



U.S. Department of Housing and Urban
Development

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

Project Information

Project Name: East Lake Scattered Sites

Responsible Entity: City of Birmingham

Grant Recipient (if different than Responsible Entity): Habitat for Humanity

State/Local Identifier:

Preparer: Adrienne Stitt

Certifying Officer Name and Title: Chris Hatcher, Interim Director

Grant Recipient (if different than Responsible Entity): NA

Consultant (if applicable): NA

Direct Comments to:
Chris Hatcher, Interim Director
City of Birmingham
Community Development Department
710 North 20th Street – 10th Floor City Hall
Birmingham, AL 35203

Project Location:

ADDRESS	PARCEL NUMBER	ACRES
111 71 St N, Birmingham, AL 35206	12300152021008000	0.12
217 71St St N, Birmingham, AL 35206	12300152021009000	0.14
7109 3rd Ave N, Birmingham, AL 35206	12300152021005000	0.121
7111 3rd Ave N, Birmingham, AL 35206	12300152021004000	0.06
7115 3rd Ave N, Birmingham, AL 35206	12300152020003000	0.2
220 72nd St N, Birmingham, AL 35206	12300152020020000	0.17
212 72nd St, N, Birmingham AL 35206	12300152020018000	0.11
7132 2nd Ave N, Birmingham, AL 35206	12300152020017000	0.35
7120 2nd Ave N, Birmingham, AL 35206	12300152020015000	0.23
7100 2nd Ave N Birmingham, AL 35206	12300152020010000	0.23
114 72nd St N, Birmingham, AL 35206	12300151038006000	0.09

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

Construction of single-family homes

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

These activities are designed to enhance affordable housing opportunities for low and moderate income persons in the City of Birmingham.

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

The subject property is located in a mixed commercial and residential area of Birmingham, Alabama. It consists of 11 residential lots; seven of which contain no structures and four lots include single-family residential buildings.

All parcels are currently developed for single-family residential use. The parcels located at 114 72nd St N, 71000 2nd Ave N, 7120 2nd Ave N, 212 72nd St N and 7132 2nd Ave N were developed for residential use as early as 1911. The parcels at 220 72nd St N and 111 71st St N were developed for residential use by approximately 1930. The parcels at 217 71st St N, 7109 3rd Ave N, 7111 3rd Ave N and 7115 3rd Ave N were developed for residential use by approximately 1950. An apartment building was depicted at 114 72nd St N in 1950 and 1967 based on Sanborn maps. The building at 7132 2nd Ave N was demolished by 2006 and the buildings at 111 71st St N and 7100 2nd Ave N were demolished in 2017. Currently, the parcels at 212 72nd St N, 217 71st St N, 220 72nd St N and 7115 3rd Ave N include single-family residential buildings. Buildings at all other parcels have been demolished.

Based on historical records, adjoining properties to the northeast have been developed for residential use since approximately 1911. By the 1930s, adjoining properties to the north and northwest were developed for residential use. Adjoining properties to the east have been developed for commercial use since the 1960s. Prior to this, adjoining properties to the east were

developed for residential use. Adjoining properties to the west and southwest have remained vacant since approximately 1911. Adjoining properties to the south and southeast have been developed for mixed commercial and residential use since the 1980s. Prior to this, adjoining properties to the south and southeast were developed predominately for residential use. Adjoining properties to the west have been developed for residential use since the 1930s. Prior to this, they were undeveloped. A gas station was located at a surrounding property, approximately 214 feet south, from approximately 1930 until the 1980s. A gas station was located at a surrounding property, approximately 75 feet south, in the 1930s and 1940s.; a dry-cleaning facility was demolished and a separate building was developed for use as a coin-operated laundry facility.

Funding Information

Grant Number	HUD Program	Funding Amount
B-17/18-MC-01-0001	HOME	\$1,200,000.00

Estimated Total HUD Funded Amount: \$1,200,000.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:
\$2,338,507.00

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

<p>Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits or approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.</p> <p>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</p>	<p>Are formal compliance steps or mitigation required?</p>	<p>Compliance determinations</p>
<p>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</p>		
<p>Airport Hazards 24 CFR Part 51 Subpart D</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project sites are not located in an Accident Potential Zone (APZ) or Runway</p>

		Protection Zone/Clear Zone (RPZ/CZ). See section 6.61 (Page 22) of the Phase I.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Birmingham, Alabama is not in a coastal area. Thus, the project is not located in CBRS. See section 6.6.1 (Page 22) of the Phase I, Figure 7
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	According to the most recent available FEMA mapping, the project site lies outside of a mapped FEMA floodplain. See FEMA Firm Map 01073C0411H, section 6.6.9 (Page 24) of the Phase I, Figure 10.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not located in a non-attainment area and therefore, complies with the Clean Air Act. See section 6.6.2 (Page 22) of the Phase I
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The City of Birmingham is not located in a coastal area. See section 6.6.4 (Page 23) of the Phase I.
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The Phase I did not identify any petroleum products or hazardous materials on the subject property. The Phase II did not identify any VOCs above EPA RSLs. See section 6.6.5 (Page 23).
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project site is centrally located in a highly developed urban area. There are no known occurrences of rare or state or federally - listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of the site. Therefore, the proposed action would not violate the Endangered Species Act. See section 6.6.6 (Page 23) of the Phase I.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Based on the results of the Phase I ESA, no hazardous facility or aboveground storage tank (AST) listing were reported by EDR for

		the sites or adjoining properties. No ASTs were observed within a mile of the site.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The sites are in an urban area and not located within a soil type with a farmland designation. Currently, the property contains pre-existing residential buildings and vacant lots. The construction of single-family homes will not involve the conversion of farmland to nonagricultural use and therefore would not violate the Farmland Protection Policy Act. See section 6.6.8 (Page 24) of the Phase I.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	According to the most recent available FEMA mapping (map # 01073C0411H), the project sites lie outside of mapped FEMA floodplain. There would be no potential direct or indirect impacts to the floodplain or floodway associated and therefore would not violate Executive Order 11988. See Section 6.6.9 (Page 24) of the Phase I.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The sites are not listed in or eligible for the National Register of Historic Places as individual listings or as part of a historic site or district. However, many of the structures within the are greater than 50 years old. See section 6.6.10 (Page 24) of the Phase I.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The combined noise generated from noise sources was calculated to be 68dB. It is recommended that interior noise levels with the current construction materials be evaluated using STraCAT calculations. See section 6.6.11 (Page 24) of the Phase I.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	According to the U. S. Environmental Protection Agency (EPA), there are no sole source aquifers in Alabama. See section 6.6.12 (Page 25) of the Phase I.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	According to the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) map, the project is not located within wetlands. See section 6.6.13 (Page 25), Figure 14 of the Phase I.
Wild and Scenic Rivers	Yes No	According to available mapping from the National Park Service and National Rivers

Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> <input checked="" type="checkbox"/>	Inventory, there are no designated Wild or Scenic Rivers that would be affected by this project. See section 6.6.14 (Page 26), Figure 15 of the Phase I.
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The construction of 11 houses will have a potentially beneficial impact to the City of Birmingham and would not result in a disproportionately high adverse human health impact or environmental impact on minority or low-income populations. See section 6.6.15 (Page 26) of the Phase I.

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

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

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

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The proposed project is consistent with the comprehensive plan, land use plan and zoning ordinance. Compliance will be guaranteed the City's by permitting processes. N impacts are anticipated.
Soil Suitability/ Slope/ Erosion/	2	The housing will be developed at urban partially developed site. The soil type is urban land. The topography of the site is

Drainage/ Storm Water Runoff		generally flat. Construction and soil disturbance will take place on the project site; however, no impacts to slope are anticipated. Erosion, drainage, and storm water runoff compliance will be guaranteed by the City's permitting processes.
Hazards and Nuisances including Site Safety and Noise	2	There will be no significant hazards or nuisances associated with the proposed project other than those associated with typical construction projects. The project sites will be secured during construction to limit access to any potential hazards. No significant hazard or nuisance impacts are expected. Ambient noise levels will increase throughout construction, however these activities will be limited to daylight hours and will not pose a significant long term increase in noise.
Energy Consumption	2	The houses will be designed and constructed to ensure it is energy efficient and meet Energy Star Standards. No impacts are anticipated.

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	There are no anticipated income or employment changes anticipated as a result of this project.
Demographic Character Changes, Displacement	2	The project will benefit existing and new residents. The construction of housing will not result in a significant change in the demographic character of the area. No displacement will occur. A significant impact is not expected as a result.

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	The construction of 11 houses will not result in a significant change in the demand on educational facilities, and a significant impact is not expected as a result.
Commercial Facilities	2	The construction of 11 houses will result in a significant change in the demand on commercial facilities, and a significant impact is not expected as a result.
Health Care and Social Services	2	The construction of 11 houses will not result in a significant change in the demand on solid waste disposal and recycling, and a significant impact is not expected as a result.
Solid Waste Disposal / Recycling	2	The construction of 11 houses are not expected to result in a noticeable change in the demand on solid waste disposal and

		recycling, and a significant impact is not expected as a result.
Waste Water / Sanitary Sewers	2	The project is serviced by the existing public utility company. No impacts are anticipated.
Water Supply	2	The project is serviced by the existing public utility company. No impacts are anticipated.
Public Safety - Police, Fire and Emergency Medical	2	Area is serviced by the City of Birmingham's Fire and Police Departments. No impacts are anticipated.
Parks, Open Space and Recreation	2	There are no adverse impacts anticipated for any of the parks, open space and recreation areas.
Transportation and Accessibility	2	There are no adverse impacts anticipated on transportation and accessibility.

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	There are no unique natural features or agricultural lands near at the project's location. Therefore, the proposed action would have no impact on such resources.
Vegetation, Wildlife	2	The project sites and immediate surroundings are developed and disturbed. Therefore no significant impacts to vegetation or wildlife would result from the proposed project.
Other Factors	2	NA – No impacts are anticipated.

Additional Studies Performed:

Phase I Environmental Site Assessment and Limited Phase II Environmental Site Assessment

Field Inspection (Date and completed by):

Audrey Henson on May 26, 2020

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

Spectrum Environmental, Inc.

List of Permits Obtained:

All permits will be obtained from the City of Birmingham's Planning, Engineering & Permits Department.

Public Outreach [24 CFR 50.23 & 58.43]:

Notices will be placed in the Birmingham New on August 3, 2020.

Cumulative Impact Analysis [24 CFR 58.32]: No impacts anticipated.

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

No Action Alternative [24 CFR 58.40(e)]: NA

Summary of Findings and Conclusions:

A Phase I Environmental Site Assessment (ESA) and Limited Phase I was conducted in May and July of 2020. The ESA reports revealed no evidence of on-site or off-site recognized environmental conditions in connection with the property.

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

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

Law, Authority, or Factor	Mitigation Measure
Noise, 24 CFR Part 51 Subpart B	The combined noise generated from noise sources was calculated to be 68 dB. It is recommended that interior noise levels with the current construction materials be evaluated using STraCAT calculations.

Determination:

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

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

Preparer Signature: Adrienne Stitt Date: 7-28-2020

Name/Title/Organization: Adrienne Stitt/Deputy Director/ City of Birmingham

Certifying Officer Signature: Chris D. Hatcher Date: 7-31-2020

Name/Title: Chris Hatcher, Interim Director

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