

**NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS
FOR TIERED PROJECTS AND PROGRAMS**

Date of Publication: 8/30/2023

City of Brisbane
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Brisbane, CA 94005
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planning@brisbaneca.org

On or after September 8, 2023, the City of Brisbane will submit a request to the U.S. Department of Housing and Urban Development Office of Community Planning and Development, Office of Economic Development, Congressional Grants Division for the release of Community Grant Funding funds under the Consolidated Appropriations Act, 2023 (P.L. 117-328), to undertake the following project:

Tier 1 Broad Review Project/Program Title: Brisbane Affordable Housing Rehabilitation Project

Purpose: The purpose of the Brisbane Affordable Housing Rehabilitation Project (the Project) is to help low-income Brisbane residents, including seniors and people with disabilities who do not have the resources to address these deficiencies, to remain safely in their homes and to preserve the quality of the City's housing stock.

Location: Brisbane, CA 94005. Specific sites will be identified and evaluated under subsequent Tier 2 reviews.

Project/Program Description: The City of Brisbane has a significant number of housing units in need of rehabilitation that are owned or occupied by low-income residents. The Project will provide grants of up to \$25,000 per housing unit to address home improvements and maintenance. All projects will be within residentially zoned areas inside the Brisbane city limits.

The project will address repairs and maintenance related to health & safety hazards, accessibility improvements for disabled persons, airport noise insulation, and energy efficiency upgrades repairs and improvements that allow homeowners to continue living comfortably and safely in single family detached homes, townhomes, condominiums, mobile homes, and apartment complexes. The project will adhere to the HUD Housing Quality Standards (HQS) for inspection analysis. A single-family home must be owner occupied, and a multi-family building must house low-income tenants. The household income of the homeowner or tenant in an apartment building must be equal to or less than 80 percent of the area median income, for the number of persons in the household, as determined by HUD.

As each specific site location is identified, staff will perform the Tier 2 ER in HEROS. Tier 2 site specific reviews will be completed for those laws and authorities not addressed in the tier 1 broad review for each address under this program when addresses become known.

Level of Environmental Review Citation: 24 CFR 58.35(a)(3), rehabilitation of a single residential unit where the density is not increased, the land use is not changed, and the footprint of the building is not increased in a floodplain or wetland, and multifamily units where density is not changed, land use does not change from residential to nonresidential, and the cost of rehab is less than 75% of the replacement cost after rehab. This environmental review will cover seven years through the year 2030.

Tier 2 Site Specific Review: The site specific reviews will cover the following laws and authorities not addressed in the Tier 1 broad review cited in 58.5(CEST), Flood Insurance, Contamination and Toxic Substances, Historic Preservation, and Environmental Justice.

Mitigation Measures/Conditions/Permits (if any):

Flood Insurance. The individual projects is not within a FEMA-designated Special Flood Hazard Area. The project area includes only residentially zoned property in Brisbane, and no residentially zoned property lies within a flood hazard area. However, if an individual project is found to be in a flood hazard area, the maximum grant amount will be reduce to \$10,000, which is below the threshold that HUD requires flood insurance. Project staff will review the FEMA website to obtain site specific Flood Map and flood hazard zone and firm panel. Staff will determine Compliance for Flood Insurance for each site.

Contamination and Toxic Substances. The project is located within 3,000 feet of a former solid waste landfill site that was closed in 1973. Project staff will examine each site to determine that the property is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants. Staff will consider the age of the home in determining potential lead-based paint exposure. The project requires lead-based paint testing, remediation, encapsulation, and clearance in all work write ups for structures built pre-1978. The project will use EPA and Geotracker websites as supplemental research to determine possible contamination for each site. Staff will identify Brownfields, Superfund, and Toxic Release Inventory (TRI) sites, the number of LUST, and Cleanup Program sites. Staff will analyze and attach documentation of all research. The HUD Contamination and Toxic Substances Checklist will be completed for each project in the Tier 2 ER.

Historic Preservation. The project involves rehabilitation of existing structures and will not disturb additional land. The City of Brisbane will consult with SHPO to determine whether individual properties require further review. For structures over 50 years old, a consult is required; for those less than 50 years old, no consult is needed. Staff will determine the age of each structure to determine compliance measures. Review includes local historical records to assist in making historical significance determination. The City requested formal consultation from the California SHPO. California SHPO was unable to provide consultation, citing "36 CFR Part 800.3(c)(4) "Failure of the SHPO/THPO to respond.

Environmental Justice. The project will not create adverse environmental or human health impacts. The project will not increase residential density or change the makeup of the existing community. The project will improve the living environment for existing homeowners and renters regardless of protected status. Staff will determine compliance with Environmental Justice laws and authorities and make a determination of no adverse environmental impacts. The projects serve populations that are protected under this Executive Order. Project staff will complete an Environmental Justice Worksheet for each new site in the Tier 2 analysis.

Estimated Project Cost: \$495,000

The activity/activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements per 24 CFR 58.35(a)(3), and subject to laws and authorities at §58.5. An Environmental Review Record (ERR) that documents the

environmental determinations for this project is on file at
<https://www.hudexchange.info/programs/environmental-review/environmental-review-records/>.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to:

Community Development Department
City of Brisbane
50 Park Place
Brisbane, CA 94005
Email: planning@brisbaneca.org

All comments received by 9/8/2023 by 12 PM will be considered by the City of Brisbane prior to authorizing submission of a request for release of funds.

ENVIRONMENTAL CERTIFICATION

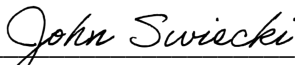
The City of Brisbane certifies to HUD that John Swiecki, Certifying Officer, in his capacity as Community Development Director consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the City of Brisbane to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of fund and the City of Brisbane's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the City of Brisbane; (b) the City of Brisbane has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD at:

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
One Sansome Street
3rd Floor, Suite 1200
San Francisco, CA 94104

Potential objectors should contact HUD to verify the actual last day of the objection period.



John Swiecki, Community Development Director, **Certifying Officer**