maps/czb)
8. **San Francisco Planning Department.** *San Francisco Property Information Map 519 Ellis Street.*
9. **California State Waterboards.** 519 Ellis Street. *Geotracker.* [Online] [Cited: November 18, 2020.]
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10. **California Department of Toxic Substance Contol.** 519 Ellis Street. *Envirostor.* [Online] [Cited: November 18, 2020.]
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11. **City and County of San Francisco.** *List of Above Ground Storage Tanks in San Francisco.* Department of Public Health. 2020.
12. **United States Department of Agriculture.** Web Soil survey. *Natural Resources Conservation Services.* [Online] [Cited: November 18, 2020.]
[http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx.](http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx)
13. **City and County of San Francisco General Services Agency.** Interim Floodplain Map. *Northeast.* [Online] [Cited: November 18, 2020.]
[http://sfgsa.org/Modules/ShowDocument.aspx?documentid=176.](http://sfgsa.org/Modules/ShowDocument.aspx?documentid=176)
14. **City and County of San Francisco Mayor's Office of Housing and Urban Development.** . City and County of San Francisco. Programmatic V Agreement by and among the City and County of Son Francisco, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Historic Properties Affected by. 2007.
15. **United States Department of Housing and Urban Development.** Noise Guidebook. 2000.
16. **United States Environmental Protection Agency.** Sole Source Aquifers Subject to HUD EPA Memorandum of Understanding. 1990.
17. —. Sole Source Aquifers in Region IX.
18. **United States Fish and Wildlife Service.** 519 Ellis Street. *Wetlands Geodatabase.* [Online] [Cited: November 18, 2020.] <http://www.fws.gov/wetlands/Data/Mapper.html> .

19. **United States National Park Service.** California. *Designated Wild and Scenic Rivers by State.* [Online] [Cited: November 18, 2020.]

http://www.blm.gov/wo/st/en/prog/blm_special_areas/NLCS/Rivers.html#California.

20. **United States Environmental Protection Agency.** NEPAassist. [Online] [Cited: November 18, 2020.] <https://nepassist.epa.gov/nationalNEPAtools/NepaCall/analysis.aspx> .

Determination:

- This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
- This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, **publish NOI/RRF and obtain "Authority to Use Grant Funds"** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
- This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

PREPARER SIGNATURE

PREPARER NAME, COMPANY



Eugene T. Flannery Mayor's Office of
Housing and Community Development, City
and County of San Francisco

November 18, 2020

DATE

RESPONSIBLE ENTITY

AGENCY OFFICIAL /
SIGNATURE

NAME, TITLE:



Eric D. Shaw, Director, Mayor's Office of
Housing and Community Development

November 18, 2020

DATE

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).