

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

September 2, 2020

City of San José
200 E. Santa Clara Street
San José, CA 95113

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the City of San José.

REQUEST FOR RELEASE OF FUNDS

First Community Housing is proposing the 365-unit McEvoy Affordable Housing Project in San José, California. The project, to be built in two phases, is intended to serve individuals earning 30 percent to 80 percent of the County Area Median Income (AMI). The Santa Clara County Housing Authority (SCCHA) has committed Section 8 housing assistance for the first phase of the project in the form of Project Based Vouchers (PBVs) for 35 apartment units, as authorized under Section 8 of the Housing Act of 1937, as amended. 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 appropriations 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 forty (40) years. The estimated total funding for rental subsidy committed is \$32,578,800 (\$1,628,940 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 the federal government.

The proposed development would include development of a 13-story building with two residential towers, consisting of 365 affordable dwelling units, with an alternative parking arrangement, over a single, one-story podium containing a parking garage and amenities. The eastern tower would consist of one- to three-bedroom units, and the western tower would consist of studio and junior one-bedroom units. The proposed apartments would range from studios to three-bedroom units. Vehicular access to the site would be provided via a driveway on McEvoy Street. Vehicle parking (94 spaces), motorcycle parking (16 spaces), and bicycle parking (401 spaces) would be provided in the parking podium on the first floor of the building.

The project proposes to construct two residential towers over a single, one-story garage podium. The eastern residential tower (Family Building) would include 12 stories of dwelling units, with a maximum roof height of 164 feet. Family housing would include 58 one-bedroom units, 37 two-

bedroom units, and 46 three-bedroom units for a total of 141 dwelling units. Two manager units would be located on the second floor. Apartments would be located on the second through 13th stories of the building.

The western tower (Workforce Building) would consist of 12 stories over the one-story podium for a maximum height of 164 feet. It would contain studio and junior one-bedroom dwelling units. These dwelling units would include 142 studio apartments and 82 junior one-bedroom apartments for a total of 224 dwelling units. Two manager units would be located on the second floor. Apartments would be located on the second through 13th stories of the building.

The project proposes to design the building as a Leadership in Energy and Environmental Design (LEED) Platinum project and would include the following green building features:

- Rooftop urban farm
- Free Santa Clara Valley Transportation Authority (VTA) Eco Passes for residents
- Low-volatile organic compound (VOC) paints, sealants, adhesives, and finishes
- Formaldehyde-free insulation, cabinets, counters, and shelving;
- WeGo Wise water and energy monitoring
- Solar water heating
- Energy-efficient windows, lighting, water heaters, and appliances
- Water-conserving fixtures
- Drip-irrigated native and low-water landscaping with bioswale stormwater retention and rain gardens

Construction of the proposed project would begin in July 2020 and would take approximately 30 months. The family apartment building, parking structure, and courtyard would be constructed in the first phase of development, and the workforce building would be constructed in the second phase. Prefabricated apartment units would be transported to the site independently, and the residential towers would be constructed on-site.

Funding Sources:

- Estimated HUD program funds: \$32,578,800 (\$1,628,940 annually)
- Estimated funding from other sources: \$200.5 million
- Estimated total project cost: \$233 million

FINDING OF NO SIGNIFICANT IMPACT

The City of San José has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) available online at www.sanjoseca.gov/NegativeDeclarations.

To review hard copies of the documents, please contact Reema Mahamood at reema.mahamood@sanjoseca.gov or at 408-535-6872.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to Reema Mahamood, City of San José, Department of Planning, Building and Code Enforcement, T-3, 200 E. Santa Clara Street, San José, CA 95113, or via email at reema.mahamood@sanjoseca.gov. All comments received by 5:00 p.m. **September 18, 2020** will be considered by the City of San José prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The City of San José certifies to HUD that Rosalynn Hughey in her capacity as Director of Planning, Building and Code Enforcement for the City of San José 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 name of grant recipient to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of fund and the City of San José 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 San José; (b) the City of San José 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 Department of Housing and Urban Development, Office of Public Housing, and sent to the following email address RROFSFRO@hud.gov and todd.r.greene@hud.gov. Potential objectors should contact HUD to verify the actual last day of the objection period.

Rosalynn Hughey

Rosalynn Hughey, Director
Planning, Building and Code Enforcement
City of San José