



Mercy Housing Veterans Village Project

Final CEQA Environmental Impact Report and NEPA Environmental Assessment - Finding of No Significant Impact

SCH# 2016052068

October 19, 2016



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Prepared for:

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1190 El Camino Real
Colma, CA 94014-3212

Housing Authority of the County of San Mateo
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TRA ENVIRONMENTAL
SCIENCES

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ACRONYMS, ABBREVIATIONS, AND SYMBOLS

Acronym / Symbol	Full Phrase or Description
ACHP	Advisory Council on Historic Preservation
CEQA	California Environmental Quality Act
EA	Environmental Assessment
EIR	Environmental Impact Report
FONSI	Finding of No Significant Impact
Housing Authority	Housing Authority of the County of San Mateo
HUD	Housing and Urban Development
NOC	Notice of Completion
NOIRROF	Notice of Intent to Request Release of Funds
NOP	Notice of Preparation
OHP	Office of Historic Preservation
OPR	Governor's Office of Planning and Research
SCH	State Clearinghouse
SHPO	State Historic Preservation Officer
Town	Town of Colma
§	Section

1.0 INTRODUCTION

This document is the Final Environmental Impact Report/Environmental Assessment – Finding of No Significant Impact (Final EIR/EA-FONSI) for the Mercy Housing Veterans Village Project. This new veterans housing development would be located on approximately 2.2 acres of land at 1670-1692 Mission Road in the Town of Colma, San Mateo County, California. In general, this project would:

- Remove existing built features on-site including a concrete water storage reservoir and three other concrete structures which are considered historic resources;
- Rehabilitate the historic pump house building for use as a social hall/community space and/or storage;
- Remove most of the site’s existing vegetation including 47 trees over 12-inches in diameter;
- Construction of a 66-unit, two- to three-story apartment building containing laundry and fitness facilities;
- Construction of a single-story wing with offices; and
- On-site improvements including foundation, drainage, utility connections, minor circulation modifications, parking, and residential courtyard, landscaping, and garden spaces.

Per California Environmental Quality Act (CEQA) Guidelines section 15132, the Final EIR shall consist of:

- The Draft EIR or a revision of the draft;
- Comments and recommendations on the Draft EIR either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the Lead Agency.

There is no “Final” EA-FONSI document equivalent required by National Environmental Policy Act (NEPA) like there is for a Final EIR in CEQA. Instead, the NEPA lead agency is only required to respond to valid “objections,” raised during public review and since no comments were received (see section 1.2, below), no changes are proposed for the EA-FONSI portion of the document.

1.1 CEQA ENVIRONMENTAL REVIEW PROCESS

The Town determined that the implementation of the proposed Mercy Housing Veterans Village Project would have the potential to have a significant impact on the environment and that an EIR would be prepared pursuant to CEQA. Accordingly, the Town prepared and filed or posted the Notice of Preparation (NOP) of an EIR with the San Mateo County Clerk’s Office and three Town bulletin boards on May 19, 2016 (SCH 2016052068). The NOP was also filed at the State Clearinghouse on May 24, 2016. The NOP was included in Appendix A to the Draft EIR. The

Town distributed the NOP to three Native American Tribes, potential local responsible agencies and other interested organizations, as well as property owners within 300 feet of the project site and other individuals who have expressed interest in the project.

The Town provided a 32-day public review period for the NOP from May 19, 2016 to June 20, 2016. The State Clearinghouse NOP comment period ran from May 24, 2016 to June 25, 2016. Written comments in response to the NOP were received from one Native American tribe, and the California Department of Transportation. No other organizations, municipalities, or other interested individuals responded to the NOP. These written comments are summarized in Section 3.2.1 of the Draft EIR/EA-FONSI.

Preparation of the Draft EIR involved addressing comments on the NOP, reviewing project plans and documents, conducting additional research, and evaluating potentially significant adverse impacts pursuant to CEQA. The Draft EIR/EA-FONSI included an analysis of cumulative impacts and alternatives that could reasonably achieve most of the objectives for the project and avoid or substantially lessen the significant environmental impacts associated with implementation of the project.

The Town issued a Notice of Completion (NOC) and Notice of Availability (NOA) for the Draft EIR/EA-FONSI for the proposed project on August 17, 2016. The Town distributed the NOC, NOA, and the Draft EIR/EA-FONSI (on compact disc) to state agencies via the State Clearinghouse. The Town directly mailed the NOA to three Native American Tribes, the agencies that were provided the NOP, and more than 60 other potentially interested agencies, organizations, and individuals. The Town also posted the NOA for review at the San Mateo County Clerk's Office and the Town's main office bulletin boards. The Town posted the full Draft EIR/EA-FONSI on the Town's website for public review. Finally, the Town provided hardcopies of the Draft EIR for review at the Town's main office. The distribution lists for the NOA and Draft EIR/EA-FONSI are included as new Appendix H.

No written comments were received during the 45-day public review comment period (August 17 to September 30, 2016). A letter from the State Clearinghouse dated October 8, 2016 confirmed that no state agencies submitted comments before the end of the comment period (see Appendix H). The Final EIR/EA-FONSI, together with the Draft EIR/EA-FONSI, will be considered by the City Council when deciding whether or not to certify the Final EIR and approve the Mercy Housing Veterans Village Project.

1.2 NEPA ENVIRONMENTAL REVIEW PROCESS

The Housing Authority of San Mateo County (Housing Authority) is the NEPA lead agency for the project. Notice for the FONSI and Notice of Intent to Request Release of Funds (NOIRROF) was published in the San Mateo Daily Journal on August 22, 2016. The NEPA public comment period ran from August 22, 2016 to September 5, 2016. On September 8, 2016, the San Mateo County Department of Housing, issued a letter request for Release of Funds and Certification for the Mercy Housing Veterans Village Project to the U. S. Department of Housing and Urban Development, Region IX. The letter indicated that no comment letters were received during the comment period. Both the proof of publication in the San Mateo Daily Journal and letter Request for Release of Funds and Certification can be found in Appendix H.

1.3 CHANGES TO THE DRAFT EIR/EA-FONSI

CEQA anticipates that the public review process will elicit information that can result in modification of the project design and refined impact analysis to reduce potential environmental effects of the project. As provided in CEQA Guidelines Section 15088.5, when significant new information is added to the EIR after public noticing of the Draft EIR, the EIR must be recirculated to give the public a meaningful opportunity for review. Significant new information is defined as 1) a new significant environmental impact, 2) a substantial increase in the severity of an environmental impact requiring new mitigation, or 3) a feasible project alternative or mitigation measure considerably different from those previously analyzed that would clearly reduce environmental impacts. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

This Final EIR/EA-FONSI includes the following modifications to the Draft EIR/EA-FONSI:

- Minor text errors and revisions to the Draft EIR/EA-FONSI and
- Additional information regarding the public review and circulation of the Draft EIR/EA-FONSI and NEPA Section 106 process.

These revisions do not constitute considerably different changes in the project description, environmental setting, conclusions of the environmental analysis, or in the mitigation measures proposed to be implemented or otherwise provide significant new information that would require recirculation of the Draft EIR pursuant to CEQA Guidelines section 15088.5.

There is no “Final” EA-FONSI document equivalent required by NEPA like there is for a Final EIR in CEQA. Instead, the NEPA lead agency is only required to respond to valid “objections,” raised during public review and since no comments were received (see section 1.2, above), no changes are proposed for the EA/FONSI portion of the document.

1.4 FINAL EIR/EA-FONSI DOCUMENT ORGANIZATION

The Final EIR/EA-FONSI for the Mercy Housing Veterans Village Project is organized as follows:

- **Chapter 1, Introduction**, explains the contents of this Final EIR/EA-FONSI and the environmental review process for the Mercy Housing Veterans Village Project.
- **Chapter 2, Errata and Revisions**, describes the text changes to the Draft EIR/EA-FONSI needed to address minor text errors.
- **Chapter 3, Additional Information**, includes information related to the project;
- **Appendix H, Public Notices and Distribution List**, contains the notices that were published to circulate the document for public review and includes a list of agencies, organizations, and members of the public that were sent the NOA for the Draft EIR/EA-FONSI and / or NOIRROF.
- **Appendix I, Section 106 Additional Information**, includes the Draft Memorandum of Agreement, between the Housing Authority and State Historic Preservation Officer (SHPO), for the treatment of the historic property identified in the Draft EIR/EA-FONSI and the letter from the Advisory Council on Historic Preservation (ACHP) noting no further formal consultation is required with them.

In accordance with Section 15132 of the CEQA Guidelines, the Final EIR/EA-FONSI for the Mercy Housing Veterans Village Project consists of this document and the July 2016 Draft EIR/EA-FONSI.

2.0 ERRATA AND REVISIONS

This chapter presents errata and revisions to the text provided in the Draft EIR/EA-FONSI for the Mercy Housing Veterans Village Project. None of the revisions result in new significant environmental impacts or substantially increases the severity of the environmental impacts evaluated in the Draft EIR/EA-FONSI, and the revisions do not involve feasible mitigation measures or project alternatives that the applicant is not electing to implement. As such, these errata and revisions are not considered significant pursuant to CEQA Guidelines Section 15088.5 and do not require recirculation of the Draft EIR/EA-FONSI.

2.1 ERRATA AND REVISIONS

This section provides amended text for the Mercy Housing Veterans Village Project Draft EIR/EA-FONSI. The changes addressed in this section are in response to three general text changes that appear throughout the document. These changes are:

- 1) Correcting a table number from Table 2-1 to Table S-1. See Section 2.1.1 below.
- 2) Revising/updating the title of a mitigation measure from “Salvage Buildings to be Removed” to “Salvage Elements of Buildings to be Demolished” to more accurately reflect the intent of the measure. See Section 2.1.2, below.
- 3) Revising/updating the number of trees removed from 46 to 47. See Section 2.1.3, below.

Additions to the Draft EIR/EA-FONSI text are shown with underlining and text removed from the Draft EIR is shown with ~~striketrough~~.

2.1.1 Text Edit: References to Table 2-1

In several instances, labeling of and references to, the summary of significant impacts and mitigation table contained in the Summary chapter were mislabeled as Table 2-1. The correct table number should be Table S-1. Incorrect references to Table 2-1 occur on the following pages:

Page S-1, Section S.2, 1st paragraph: “This EIR identifies that the proposed Veterans Village Project could result in potentially significant environmental impacts in two different resource areas, as summarized in Table ~~2~~S-1.”

Page S-1, Section S.2, 2nd paragraph: The inclusion of mitigation measures into the proposed project renders four of the six impacts listed in Table ~~2~~S-1 less than significant;...”

Pages S-3 to S-7, Table heading titles: “Table ~~2~~S-1 Summary of Veterans Village Project Significant Environmental Impacts and Mitigation Measures”

Page 3-4, Section 3.4.4, 1st paragraph: “...and implementation of Mitigation Measures BIO-1 and BIO-2 to prevent construction-related impacts to nesting birds and roosting bats (see Table ~~2~~S-1 and Section 1.4 Biological Resources of Appendix B).”

Page 7-1, 1st paragraph: “The significant impacts of the project are summarized in Table ~~2~~S-1.”

Page 7-3, Section 7.1.2, “A list of the significant and potentially significant impacts associated with the project is presented above ~~below~~ in Table ~~2~~S-1.”

Page 8-1, Section 8.1, 3rd paragraph: “The significant environmental effects of the proposed project are listed in Table 2S-1.”

Page 8-1, Section 8.1, 7th paragraph: “The mitigation measures CUL-2A and CUL-2B presented in Chapter 4 and Table 2S-1 are proposed to minimize project impacts.”

2.1.2 Text Edit: References to “Salvage Buildings to Be Removed”

Mitigation Measure CUL-2a shall be updated to more accurately reflect the intent of the measure. The text shall be revised as follows: “Salvage Elements of Buildings to be Demolished ~~Removed~~”. These text changes occur on the following pages:

Page S-6, top line of mitigation measure text.

Page 4-16, paragraph 7 title

Page 9-14, mitigation measures, paragraph 1 title

2.1.3 Text Edit: Other References to “Removed” or “Removal”

Text references to buildings that will be “removed” shall be revised to state the buildings will be “demolished”. One text references to “the removal” shall be revised to state “demolishing” is indicated with an “*”. These text changes occur on the following pages:

Page S-9, Section S.3.3, second sentence

Page S-10, first paragraph, first sentence

Page 2-9, Section 2.4.1, first sentence *

Page 7-5, Section 7.4, second sentence

Page 9-35: second paragraph, third sentence

Page 9-36: first paragraph, first sentence

Appendix B, Initial Study page 32, second paragraph, second sentence

2.1.4 Text Edit: References to 46 Trees to be Removed

The text in the Draft EIR/EA-FONSI shall be updated to state 47 trees shall be removed by the project instead of 46 trees. These text changes occur on the following pages:

Page 1-1, Section 1.1, third bullet

Page 2-1, second paragraph, third bullet

Page 2-3, Section 2.2.2, first paragraph, third sentence

Page 2-5, Section 2.3.6, second paragraph, first sentence

Page 2-9, Section 2.4.1, first paragraph, third sentence

Page 9-3, Statement of Proposal and Need, third bullet

Page 9-4, Existing Conditions and Trends, fifth bullet, second sentence

3.0 ADDITIONAL INFORMATION

The information provided in this chapter is related to the project, however the items do not provide comments or questions related to the Draft EIR/EA-FONSI and, therefore, no response is provided in this Final EIR/EA-FONSI.

3.1 ADDITIONAL SECTION 106 INFORMATION

The Section 106 process is a federal NEPA process to evaluate potential adverse effects on cultural resources. Additional information related to this process is provided here for informational purposes only. The documents discussed below (and provided in Appendix I) are separate from, and do not provide comments related to, the Draft EIR/EA-FONSI.

3.1.1 Advisory Council on Historic Preservation

The Advisory Council on Historic Preservation (ACHP) provided a letter to the County of San Mateo, Department of Housing stating that they do not believe their participation in the consultation to resolve adverse effects is needed. The ACHP also states that they should be provided the final Memorandum of Agreement with the California SHPO and any other related documentation at the end of the consultation process. This letter is provided in Appendix I.

3.1.2 Memorandum of Agreement

The Housing Authority of the County of San Mateo is in the process of entering into a Memorandum of Agreement with the SHPO for the treatment of the historic property that will be affected by the proposed project. The agreement specifies how the Housing Authority will proceed with preservation of the existing pump house building and photo documentation of the buildings to be removed. The Draft Memorandum of Agreement is provided as Appendix I and may be revised as the document is finalized.

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**Mercy Housing Veterans Village Project
Final Environmental Impact Report**

APPENDIX H

DRAFT EIR/EA-FONSI CIRCULATION MATERIALS

- **Notice of Availability (NOA)**
- **Town of Colma NOA Distribution List**
- **Newspaper Notice**
- **Cover Letter for Request for Release of Funds**
- **Letter from the State Clearinghouse**

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**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS
NOTICE OF AVAILABILITY OF AN ENVIRONMENTAL IMPACT REPORT**

Date: August 17, 2016

To: State responsible and trustee agencies, federal agencies, and interested parties

Subject: Finding of No Significant Impact, Notice of Intent to Request Release of Funds, and Notice of Availability of an Environmental Impact Report for the Veterans Village Project in the Town of Colma, California.

These notices are circulated jointly by the:

and the:

Housing Authority of the County of San Mateo
264 Harbor Boulevard, Bldg A
Belmont, California 94002

Town of Colma
1190 El Camino Real
Colma, California 94014

These notices shall satisfy the two separate but related procedural requirements for activities to be undertaken by the Housing Authority of the County of San Mateo (Housing Authority) pursuant to the National Environmental Policy Act (NEPA). These notices shall also satisfy the procedural requirements of the California Environmental Quality Act (CEQA) for notification of the availability of the Draft Environmental Impact Report/Environmental Assessment-Finding of No Significant Impact (DEIR/EA-FONSI) for public review and comment.

NEPA: REQUEST FOR RELEASE OF FUNDS

On or about September 06, 2016, the Housing Authority of the County of San Mateo will submit a request to the United States Department of Urban Development (HUD) for the release of Project-Based Voucher funds under Title I/Section 8(0)(13) and (19) of the United States Housing Act of 1937, as amended, and HOME Investment Partnerships Program funds under Title II of the Cranston-Gonzales National Affordable Housing Act of 1990 to undertake a project known as Mercy Housing Colma Veterans Village for the purpose of providing 66 apartments for low-income families in the Town of Colma with preference given to homeless veterans. Requested funds include \$2,720,000 in PBV funds (Section 8 and VASH) and \$1,196,467 in HOME funds, with a total project cost of \$36,000,000. The project is located at 1670-1692 Mission Road, Colma, California.

CEQA: PROJECT DESCRIPTION

The Town of Colma, the CEQA lead agency for the project, has prepared a draft Environmental Impact Report (EIR) for the proposed Veterans Village Project to evaluate the project's potential effects on the environment. Additionally, the Housing Authority of the County of San Mateo (Housing Authority), the NEPA lead agency, has prepared an Environmental Assessment (EA) under the National Environmental Policy Act), because the applicant, Mercy Housing is seeking federal funding through the U.S. Department of Housing and Urban Development (HUD). The Housing Authority is the local agency responsible for implementing HUD's NEPA requirements. Thus, the Town of Colma is the lead agency under CEQA and the Housing Authority is the lead agency under NEPA and a joint EIR/EA has been prepared.

The Veterans Village Project is a proposed 66-unit affordable housing community in the Town of Colma (Town). One of Mercy Housing's missions is to provide housing to underserved populations, including Veterans. The project will provide affordable housing to Veterans and provide on-site services to the residents.

The project proposal includes a new three story residential building and the preservation of a historic building for use by residents. Two large residential courtyards, a garden area, and park area are also planned as part of the proposed development. The project would provide a total of 69 parking spaces in two parking areas; one adjacent to Cypress Lawn Cemetery and another along the BART maintenance road immediately east of the project site.

CEQA: PROJECT LOCATION AND EXISTING CONDITIONS

The proposed affordable housing community would be located at 1670-1692 Mission Road in the Town of Colma (37°40'18" north latitude and 122°27'07" west longitude). The project site is triangular shaped with frontage along Mission Road and is approximately 2.23 acres in size (Assessor's Parcel Number 011-370-220). The project is located within an area of the Town that contains a mix of land uses including cemetery, industrial (auto repair) and residential uses. A maintenance road to a BART ventilation shaft bounds the project site on the east, travels behind the project site and terminates at the BART ventilation shaft. In general, the project parcel is surrounded to the north and east by cemetery and BART uses and to the west and south by auto repair and commercial uses.

Access to the area is provided by nearby major roadways including Mission Road, El Camino Real, Junipero Serra Boulevard, Hickey Boulevard and Collins Avenue. Regional access to the project site is provided by State Route 280. The proposed project site contains vacant land, two unpaved areas used for automobile parking by nearby auto repair shops, and five historic structures associated with the Holy Cross Cemetery pump station (no longer in use). The site contains unmanaged vegetated areas and numerous trees. The project location (1670-1692 Mission Road) is not on any lists enumerated under Government Code section 65962.5 (the Cortese list).

NEPA: FINDING OF NO SIGNIFICANT IMPACT

The County of San Mateo Department of Housing 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) on file at the County of San Mateo Department of Housing, 264 Harbor Boulevard, Building A, Belmont, California 94002, incorporated by reference, and may be examined or copied weekdays 8:00 AM to 5:00 PM.

CEQA: ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS

The Draft EIR identifies potentially significant impacts on the following resources: Biological Resources (nesting birds, roosting bats, and tree removal), Cultural Resources (unrecorded cultural resources, demolition of historic structures, changes in the historic character of the site, and tribal resources). Mitigation measures are proposed to avoid and /or substantially reduce the project's potential effects on Biological Resources and Cultural Resources. However, the demolition of historic structures and the change in the character of the site remain significant and unavoidable CEQA impacts of the project.

CEQA: DOCUMENT AVAILABILITY

A hardcopy of the Draft EIR is available for review at the Colma Planning Department 1190 El Camino Real Colma, California 94014. An Electronic Copy of the Draft EIR can be accessed on the Town's website (www.colma.ca.gov) on the Planning Department's Current Projects Page (Current Projects – 1670-1692 Mission Road).

NEPA: PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the Environmental Assessment or ERR to the County of San Mateo Department of Housing, 264 Harbor Boulevard, Building A, Belmont, California 94002. All comments received by September 05, 2016 will be considered by the Housing Authority prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

CEQA: REQUEST FOR COMMENTS

The purpose of this Notice of Availability is to request comments on the Draft EIR the Town has prepared for the project from state responsible and trustee agencies, federal agencies, and any other person or organization concerned with the environmental effects of the project. The starting and ending dates for the review period during which time the Town will receive comments on the Draft EIR are August 17, 2016 and September 30, 2016, respectively. Please send your written response by the earliest possible date, but no later than 5 PM on September 30, 2016 to:

Mr. Michael Laughlin, City Planner
Town of Colma Planning Department
1190 El Camino Real
Colma, CA 94014-3212

or to michael.laughlin@colma.ca.gov (enter "Veterans Village Project Draft EIR" in the 'Subject' line). Agency responses should include the name of a contact person at the agency.

NEPA: ENVIRONMENTAL CERTIFICATION

The Housing Authority certifies to HUD that Kenneth Cole, in his capacity as Executive Director, and as the Director of the County of San Mateo Department of Housing 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 Mercy Housing California 66, LP to use Program funds.

NEPA: OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of fund and the Housing Authority'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 Housing Authority; (b) the Housing Authority 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 the HUD San Francisco Regional Office at 600 Harrison Street, Third Floor, San Francisco, California 94107. Potential objectors should contact HUD to verify the actual last day of the objection period.

Kenneth Cole, Executive Director, Housing Authority of the County of San Mateo; Director,
County of San Mateo Department of Housing
Michael Laughlin, City Planner, Town of Colma Planning Department

San Francisco Bay Region Water
Quality Control District
1515 Clay Street, #1400
Oakland, CA 94612

Mr. Patrick Sweetland
No. San Mateo County Sanitation District
153 Lake Merced Boulevard
Daly City, CA 94015

Jefferson Union High School District
699 Serramonte Boulevard, # 100
Daly City, CA 94015

San Francisco Water Department
1990 Newcomb Avenue
San Francisco, CA 94124

Executive Officer
San Bruno Mountain Watch
P.O. Box 53
Brisbane, CA 94005

Director of Planning
CalTrans District 4
P.O. Box 23660
Oakland, CA 94623-0660

South San Francisco Sewer Department
400 Grand Avenue
South San Francisco, CA 94080

City of Daly City
Planning Department
333 - 90th Street
Daly City, CA 94015

City Engineer
City of South San Francisco
P.O. Box 711, 400 Grand Avenue
South San Francisco, CA 94083

BART
Real Estate & Property Dev.Dept.
300 Lakeside Drive, 22nd Floor
Oakland, CA 94612

Planning Director
San Mateo County Planning Dept.
455 County Center, 4th Floor
Redwood City, CA 94063

Service Planning Department
PG&E
275 Industrial Road
San Carlos, CA 94070

Jefferson Elementary School District
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Daly City, CA 94015

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Oakland, CA 94604

Mr. Geoff Balton
Colma Fire Protection District
50 Reiner Street
Colma, CA 94014

State Clearinghouse
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Sacramento, CA 95814

So. San Francisco Unified School Dist.
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South San Francisco, CA 94080

City of South San Francisco
Planning Department
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Regional Clearinghouse Coordinator
c/o ABAG
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Oakland, CA 94604-2050

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Belmont, CA 94002

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Rohnert Park, CA 94928

Transportation Planning
C/CAG
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Redwood City, CA 94063

Bay Area Air Quality Management
District
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San Francisco, CA 94109

San Mateo County
Environmental Health Director
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San Mateo, CA 94403

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South San Francisco, CA 94080

Phil Weaver
Image Auto
1687 Mission Road
South San Francisco, CA 94080

Mohammad Ahmad
Royal Auto Body
1681 Old Mission Road
South San Francisco, CA 94080

Lupe Gutierrez
Colma Floral Shop
1360 El Camino Real
Colma, CA 94014

Ken Varner
Cypress Lawn Cemetery
1370 El Camino Real
Colma, CA 94014

James Carlson
Hills of Eternity Memorial Park
1299 El Camino Real
Colma, CA 94014

Charlie's Trucking Company
1755 Mission Road
South San Francisco, CA 94080

Owen Molloy
Molloy's Tavern
1655 Mission Road
South San Francisco, CA 94080

Steve Reeves
Andy's Wheels & Tires
1685 Mission Road
South San Francisco, CA 94080

John's Automotive
1711 Mission Road
South San Francisco, CA 94080

David & James Dito
Ditos Motors
1715 Mission Road
South San Francisco, CA 94080

Ken Whelan
Pacific Supply
1675 Mission Road
South San Francisco, CA 94080

John Goodwin
1357 Mission Road
South San Francisco, CA 94080

Laura and Thomas Walsh
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South San Francisco, CA 94080

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1500 Hillside Blvd
Colma, CA 94014

Patricia Hatfield
475 D Street
Colma, CA 94014

Richard Rocchetta
1255 Hillside Blvd
Daly City, CA 94014

Michael Rocchetta
1263 Hillside Blvd
Daly City, CA 94014

Ed Harper
513 C Street
Colma, CA 94014

Charito Casanas
318 Hoffman Street
Colma, CA 94014

Rommel Medina
Lucky Chances Casino
1700 Hillside Blvd
Colma, CA 94014

Anthony Clifford
First National Bank
975 El Camino Real
South San Francisco, CA 94080

Theresa Hart
Peninsula Reflections
205 Collins Avenue
Colma, CA 94014

Bob McHugh
Jaeger McHugh & Co.
500 Washington Street, Suite 450
San Francisco, CA 94111

San Mateo County Transit District
1250 San Carlos Avenue
San Carlos, CA 94070

Steve Valkanoff Trust
1707 Old Mission Road
South San Francisco, CA 94080

Public Storage, Inc.
P.O. Box 25025
Glendale, CA 91221

Carol Jeanne McLaughlin Trust
19 Veracruz
Dana Point, CA 92629

Dorothy McLennan
2945 Junipero Serra Blvd
Daly City, CA 94014

Stonefield, Inc
355 Boxington Way
Sparks, NV 89434

City & County of San Francisco Water
Department
525 Golden Gate Avenue, 10th Fl
San Francisco, CA 94102

Eric Steeg Trust
56 Northgate Ave
Daly City, CA 94015

Peter Christiansen
1700 El Camino Real, #12, Sp #9
South San Francisco, CA 94080

Cyril Carvaho
1700 El Camino Real Rue 12, Sp #11
South San Francisco, CA 94080

Katherine Grace Kabahit
1700 El Camino Real, Rue 16, Sp #7
South San Francisco, CA 94080

Julita Sosa
1700 El Camino Real, Rue 14, Sp #15
South San Francisco, CA 94080

Dora Ponce
1700 El Camino Real, Rue 18, Sp #8
South San Francisco, CA 94080

Castro Salvador Altamirano
1700 El Camino Real, Rue 15, Sp #9
South San Francisco, CA 94080

Vladimir Antonio Salgado Jr.
1700 El Camino Real, Rue 12, Sp #15
South San Francisco, CA 94080

Benson Bennett
1700 El Camino Real, Rue 12, Sp #14
South San Francisco, CA 94080

Blaid Molloy Trust
2380 Tipperary Ave
South San Francisco, CA 94080

Manager
1707 Mission Road
South San Francisco, CA 94080

Manager
1711 Mission Road
South San Francisco, CA 94080

Manager
1773 Mission Road
South San Francisco, CA 94080

Manager
1675 Mission Road
South San Francisco, CA 94080

Manager
1685 Mission Road
South San Francisco, CA 94080

Resident
1655 Mission Road A
South San Francisco, CA 94080

Resident
1655 Mission Road B
South San Francisco, CA 94080

Resident
1655 Mission Road C
South San Francisco, CA 94080

Resident
1655 Mission Road D
South San Francisco, CA 94080

Winston Manor Community Association
P.O. Box 5103
South San Francisco, CA 94083

Dorothy Hillman
511 B Street
Colma, CA 94014

Manager
1900 El Camino Real
Colma, CA 94014

Mary Brodzin
516 B Street
Colma, CA 94014

Perla Denina
423 E Street
Colma, CA 94014

Maureen O'Connor
613 F Street
Colma, CA 94014

Annie Wong
1227 Isabelle Circle
South San Francisco, CA 94080

Amy Bayley
1360 Mission Street, Suite 300
San Francisco, CA 94103

Don Smith
DCS Consulting Inc
3182 Campus Drive, Suite 138
San Mateo, CA 94403

George R. Tr. Et Al Lagomarsino
1777 Borel Place, #100
San Mateo, CA 0

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

August 22, 2016

**Housing Authority of the
County of San Mateo
264 Harbor Blvd., Bldg. A
Belmont, CA 94002**

This Notice shall satisfy the above-cited two separate but related procedural notification requirements for activities to be undertaken by the Housing Authority of the County of San Mateo and the City of Colma.

REQUEST FOR RELEASE OF FUNDS

On or about September 06, 2016, the Housing Authority of the County of San Mateo will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of approximately thirty (30) Project-Based Section 8 Vouchers under Title I/Section 8(0)(13), as authorized by the United States Housing Act of 1937, as amended, and approximately thirty five (35) Veterans Affairs Supportive Housing (VASH) vouchers, and HOME Investment Partnerships Program (HOME) funds, as authorized by the Housing and Community Development Act of 1974, Title I, Public Law 93-383, as amended, and under Title II of the Cranston-Gonzales National Affordable Housing Act of 1990 to undertake a project known as Mercy Housing Veterans Village Project for the purpose of providing supportive housing units serving homeless, formerly homeless, extremely low and low income veterans.

Mercy Housing Veterans Village Project, a 2.23-acre project site located at 1670-1692 Mission Rd., Colma, CA, has partnered with the Archdiocese of San Francisco whereby Mercy Housing would enter into a long-term land lease with the Archdiocese to develop the 66-unit apartment complex. All 66 units will be covered by Veterans Affairs Supportive Housing (VASH) and Project-Based Section 8 Vouchers (PBV) with preference given to homeless veterans.

The project proposes the development of 66-units of affordable housing with a Project-Based Section Contract covering 30 units and VASH funding covering 35 units. The manager unit will be excluded from the Contracted units.

Total estimated cost is estimated to be \$36,000,000.

FINDING OF NO SIGNIFICANT IMPACT

The Housing Authority of the County of San Mateo 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 (NEPA) of 1969 is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the Housing Authority of the County of San Mateo, 264 Harbor Blvd., and Bldg. A, Belmont, CA 94002, and may be examined or copied weekdays 8 a.m. to 5 p.m., Monday through Friday.

PUBLIC COMMENTS

Any individual, group or agency disagreeing with this determination or wishing to comment on the project may submit written comments to Cindy Chan, Rental Programs Manager, Housing Authority of the County of San Mateo, 264 Harbor Blvd., and Bldg. A, Belmont, CA 94002. All comments received by 5:00 PM on September 5, 2016 will be considered by the County of San Mateo prior to submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The Housing Authority of the County of San Mateo certifies to HUD that Kenneth Cole, in his capacity as Executive Director, in his capacity as NEPA Certifying Officer 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 County of San Mateo to use Program funds.

OBJECTIONS

HUD Office will accept objections to the Responsible Entity's (RE) Request for Release of Funds and Environmental Certification for a period of fifteen days following the submission date specified above or the actual receipt of the request (whichever is later) only if they are on the following bases: (a) the certification was not executed by the Certifying Officer or other officer of the County of San Mateo approved by HUD; (b) the RE has omitted a step or failed to make a determination or finding required by HUD regulations at 24 CFR Part 58 or by CEQ regulations at 40 CFR 1500-1508, as applicable; (c) the RE has omitted one or more steps in the preparation, completion or publication of the Environmental Assessment or Environmental Impact Study per 24 CFR Subparts E, F or G of Part 58, as applicable; (d) the grant recipient or other participants in the development process has committed funds for or undertaken activities not authorized by 24 CFR Part 58 before release of funds and approval of the environmental certification; (e) another Federal, State or local agency 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, Section 58.75) and shall be addressed to Miguel Correa, Office of Public and Indian Housing, U.S. HUD - San Francisco Regional Office, Region IX, One Sansome Street, Suite 1200, San Francisco, CA 94104-4430. Potential objectors should contact HUD to verify the actual last day of the objection period.

NEPA Certifying Officer
Kenneth Cole
Executive Director, Housing Authority of the County of San Mateo
Director, County of San Mateo Department of Housing

**AFFIDAVIT OF PUBLICATION
SAN MATEO DAILY JOURNAL**

**STATE OF CALIFORNIA
County of San Mateo**

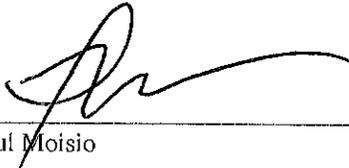
The undersigned declares: That at all times hereinafter mentioned, affiant was a permanent resident of the United States, over the age of eighteen years old, and was at and during all said times. The Office Manager of the San Mateo Daily Journal, a newspaper published daily in the County of San Mateo, State of California. The notice mentioned was set in type no smaller than nonpareil and was preceded with words printed in black face type not smaller than size 6, describing and expressing in general terms, the purpose and character of the notice intended to be given; that the

PUBLIC NOTICE

CITY OF BELMONT

Of which the annexed is a printed copy was published and printed in said newspaper on the 22nd Day of August 2016.

I declare under penalty of perjury that the foregoing is true and correct.



Paul Moisio

Dated at San Mateo, California,
this 22nd day of Aug 2016.



Main Office - Department of Housing
264 Harbor Blvd., Building A Belmont, CA 94002-017

Housing Community Development
Tel: (650) 802-5050

Housing Authority of the County of San Mateo
Tel: (650) 802-3300

Board of Supervisors:

Dave Pine
Carole Groom
Don Horsley
Warren Slocum
Adrienne J. Tissier

Director: Ken Cole

September 8, 2016

HUD

Attn: Wayne E. Sauseda, Acting Regional Administrator
Or Acting Director
Public and Indian Housing,
U.S. HUD Region IX
1 Sansome Street, Suite 1200
San Francisco, CA 94104.

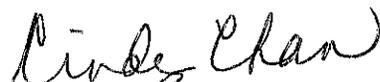
Subject: Request for Release of Funds and Certification-
Mercy Housing Veterans Village Project

Mr. Sauseda or Acting Director:

Enclosed is the Request for Release of Funds and Certification form signed by Executive Director, Ken Cole, Proof of Publication, and As-Mailed Version of the Notice of Intent to Request Release of Funds for the **Mercy Veterans Village Project (1670-1692 Mission Road) in Colma, CA**. The public comment period has closed and we received no comments. The original signature documents are being transmitted to your office via Fed Ex Mail. The documents are being provided to facilitate remaining NEPA processing actions to be conducted by your agency. We look forward to receiving the Authority to Use Grant Funds for this project as soon as possible.

Please feel free to contact me at 650-802-3322 with any questions regarding any of the materials and/or need for more information. I can also be reached via e-mail at CChan@smchousing.org.

Sincerely,


Cindy Chan
Rental Programs Manager

For: Ken Cole,
Executive Director, Housing Authority of the County of San Mateo & NEPA Certifying Officer



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

October 3, 2016

Michael Laughlin
City of Colma
1190 El Camino Real
Colma, CA 94014

Subject: Mercy Housing Veterans Village Project
SCH#: 2016052068

Dear Michael Laughlin:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on September 30, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

RECEIVED
OCT 05 2016

**Document Details Report
State Clearinghouse Data Base**

SCH# 2016052068
Project Title Mercy Housing Veterans Village Project
Lead Agency Colma, City of

Type EIR Draft EIR

Description The project consists of a Planned Development Rezoning and Planned Development Use Permit to allow the construction and development of a 66-unit affordable housing development on an approx. 2.23 acre property. The project proposal includes a new three story residential building and the preservation of a historic building for use by residents. Two large residential courtyards, a garden area, and park area are also planned as part of the proposed development. The project would provide a total of 69 parking spaces in two parking areas; one adjacent to Cypress Lawn Cemetery and another along the BART maintenance road immediately east of the project site.

Lead Agency Contact

Name Michael Laughlin
Agency City of Colma
Phone 650-757-8896 **Fax**
email michael.laughlin@colma.ca.gov
Address 1190 El Camino Real
City Colma **State** CA **Zip** 94014

Project Location

County San Mateo
City Colma
Region
Lat / Long 37° 40' 16" N / 122° 27' 6" W
Cross Streets Mission Road, El Camino Real
Parcel No. 011-370-220
Township **Range** **Section** **Base**

Proximity to:

Highways 82
Airports
Railways
Waterways Colma Creek
Schools El Camino HS
Land Use Vacant Land, two unpaved areas use for auto parking and five historic structures.

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Native American Heritage Commission

Date Received 08/17/2016 **Start of Review** 08/17/2016 **End of Review** 09/30/2016

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**Mercy Housing Veterans Village Project
Final Environmental Impact Report**

APPENDIX I

ADDITIONAL INFORMATION

- **Letter from the Advisory Council on Historic Preservation, Oct. 5, 2016**
- **Draft SHPO Memorandum of Agreement (subject to revision)**

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Preserving America's Heritage

October 5, 2016

Mr. Francisco Gomez, Jr.
HCD Specialist
County of San Mateo
Department of Housing
264 Harbor Blvd., Building A
Belmont, CA 94002

Ref: *Proposed Construction of the Colma Veterans Village
Colma, California*

Dear Mr. Gomez:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the California State Historic Preservation Office (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Ms. Jaime Loichinger at 202-517- 0219 or via e-mail at jloichinger@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

MEMORANDUM OF AGREEMENT ("MOA")
BETWEEN
THE COUNTY OF SAN MATEO DEPARTMENT OF HOUSING AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE MITIGATION OF ADVERSE EFFECTS ON THE HISTORIC PROPERTY
AFFECTED BY THE COLMA VETERANS VILLAGE PROJECT ON BEHALF OF THE DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT PART 58 PROGRAMS

RECITALS

WHEREAS, the County of San Mateo Department of Housing ["County"], a "Responsible Entity" under 24 C.F.R. Part 58, proposes to administer and fund projects and programs in the County of San Mateo, California with monies from the County's Affordable Housing Fund and any other U.S. Department of Housing and Urban Development ["HUD"] programs delegated to the County pursuant to 24 C.F.R. Part 58 or any other pertinent HUD regulations; and

WHEREAS, the County, through the Department of Housing, provides funding for housing and community development projects. The County is providing funding for the project known as Colma Veterans Village at 1670-1692 Mission Road, Colma, CA 94014; and

WHEREAS, the County has determined that the Project may have an Adverse Effect on the project site which is included in or eligible for inclusion in the National Register of Historic Places ("NRHP") ("Historic Properties") and has consulted with the California State Historic Preservation Officer ("THE SHPO ") pursuant to Section 800.14(b) of the regulations, 36 C.F.R. Part 800, implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) ("Section 106" or "Act"); and

WHEREAS, the County will conduct outreach and actively seek and request the comments and participation of Indian tribes that attach religious and cultural significance to Historic Properties that may be affected by Undertakings funded under the terms of this Agreement; and

WHEREAS, pursuant to the Council's Section 106 Regulations, the County has considered the nature of the project and its likely effect on the Historic Property and has taken steps to involve individuals, organizations and entities likely to be affected by the; and

WHEREAS, pursuant to the Council's Section 106 Regulations, the County has conducted public participation appropriate to the subject matter and scope of the Memorandum of Agreement (MOA) by providing notice to the public about the Affordable Housing Fund Programs and including the public in the consultation process; and

WHEREAS, the goals and objectives of this MOA are to: (1) provide a coordinated, clear and efficient process for implementation of Section 106; (2) identify and protect historic resources while facilitating the rehabilitation of existing homes as well as community and public facilities; (3) provide an orderly process for the resolution of conflicts, consideration of feasible alternatives and appropriate mitigation; and (5) provide for public participation in the local implementation of Section 106; and

NOW, THEREFORE, the County and the California THE SHPO agree that the Affordable Housing Fund Programs shall be administered in accordance with the following stipulations to satisfy the County's Section 106 responsibilities for all individual Undertakings of the Rehab Programs.

STIPULATIONS

The County of San Mateo Department of Housing will ensure that the following measures are carried out:

I. APPLICABILITY OF THE MEMORANDUM OF AGREEMENT (MOA)

- A. The County shall comply with the stipulations set forth in this MOA for all Undertakings which are limited to the development of buildings that (1) are assisted in whole or in part by revenues from HUD subject to 24 CFR Part 58 and that (2) can result in changes in the character or use of any Historic Properties that are located in an Undertaking's Area of Potential Effect (APE), as defined in **Stipulation IV**, below.
- B. The review process established by this MOA shall be completed before the County's final approval before the property is altered by either the County, a property owner, or a developer, and before the County, a property owner, or developer initiates construction or makes an irrevocable commitment to construction that may affect a property that is fifty (50) years of age or older, or that is otherwise eligible for listing in the National Register of Historic Places ("NRHP").
- C. Any Undertaking not qualifying for review under the terms of this MOA but nevertheless subject to Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) shall be reviewed in accordance with 36 CFR Part 800, even if such Undertaking involves a building, structure, site or object that is less than 50 years old.
- D. For purposes of this MOA. The Secretary of the Interior's definition for Project shall be used: "The fundamental nature of a project is that it is a "temporary endeavor undertaken to create a unique product, service, or result." Projects are distinguished from operations and from programs."
- E. This MOA includes new construction, demolition of existing buildings, or

development of vacant land.

II. DEFINITIONS

The definitions outlined at 36 CFR 800.16 apply to this MOA.

III. UNDERTAKINGS NOT REQUIRING REVIEW BY THE STATE HISTORIC PRESERVATION OFFICER (SHPO) OR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

The following Undertakings do not require review by the SHPO and no signatory is required by this MOA to determine the National Register of Historic Places eligibility of properties affected by these Undertakings.

- A. Less than 50 years old. Undertakings only affecting properties that are less than fifty (50) years old.
- B. Development of new construction, demolition of existing buildings, or development of vacant land only. Undertakings limited exclusively to development of new construction, demolition of existing buildings, or development of vacant land.
- C. Appendix A Mitigation. Undertakings limited exclusively to the activities listed in Appendix "A" of this MOA. Undertakings not so limited shall be reviewed pursuant to this MOA. Undertakings involving Historic Properties but nevertheless exempt from review pursuant to Appendix "A" shall be designed to conform to the greatest extent feasible with the California State Historic Building Code, [State of California, Title 24, Building Standards, Part 8 ("SHBC")] as well as Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Building, 1995.
- D. Documentation. The County shall document actions taken pursuant to this Stipulation in the manner prescribed in **Stipulation XVI**.

IV. AREA OF POTENTIAL EFFECTS

- A. Within Legal Lot Lines. The Area of Potential Effects ("APE") for Undertakings covered by this MOA shall be limited to the legal lot lines of a property when the Undertaking consists exclusively of new construction, demolition of existing buildings, or development of vacant land.

- B. New Construction. The APE for installation of infrastructure associated with the new construction, demolition of existing buildings, or development of vacant land will be as follows:
1. Water and sewer lines: the APE shall be the trunk of the sewer and water line;
 2. Curb cuts for disability access: the actual curb area under construction shall be the APE;
 3. Pavements: the APE shall be the pavement structure and pavement base.
 4. Other: In all other infrastructure improvements the APE shall be analogous in purpose, structure and location to the APE of those listed in subsections 1 through 3 above.
- C. Public Objection. If a member of the public objects to the manner or scope in which the APE for an Undertaking has been delineated, the County shall seek to resolve the dispute in accordance with the procedures set forth in **Stipulation XIII**.

V. IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES

- A. APE review. The County shall review all existing information on any property within an Undertaking's APE, as required by 36 C.F.R. 800.4, to determine if such properties may be Historic Properties. At a minimum the County shall:
1. Review the current listing of the NRHP.
 2. Review lists of Historic Properties that may be maintained by the County, and any other information available in the County or as the case may be, the applicable County's records pertaining to any property within an Undertaking's APE.
 3. Review lists of Historic Properties maintained by the appropriate regional center of the California Historical Resources Information System or its successors.
 4. Visit the site and evaluate it in accordance with the Section 106 process.
 5. If the property is one to which Indian Tribes attach religious and cultural significance, those Indian tribes will be consulted by the County regarding the Undertaking.
- B. NRHP listing. If a property is listed or has already been determined eligible for listing in the NRHP, the County shall proceed in accordance with **Stipulation VIII**, unless exempted by **Stipulation III**.

- C. Ineligible for NRHP. If the County, in consultation with the SHPO, has determined a property to be ineligible for listing in the NRHP within a period of five (5) years prior to the County's approval of an Undertaking covered by this MOA and if no other provision of this MOA requires the County to take further steps with respect to the Undertaking, the County shall document the actions taken in the manner prescribed by **Stipulation XVI** and may authorize the Undertaking to proceed without further review.
- D. Evaluation. Unless exempt pursuant to **Stipulation III** or to Sections Band C of this Stipulation, the County shall evaluate the property that may be affected by an Undertaking using the National Register criteria set forth in 36 CFR Section 60.4. All evaluations shall be documented by the County on a State of California Historic Resources Inventory Form- DPR 523.
1. If a property proposed for new construction, demolition of existing buildings, or development of vacant land is not listed in the NRHP, has not been evaluated for National Register eligibility within the past five (5) years, and is at least 50 years old, the County shall submit the documentation required pursuant to 36 CFR 800.4, including a completed California Historic Resources Inventory Form (DPR 523) to the SHPO for review. The County shall seek information, as appropriate, from individuals and organizations likely to have knowledge or concerns with historic properties in the area. The SHPO may request additional information if necessary. The County shall apply the National Register criteria and notify the SHPO of its determination in this submittal.
 - a. If the SHPO concurs with the County that a property is eligible under the criteria, the property shall be considered a Historic Property under this MOA. The County shall continue consultation in accordance with the terms of this MOA for all such properties.
 - b. If the SHPO concurs with the County that the criteria are not met. The property shall be considered ineligible for inclusion in the NRHP for a period of five (5) years from the date of the SHPO's review. Such properties need not be reevaluated during this five (5) year period unless a party to this MOA notifies the other parties in writing that it has determined that changing perceptions of significance warrants a property reevaluation. Such properties require no further review under this MOA.
 - c. If the SHPO disagrees with the County's determination regarding eligibility, the County shall consult further with the SHPO to reach agreement. If agreement cannot be reached, the County shall obtain a final determination from

the Secretary of the Interior pursuant to the applicable National Park Service regulations found at 36 CFR Part 63.

- d. If SHPO does not respond to the County's determination within thirty (30) calendar days following receipt, the County may assume that SHPO does not object to the determination and shall proceed in accordance with any other applicable requirements of this MOA.

VI. ASSESSMENT OF EFFECTS

The County shall ensure that scopes of work, plans and specifications for Undertakings that may affect Historic Properties and that are not exempt from review under this MOA conform to the recommended approaches in the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Building, 1995 ("Standards") and to the greatest feasible extent, to the State Historic Building Code ("SHBC").

- A. For properties identified as Historic Properties under **Stipulation V** and prior to any activities that are not exempt under **Stipulation III**, the County shall review the SHPO-appropriate project documents to determine conformance of the Undertaking with the Standards and SHBC, including photographs and a general work description which adequately details the scope of work for each project that may affect a Historic Property that includes work write-ups, working drawings and specifications, as appropriate, and additional documentation necessary to understand the Undertaking. The County shall apply the criteria of adverse effect, 36 CFR 800.5, in consultation with SHPO to any Historic Property that may be affected by a project, and will review the scope of work to determine if the rehabilitation project conforms to the recommended approach contained in the Standards.
- B. If the County determines that the Undertaking conforms to the Standards and complies with the SHBC, the County shall notify the SHPO in writing of a finding of no adverse effect. If the SHPO does not object in writing to this determination within thirty (30) days, the Undertaking shall be considered to have "no adverse effect" on Historic Properties, and may proceed as submitted without further review.
- C. If the County determines that the Undertaking does not conform to the Standards and SHBC, or if the SHPO objects to a finding of "no adverse effect," the Undertaking will be considered to have an "adverse effect" on Historic Properties. The SHPO and the County shall consult and recommend modifications to the scope of work or

conditions under which the Undertaking would be found to conform to the Standards.

- D. If the County accepts the recommended modifications, the Undertaking will be considered to have "no adverse effect" on the Historic Property, and may proceed as modified without further review. If the modifications recommended are not accepted, then the County shall consult further with the SHPO for a period of time not to exceed thirty (30) days to seek ways to avoid, minimize, or mitigate the adverse effect. If all adverse effects cannot be avoided, the County shall proceed in accordance with 36 CFR 800.6.
- E. The County shall notify the SHPO of any changes to an approved scope of work, other than activities exempt under **Stipulation III**, and shall provide the SHPO with the opportunity to review and comment on such changes. If the changes do not conform to the Standards, the parties shall consult further to minimize or mitigate the adverse effects in accordance with 36 CFR 800.6(b)(1).
- F. The County shall retain documentation of the new construction, demolition of existing buildings, or development of vacant land as part of its permanent records.

VII. **CONSIDERATION AND TREATMENT OF ARCHEOLOGICAL RESOURCES**

- A. Ground disturbing activities. The County shall consult in writing with the SHPO to determine if a rehabilitation project that includes ground disturbing activities has the potential to affect archeological properties that may be eligible for inclusion in the National Register. The County shall investigate pertinent information available at the Northwest Information Center of the California Historical Resources Information System, at Sonoma State College, in Rohnert Park, California ("Northwest Information Center" or "IC") and shall consider any further studies recommended by the SHPO to determine if the Undertaking has the potential to affect either archeological properties that may be eligible for inclusion in the National Register or properties for which Indian tribes may attach religious and cultural significance.
- B. Types of ground disturbing activities. The following types of ground-disturbing activities have the potential to affect archeological resources:
 - 1. Ground disturbing site preparation, such as grading or excavation.
 - 2. Footing and foundation work occurring more than two feet from any existing footings or foundations, including soils improvement/densification techniques.

3. Installation of underground utilities such as sewer and water lines, storm drains, electrical, gas or leach lines and septic tanks, except where installation is restricted to areas previously disturbed by installation of these utilities.
 4. Installation of underground irrigation or sprinkler systems, except where installation is restricted to areas previously disturbed by such systems.
- C. Records search by IC. When an Undertaking may include the foregoing types of ground-disturbing activities and the Undertaking does not qualify as an exception under this provision, the County shall request that the Northwest Information Center conduct a records search for the Undertaking's APE.

1. Exceptions

- a. The County is NOT required to request the IC for a records search under the following circumstances:
 - i. When the ground-disturbing activities set forth in Sections 8.2, 8.3 and 8.4 of this stipulation will occur exclusively within the legal lot lines of a parcel used as a single family residence, or
 - ii. When the ground-disturbing activities set forth in the Sections 8.2, 8.3 and 8.4 of this stipulation will be outside the legal lot lines of a single family residence and will be confined to areas previously disturbed by such activities.

D. IC response. The County shall promptly furnish the SHPO with a copy of the IC's response and request the comments of the SHPO.

- a. If the SHPO recommends that the APE should be surveyed or subject to archival research, the County shall engage a qualified archeologist to conduct the survey of the APE and prepare a written report.
- b. If the SHPO recommends that a survey is not necessary and the Undertaking's APE does not contain a known archeological resource, no further consideration of such resources by the County is required. If no other provisions of this MOA require the County to take further steps with respect to the Undertaking, the County shall document the actions taken in the manner prescribed by **Stipulation XVI** and may authorize the Undertaking to proceed without further review.

- c. If the Undertaking's APE contains known archeological resources or such resources are identified through a survey, the County shall cause the Undertaking to be redesigned if feasible to avoid said resources and shall notify the SHPO of these actions. If no other provisions of this MOA require the County to take further steps with respect to the Undertaking, the County shall document the actions taken in the manner prescribed by **Stipulation XVI** and may authorize the Undertaking to proceed without further review.
4. If the Undertaking cannot be redesigned to avoid the resources, the County shall develop a plan in consultation with the SHPO to complete the identification, evaluation and, if necessary, mitigation of the property. If the County and the SHPO cannot agree that the potential to affect archeological properties exists or cannot agree on a plan for the consideration of such properties, the County will initiate further consultation in accordance with 36 CFR § 800.6(b)(1).

VIII. EMERGENCY UNDERTAKINGS

- A. Emergency conditions. This stipulation shall apply only to situations in which a duly authorized local official has determined in accordance with applicable law, that an immediate threat to the public health and safety exists and that such threat must be removed forthwith (Emergency Conditions).
- B. Notification. The County shall notify the SHPO and afford the SHPO an opportunity to comment within seven (7) days of notification. If the County determines that circumstances do not permit seven (7) days for comment, the County shall notify the SHPO and invite comments within the time available. The County shall take into account any comments received in reaching a decision on how to proceed with the emergency Undertaking.
- C. Exemptions. Immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of Section 106 and this Agreement.

IX. REVIEW OF CHANGES TO APPROVED UNDERTAKINGS

The County shall promptly notify the SHPO upon discovery if:

Previously approved scopes of work, plans or specifications for an Undertaking are changed so that the Undertaking is no longer exempt from review pursuant to **Stipulation III**.

X. DISCOVERIES AND UNANTICIPATED EFFECTS

- A. Potential NRHP eligibility. The County shall notify the SHPO as soon as possible if it appears that an Undertaking may affect a previously unidentified property that may be eligible for inclusion in the NRHP or affect a known Historic Property in an unanticipated manner. The County may suspend construction of all or part of the Undertaking in the vicinity of the discovery and require that reasonable measures be taken to avoid or minimize harm to the property until the County concludes consultation with the SHPO.
- B. Presumption of eligibility. If the newly discovered property has not previously been included in or determined eligible for inclusion in the NRHP, the County may assume that the property is eligible for purposes of this MOA. The County shall notify the SHPO at the earliest possible time and consult to develop actions that take the effects of the Undertaking on the property into account. The County shall notify the SHPO of any time constraints, and the County and the SHPO shall mutually agree on the time frames for this consultation. The County shall provide the SHPO with written recommendations that take the effect of the Undertaking into account. If the SHPO does not object to the County's recommendations within the agreed upon time frame, the County shall require the scope of work for the Undertaking to be modified as necessary to implement its recommendations.

XI. PUBLIC INVOLVEMENT

- A. Identification of public interest. The County shall identify any public interest in the Undertakings subject to this MOA by informing the public about Historic Properties when complying with the public participation requirements set forth in 24 CFR Part 58 and in the regulations for any other program delegated by HUD to the County as may be applicable.
- B. Consultation with SHPO. In consultation with the SHPO, the County shall identify any parties entitled to be consulting parties and invite them to participate.
- C. Information to public. The County shall, except where appropriate to protect confidentiality concerns of affected parties, provide the public with information about an Undertaking and its effects on historic properties and seek public comment and input. Members of the public may also provide views on their own initiative for the County agency official to consider in decision-making.
- D. Objection from public. At any time during implementation of the measures stipulated in this MOA, should a member of the public raise an objection pertaining to delineation of an APE or to treatment of a Historic

Property, the County shall notify the SHPO immediately of the objection and then proceed to consider the objection and consult, as needed, with the objecting party and the SHPO for a period of time not to exceed fifteen (15) calendar days. If the County is unable to resolve the conflict, the County shall forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation ("ACHP") in accordance with 36 C.F.R. Section 800.2(b)(2). The County, in reaching a final decision regarding the dispute, shall take any ACHP comment provided into account. The County's responsibility to carry out all other actions under this MOA that are not the subject of the dispute shall remain unchanged.

XII. TIME PERIODS FOR THE SHPO REVIEW

Unless otherwise stipulated, the SHPO shall respond within thirty (30) calendar days of receipt to any documentation submitted by the County pursuant to the requirements of this MOA. If the SHPO does not respond within this time frame or within the time frames otherwise stipulated by this MOA, the County shall proceed in accordance with the specific Stipulation(s) that apply to the SHPO review of the documentation submitted.

XIII. DISPUTE RESOLUTION

Timeframes. Should any signatory object within the time frames specified in this MOA to any plans, specifications, documents or actions provided for review pursuant to this MOA, the County shall consult with the objecting party to resolve the objection. If the County determines within fifteen (15) calendar days of receipt of any such objection that such objection cannot be resolved, the County shall forward all documentation relevant to the dispute to the ACHP in accordance with 36 C.F.R. 800.2(b)(2).

1. Within thirty (30) calendar days after receipt of all pertinent documentation, the ACHP will either:
 - a. Provide the County with recommendations or comments that the County shall take into account in reaching a final decision regarding the dispute, or
 - b. Notify the County that it will comment in accordance with 36 CFR Section 800.7(c) and proceed to comment.
2. If the ACHP fails to provide recommendations or to comment within the specified time period, the County may implement that portion of the Undertaking subject to dispute under this Stipulation in accordance with any documentation as submitted and amended by the County.
3. Any ACHP comments provided to the County in response to such a request shall be taken into account by the County in accordance with 36

CFR 800.7(c)(4) with reference to the subject of the dispute. Any recommendation or comment provided by the ACHP will be interpreted to pertain only to the subject of the dispute. The responsibility of the County to carry out all actions under this MOA that are not the subject of the dispute shall remain unchanged.

XIV. ANTICIPATORY DEMOLITION

The County agrees that it will not assist any party in avoiding the requirements of this MOA or the National Historic Preservation Act, or, having legal power to prevent it, allow a significant adverse effect to a Historic Property to occur (National Historic Preservation Act of 1966, § 110k). The County may, after consultation with the ACHP, determine that circumstances justify granting such assistance despite the adverse effects created or permitted by the party to be assisted.

XV. MONITORING

The SHPO and the ACHP may monitor or review activities carried out pursuant to this MOA, and the ACHP shall review any activities if requested. The County shall cooperate with the SHPO and the ACHP in carrying out these monitoring and review activities by making all relevant non-privileged files available for inspection, upon reasonable notice from the SHPO and ACHP.

XVI. DOCUMENTATION, REPORTING AND REVIEW OF ACTIVITIES

- A. Compliance Reporting. The County shall document in writing all actions taken pursuant to this MOA, retain this documentation in its projects files, and include such documentation as necessary in the Programmatic Agreement Compliance Report(s) ("PACR") required pursuant to Section B of this Stipulation.
- B. Applicable Time Period. The PACR will cover the period from July 1 through June 30 each year. The County shall provide the SHPO and the ACHP with a PACR by September 30 of every year so long as this MOA is in effect. The PACR will identify the following by address:
1. Projects exempted from review under **Stipulation III**;
 2. Properties reviewed under this MOA that do not meet the NRHP criteria;
 3. Properties reviewed under this MOA that do meet the NRHP criteria;
 4. A summary of the treatment of each property that does meet the NRHP criteria; and
 5. A summary of the treatment of any archeological properties identified under this MOA.

- C. Report Availability. The County shall send a copy of the PACR to Lucinda Woodward, or whoever is serving as the Acting Supervisor of the Local Government Assistance Unit at SHPO. The County shall also make PACRs available for public inspection and comment on the County's website and invite the public to submit any comments to the ACHP, the SHPO and the County.
- D. Role of Signatories. The signatories to this MOA shall review PACRs and any comments submitted pursuant to **Section C** of this Stipulation. Based on that review, the signatories will determine whether this MOA should be amended in accordance with **Stipulation XVII.**

XVII. AMENDMENTS

- A. Any party to this MOA may request that it be amended whereupon the parties shall consult in accordance with 36 C.F.R. Sections 800.14 to consider such amendments.
- B. Any resulting amendments or addenda shall be developed and executed by the parties in the same manner as the original MOA.

XVIII. COUNTY STAFFING

The County will assign staff to assure that work is carried out as planned, and will maintain records for each project that documents compliance with the terms of this MOA, and will retain the services of a qualified archeologist as the need may arise in accordance with **Section VII.D** of this MOA.

XIX. TERMINATION

Any party to this MOA may terminate the MOA by providing one hundred eighty (180) calendar days notice to the other consulting parties, provided that the consulting parties shall consult during the period before termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the County will comply with 36 C.F.R. Section 800 with respect to individual Undertakings covered by this MOA.

XX. FAILURE TO COMPLY WITH THE PROGRAMMATIC AGREEMENT

In the event the County cannot carry out the terms of this MOA, the County shall not take or sanction any action or make any commitment that would result in an adverse effect to Historic Properties or that would foreclose the ACHP's consideration of modifications or alternatives to the Undertakings, and the County will comply with 36 C.F.R. Section 800 with regard to each individual Undertaking subject to this MOA.

XXI. DURATION

This Agreement will be null and void **ten (10) years** from its effective date as described in **Stipulation XXII**. Prior to such time, the County may consult with the other signatory to reconsider the terms of the agreement and amend in accordance with **Stipulation XVII**.

XXII. EXECUTION

This Agreement may be executed in counterparts, with a separate page for each signatory, and the County will ensure that each party is provided with a fully executed copy. This Agreement shall become effective on the date of the last signature to this Agreement.

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EXECUTION AND IMPLEMENTATION of this MOA evidences that the County of San Mateo has afforded the ACHP a reasonable opportunity to comment on these Programs and that the County has satisfied its Section 106 responsibilities for all individual Undertakings of the Programs covered by this MOA.

COUNTY OF SAN MATEO DEPARTMENT OF HOUSING

BY: _____
Ken Cole, Director

CALIFORNIA STATE PRESERVATION OFFICER

By: _____
FAIA State Historic Preservation
Officer

DRAFT

APPENDIX A

The following Undertakings require only administrative review by the County and not the SHPO or the ACHP pursuant to **Stipulation III** of this MOA.

1. New Construction, demolition of existing building, or development of vacant land that are not Historic Properties, except when a proposed addition of such facilities may affect a surrounding or adjacent historic district;
2. Method of mitigation as proposed in the corresponding reports and studies submitted and provided by the developer for the Project;
3. Mitigation Measure 1 – Rehabilitation of the Pump House located on the current project sight in order to make use of it as a community space. Re-use of the current metal roll up door of the Pump House will be attempted. If item is to deteriorated for use, the item will be replaced with a matching size set of windows. Change will allow for repurposing without altering or destroying character defining features of the building.
4. Mitigation Measure 2 – Prior to any demolition or salvaging of materials at the project site, the water reservoir, the three associated buildings (two well houses and carpenter's shop) and the site in general shall be documented according to the Outline Format described in the Photographic Specifications and The Guidelines for Preparing and Descriptive Data: American Building Survey (HABS).
5. Mitigation Measure 2 (Continued) - Photo documentation will be done in large format archival quality and shall be donated to the Colma Historical Association Museum, the San Mateo County Historical and other archives (as appropriate) accessible to the public.
6. Mitigation Measure 3 – Provide a permanent, interpretive exhibit on the project site regarding the "Water Works Lot" building structures and history. Information will be incorporated from the BART report and other sources regarding the history of the Holy Cross Cemetery, historic photos, and HABS documentation.
7. Mitigation Measure 3 (Continued) – A qualified team will be used to develop the exhibit and if it is unable to be incorporated and accommodated on the project, another appropriate venue would be considered such as the Colma Historic Association Museum.

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