

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

Project Information

Project Name: Newport-at-Rodeo

HEROS Number: 900000010202525

Responsible Entity (RE): TUCSON, PO Box 27210 Tucson AZ, 85726

RE Preparer: Glenn Fournie

State / Local Identifier:

Certifying Officer: Liz Morales

Grant Recipient (if different than Responsible Entity):

Point of Contact:

Consultant (if applicable):

Point of Contact:

Project Location: 5301 S Nogales Hwy, Tucson, AZ 85706

Additional Location Information:

5301 S. Nogales Hwy, Tucson, Pima County AZ 85706. Legal Description: Rodeo No. 3, Lots 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39. Parcel ID Numbers: 137-04-1470, - 1480, -1490, -1500, - 1510, -1520, -1530, -1540, -155A.

Direct Comments to: Glenn.Fournie@Tucsonaz.gov

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

The project includes excavation, grading, trenching and new construction of the Newport at the Rodeo project, a 77 unit family affordable housing project located in the Sunnyside neighborhood of the City of Tucson on the west side of S. Nogales Highway, 5301 S. Nogales Hwy, Tucson, Pima County AZ 85706. The project will have 12 1-bedroom/1-bath, 35 2-bedroom/2-bath, and 30 3-bedroom/2-bath units. Apartments will be affordable to households with incomes of 40% to 60% of area median income for the Tucson MSA; with the 19 project based vouchers no fewer than 15 units will be targeted to households with no more than 30% of AMI. The project serves the program purpose of increasing the supply of affordable housing in the City of Tucson. The project is designed as workforce family housing, with no special-needs or supportive housing set-asides, so no specific supportive services will be offered. However, the property manager, Kay Kay Realty Corp., is experienced with a broad range of affordable housing and tenant needs, so its staff will be well positioned to make referrals to supportive services providers where appropriate. The project includes 19 Project Based Vouchers from the City of Tucson PHA.

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

The City's central long-term community development goal is to focus resources on community needs, particularly the comprehensive revitalization of distressed areas and areas with high levels of poverty. This project supports the City of Tucson Consolidated Plan policies to develop low income housing including: 1) New construction and/or rehabilitation of rental units for target populations; 2) Complexes serving special target populations; 3) The preservation of existing lower income housing and/or increasing the supply of lower income housing; and 4) Self-sufficiency in lower income households. The project supports the goals of Plan Tucson, the City of Tucson General & Sustainability Plan to provide housing, human services, public facilities, and economic development programs to address the housing needs of the most vulnerable populations. <https://www.tucsonaz.gov/pdsd/plan>. The project also supports the goals of the Tucson-Pima HUD 5 Year Consolidated Plan.

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

The subject property is located at 5301-5383 S Nogales Highway, Tucson, Pima County, Arizona, 85706. The Pima County Assessor identifies the subject property by Assessor Parcel Numbers 137-04-147, -148, -149, -150, -151, -152, -153, -154 and -155A. The lots will be combined during the development process. The combined size is 125,400 square feet, or 2.880 acres, per Pima County Assessor. The property is primarily (92%) zoned C-2, Commercial Zone, under the City of Tucson Unified Development Code (UDC). At the northeast quadrant of the site, there is estimated to be about 9,644 square feet (7.7%) zoned O-3 and 569 square feet (0.5%) zoned R-2. Newport at the Rodeo is located on, but will be set back from, a major arterial with excellent bus access; four bus lines (#2, 25, 26, and 29) all have stops within a half mile and the Laos Transit Center is less than one mile from the site. Rudy Garcia Park (formerly Rodeo Park) is one block north. El Pueblo Community Center and El Rio

Health Center are several blocks away. Liberty Elementary and Apollo Middle School are both less than one mile from the site. Several supermarkets are located on Irvington Road, providing residents good access to groceries.

Maps, photographs, and other documentation of project location and description:

[5301 S Nogales Hwy - Google Maps.pdf](#)

[Newport at Rodeo aerial map.pdf](#)

[Newport at Rodeo site pictures 10-7-21.pdf](#)

[Newport at Rodeo site visit form 10-7-21.pdf](#)

Determination:

✓	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
	Finding of Significant Impact

Approval Documents:

[Newport at Rodeo signed.pdf](#)

[Newport at Rodeo tear sheet 10-14-21.pdf](#)

[Newport at Rodeo Affidavit 10-14-21.pdf](#)

7015.15 certified by Certifying Officer on:

7015.16 certified by Authorizing Officer on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name
M-20-DC-04-0229	Community Planning and Development (CPD)	HOME Program

Estimated Total HUD Funded, Assisted or Insured Amount: \$1,925,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$22,273,795.00

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is within 15,000 feet of a military airport or within 2,500 of a civilian airport. However, it is not within an APZ or RPZ/CZ. The project is in compliance with Airport Hazards requirements.
Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. FEMA Zone X 4019C-2289 and 2287 L 6/16/11. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5		
Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project's county or air quality management district is in non-attainment status for Carbon monoxide. This project does not exceed de minimis emissions levels or the screening level established by the state or air quality management district for the pollutant. ADEQ and Pima County Department of Environmental Quality sites have been reviewed and these agencies have no concerns about multi-family or small apartment complexes development in existing residential areas changing or adversely impacting air quality control

		standards. Memo from Richard Grimaldi, PDEQ dated 10/8/2020. The project is in compliance with the Clean Air Act.
Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.
Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contamination was evaluated as follows: ASTM Phase I ESA. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.
Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project will have No Effect on listed species based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office. This project is in compliance with the Endangered Species Act.
Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	After review of the Phase I Environmental Site Assessments by Western Technologies, Inc., dated 7/26/21 and site visits by City of Tucson Housing and Community Development staff, and review of known environmental registrations and maps, the determination is that the project site is not in the vicinity of any hazardous operation involving explosive or flammable fuels or chemicals. There are no current or planned stationary above ground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements. There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in

		compliance with explosive and flammable hazard requirements.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The site does not meet the definition of farmland per 7 CFR Part 658.2 a (1) "Farmland" does not include land already in or committed to urban development or water storage. The site is in a fully developed urban environment per USDA Soils Survey Map printed 5/11/18. This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not occur in a floodplain. FEMA Zone X 4019C-2287 and 2289 L 6/16/11. The project is in compliance with Executive Order 11988.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The Area of Potential Effects (APE) for the project is defined as the individual area of construction on the site. No effects are anticipated outside the immediate area of construction on each site. The cultural resource survey by SWCA Environmental Consultants on nine contiguous vacant lots at 5301 South Nogales Highway resulted in the discovery of a single archaeological site and five IOs of cultural material. The site is a small, low- to moderate density Hohokam artifact scatter. The full extent of the archaeological site could not be determined because it extends an unknown distance east, underneath a stacked pile of pipes stored at this location at the time of the survey. There was not enough of the site exposed to make a National Register of Historic Places (NRHP) evaluation. SWCA recommends this area will need to be tested to determine the site's NRHP eligibility. No other archaeological sites or historic-era buildings or structures were recorded. With mitigation the project is in compliance with the

		National Historic Preservation Act of 1966.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	A Noise Assessment was conducted by Spendiarian & Willis Acoustics & Noise Control LLC on September 20, 2021. The noise level was acceptable: 65.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is located on a sole source aquifer. The region has an MOU or other working agreement with EPA for HUD projects impacting a sole source aquifer, and the MOU or working agreement excludes the project from further review. The project will utilize existing municipal water and wastewater facilities. The project is in compliance with Sole Source Aquifer requirements.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990.
Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not within proximity of a NWSRS river. There are no NWSRS in southern Arizona. The project is in compliance with the Wild and Scenic Rivers Act.
HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27]

Impact Codes: An impact code from the following list has been used 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	Mitigation
LAND DEVELOPMENT			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	<p>The site is consistent with local and regional planning efforts, and has received planning and zoning approval from the City of Tucson. The project site is zoned C-2 and O-3. The project supports the goals of Plan Tucson, the City of Tucson General & Sustainability Plan to provide housing, human services, public facilities, and economic development programs to address the housing needs of the most vulnerable populations.</p> <p>https://www.tucsonaz.gov/pdsd/plan. The project also supports the goals of the Tucson-Pima HUD 5 Year Consolidated Plan. The project converts currently vacant and/or underutilized sites to attractive modern housing units that conform within the surrounding neighborhoods in terms of overall scale, density, size, and massing. The project will meet the City's Housing Quality Standards (HQS). Letter dated _____ of site plan and zoning approval by Steve Shields, PDSO dated _____.</p>	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	<p>No evidence of erosion, drainage/storm water runoff on site visit by HCD staff 10/7/21. An ephemeral drainage channel runs to the north and east of the property. Geotechnical Report by Terracon Consultants dated 9-10-21. Phase I ESA by Western Technologies dated 7/26/21.</p>	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	<p>No evidence of onsite hazards or nuisances including soil contamination; proximity to high pressure pipe lines or other volatile and explosive products; high-voltage transmission lines; radio/TV transmission towers; excessive smoke, fumes, odors subsidence, ground water, inadequate surface drainage, flood, etc. Tucson Electric Power owned transformers on or near the sites were all in good condition with no evidence of spills or leakage. There are no visible poisonous plants or animals on the site. No known natural hazards exist. The sites have access to intersections with cross walks for residents to cross the street, street lighting, sidewalks, bike lanes and other safety features. Other than a brief period of construction there should be no increase in noise levels. Phase I environmental site assessments by Western Technologies, Inc. dated 7/26/21 and site visit by HCD staff 10/7/21.</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Energy Consumption /Energy Efficiency	2	Minor increase in energy consumption by 77 new units of housing. Buildings will be constructed to energy efficient standards with highly-reflective roofs, Energy Star high efficiency appliances and low water usage fixtures. In addition, the air ducts & registers will be sealed and low flow plumbing installed.	
SOCIOECONOMIC			
Employment and Income Patterns	2	The Developer anticipates hiring approximately 20 subcontractors and creating possibly 50 temporary construction jobs during the construction phase of the project. The project will follow Section 3 and Davis Bacon requirements in all employment, construction and subcontracting activities. The sites are within walking distance or a short commute on public transit to numerous retail, restaurant and service businesses with entry level and service job possibilities.	
Demographic Character Changes / Displacement	2	The project site is in an area of low and moderate income, mixed use areas with over 94% minority populations, and with about 50 percent of housing units currently being used as rentals. The project is new construction so there is no displacement of residents.	
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)	2	The target population for the project is low income working families. The sites are within 2 miles of Tucson Unified School District K-12 schools, magnet high schools, and private charter schools and preschools. TUSD has an open enrollment policy, so any school in the district with spaces available is open for enrollment. http://www.tusd1.org/Information/Enrollment/OpenEnrollment/tabid/80260/Default.aspx . Also within 10 miles are a number of colleges and adult education resources including Pima Community College, University of Arizona and other education programs. Educational and cultural enrichment opportunities are available at nearby community centers, libraries, recreation centers, theaters, museums, parks and a number of veteran organizations.	
Commercial Facilities (Access and Proximity)	2	The project sites are within 2 mile of major grocery stores, pharmacies, retail and service businesses, discount stores, medical providers, thrift stores, and within 5 miles of 2	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		major regional retail malls. The project sites are directly on major bus routes connecting to transit hubs.	
Health Care / Social Services (Access and Capacity)	2	The project site is within 5 miles of major medical centers and emergency rooms, and within 5 miles of the Southern Arizona VA Health Care campus. Numerous emergency facilities, clinics, and physician services are within an easy commute on public transit. Support services nearby include CODAC Behavioral Health, COPE Community Services, VA Tucson Veterans Center and La Frontera facilities. The additional residents will not have an adverse impact on the available services, since most of the prospective clients that need services are already in the community and receiving services. The project is designed as workforce housing and does not supply assistance services.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	The City of Tucson Environmental Services Department will provide onsite waste disposal and recycling services. The City of Tucson provides extensive recycling options, including construction debris handling and recycling, landfills, green waste recycling and household hazardous waste disposal services. Will Serve letter from Carlos De La Torre, Director, City of Tucson Environmental Services Department dated _____.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	Pima County Wastewater will provide wastewater and sewer service to project. Will Serve letter from Mirela Hromatka, Planner Sr.. Pima County Wastewater Management dated 1-6-21.	
Water Supply (Feasibility and Capacity)	2	Tucson Water will provide water service to project. Will Serve letter from Michael Murreale, Tucson Water dated 2/12/21.	
Public Safety - Police, Fire and Emergency Medical	2	The project site is less than 1 mile from TFD station 14. Average response time for TFD is 4 minutes. The site is within 2 miles of TPD Santa Cruz Station. Response time varies depending on the type of call, but the average time for emergency response is 5 minutes or less. The project sites are within 5 miles of major medical centers with emergency medical care including Banner UMC Medical Center and numerous hospitals and urgent care facilities.	
Parks, Open Space and	2	The site is within 6 blocks of Rodeo Park, El Pueblo Community Center Francisco Elias Esquer Park, and within 2	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Recreation (Access and Capacity)		miles of major recreation centers with sports fields, playgrounds, basketball courts, swimming pools and rec centers. The site is within 5 miles of the Armory Park Senior Center.	
Transportation and Accessibility (Access and Capacity)	2	Newport at the Rodeo is located on, but will be set back from, a major arterial with excellent bus access; four bus lines (#2, 25, 26, and 29) all have stops within a half mile of the project site and the Laos Transit Center with connections to all City bus routes and to the Greyhound Bus Line. The site will provide on site parking and bicycle parking.	
NATURAL FEATURES			
Unique Natural Features /Water Resources	2	The site has no unique natural or water features.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	4	The site has been graded and leveled and has no vegetation other than scrub and no visible signs of wildlife.	
Other Factors			

Supporting documentation

[Newport at Rodeo Geotechnical report 9-10-21.pdf](#)

[Newport at Rodeo will serve letters.pdf](#)

[5301 S Nogales Hwy - Google Maps\(1\).pdf](#)

[urgent care - Google Maps.pdf](#)

[shopping - Google Maps.pdf](#)

[schools - Google Maps.pdf](#)

[Rudy Garcia Park Official website of the City of Tucson.pdf](#)

[pharmacy - Google Maps.pdf](#)

[Newport Public safety map 7-13-21.pdf](#)

[parks - Google Maps.pdf](#)

[Newport fire station - Google Maps.pdf](#)

[Newport CensDemoMapPrn 7-14-21.pdf](#)

[grocery store - Google Maps.pdf](#)

[college - Google Maps.pdf](#)

Additional Studies Performed:

Field Inspection [Optional]: Date and completed

by:

Glenn Fournie

10/7/2021 12:00:00 AM

[Newport at Rodeo aerial map.pdf](#)

[Newport at Rodeo site pictures 10-7-21.pdf](#)

[Newport at Rodeo site visit form 10-7-21.pdf](#)

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

City of Tucson Office of the Mayor-Mayor Regina Romero City of Tucson Housing and Community Development Department-Liz Morales, Mary Leon City of Tucson Planning and Development Services- Steve Shields City of Tucson Department of Transportation-Samuel Credo, Tucson Fire Department- Chief Charles Ryan, Tucson Police Department- Chief Chris Magnus City of Tucson Department of Environmental Quality -Carlos De La Torre, Director Tucson Water- Michael Mourreal, PE Pima County Wastewater Management- Kurt Stemm, CEA SR City of Tucson Historic Preservation Officer - Jodie Brown City of Tucson and Pima County Consortium HUD Consolidated Plan:

https://www.tucsonaz.gov/files/hcd/City_of_Tucson_and_Pima_County_FFY2015-2019_5-year_HUDConsolidated_Plan.pdf City of Tucson General & Sustainability Plan
<https://www.tucsonaz.gov/pdsd/plan-tucson>

List of Permits Obtained:

The reviews that go into each project include but are not limited to: Planning, Zoning, Engineering, Landscape, Fire, ADA, Plumbing, Solid Waste, Right of Way Improvements, Structural, Mechanical and Plumbing, Electrical, Fire, Zoning Engineering, Wastewater, Water, Transportation. The City of Tucson Planning and Development Services Department reviews, approves and issues all permits for: zoning, site plans, grading, storm water, demolition, parking, landscape and construction trades; issues all permits; performs inspections and issues certificate of occupancy. The Department enforces building and zoning codes.

Public Outreach [24 CFR 58.43]:

Publication of the Notice of Intent to Request Release of Funds in the Arizona Daily Star 10/8/21, and interested parties contacted by email. The Environmental Review

Record (ERR) that documents the environmental determinations for this project is available at <https://www.tucsonaz.gov/hcd/environmental-review>. The ERR will also be available and distributed on the HUD HEROS system.

Cumulative Impact Analysis [24 CFR 58.32]:

The proposed new construction is in a rapidly growing area of Tucson. The project will be a minor contributor to the projected increase in population, traffic and energy usage already anticipated for the area. The project site is considered infill development in an existing urban neighborhood that will use existing roadways, sewer systems, municipal water and other utilities already in place. No significant cumulative impacts on the environment would be anticipated from the Proposed Action in conjunction with other activities.

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

No alternatives other than the no action alternative were considered.

No Action Alternative [24 CFR 58.40(e)]

77 units of desperately needed new affordable housing units would not be built. Goals of the City of Tucson Consolidated Plan would not be fulfilled. Newport Rodeo LP will miss the ADOH Low Income Housing Tax Credit funding opportunity that makes the project affordable at this time. The site will under-developed and under-utilized.

Summary of Findings and Conclusions:

The proposed new construction of 77 units of low income housing will not adversely affect environment or the neighborhood. The activity is compatible with the existing mixed use in the area. There will be little to no impact on existing resources or services in the area. The land is vacant and available. The project is a positive step in meeting City of Tucson goals for encouraging appropriate growth and development in the area.

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

Summarized below are 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 or Condition	Comments on Completed Measures	Mitigation Plan	Complete
36 CFR 800 "Protection of Historic Properties"	The full extent of the archaeological site could not be determined because it extends an unknown distance east, underneath a stacked pile of pipes stored at this location at the time of the survey. There was not enough of the site exposed to make a National Register of Historic Places (NRHP) evaluation. SWCA recommends this area will need to be tested to determine the site's NRHP eligibility	N/A	The stacked pipes are to be relocated and an additional cultural resource survey of the area to be performed. Based on the results of the survey, possible other actions to be taken as recommended by the survey, under the supervision of the City of Tucson Historic Preservation Officer. Tribal contacts will be made once the new report is received.	

Project Mitigation Plan

the developer will relocate the stacked pipes and an additional cultural resource survey of the area to be performed by SWCA. Based on the results of the survey, possible other actions to be taken as recommended by the survey, under the supervision of the City of Tucson Historic Preservation Officer. Tribal contacts will be made once the new report is received.

Supporting documentation on completed measures

APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

No

Yes

2. Is your project located within a Runway Projection Zone/Clear Zone (RPZ/CZ) or Accident Potential Zone (APZ) ?

Yes, project is in an APZ

Yes, project is an RPZ/CZ

No, project is not within an APZ or RPZ/CZ

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within either zone below.

Screen Summary

Compliance Determination

The project is within 15,000 feet of a military airport or within 2,500 of a civilian airport. However, it is not within an APZ or RPZ/CZ. The project is in compliance with Airport Hazards requirements.

Supporting documentation

[Newport Airport map 7-13-21.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

This project is located in a state that does not contain CBRA units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

Compliance Determination

This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

Supporting documentation

[Coastal Barriers Template 11-1-19.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?

No. This project does not require flood insurance or is excepted from flood insurance.

✓ Yes

2. Upload a FEMA/FIRM map showing the site here:

[FIRMETTE Newport at Rodeo 7-13-21.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

✓ No

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. FEMA Zone X 4019C-2289 and 2287 L 6/16/11. While flood insurance

may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No

Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

Yes

No

Air Quality Attainment Status of Project's County or Air Quality Management District

2. Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?

No, project's county or air quality management district is in attainment status for all criteria pollutants.

Yes, project's management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):

Carbon Monoxide

Lead

Nitrogen dioxide

Sulfur dioxide

Ozone

Particulate Matter, <2.5 microns

Particulate Matter, <10 microns

3. What are the *de minimis* emissions levels (40 CFR 93.153) or screening levels for the non-attainment or maintenance level pollutants indicated above

Carbon monoxide ppm (parts per million)

Provide your source used to determine levels here:

Pima County Department of Environmental Quality

4. Determine the estimated emissions levels of your project. Will your project exceed any of the *de minimis* or threshold emissions levels of non-attainment and maintenance level pollutants or exceed the screening levels established by the state or air quality management district?

- ✓ No, the project will not exceed *de minimis* or threshold emissions levels or screening levels.

Enter the estimate emission levels:

Carbon monoxide ppm (parts per million)

Based on the response, the review is in compliance with this section.

Yes, the project exceeds *de minimis* emissions levels or screening levels.

Screen Summary

Compliance Determination

The project's county or air quality management district is in non-attainment status for Carbon monoxide. This project does not exceed *de minimis* emissions levels or the screening level established by the state or air quality management district for the pollutant. ADEQ and Pima County Department of Environmental Quality sites have been reviewed and these agencies have no concerns about multi-family or small apartment complexes development in existing residential areas changing or adversely

impacting air quality control standards. Memo from Richard Grimaldi, PDEQ dated 10/8/2020. The project is in compliance with the Clean Air Act.

Supporting documentation

[Air quality memo 12-19-19.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.

Screen Summary

Compliance Determination

This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.

Supporting documentation

[Coastal zones template 11-1-19.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Contamination and Toxic Substances

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)

1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.

- American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA)
- ASTM Phase II ESA
- Remediation or clean-up plan
- ASTM Vapor Encroachment Screening
- None of the Above

2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)

- No

Explain:

Phase I ESA and site visit by HCD staff found no RECs.

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

Site contamination was evaluated as follows: ASTM Phase I ESA. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project

occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.

Supporting documentation

[Newport Phase I ESA 7-26-21.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>); particularly section 7 (16 USC 1536).	50 CFR Part 402

1. Does the project involve any activities that have the potential to affect species or habitats?

No, the project will have No Effect due to the nature of the activities involved in the project.

- ✓ No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

Explain your determination:

The Arizona Game and Fish Department memo dated September 13, 2021

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Yes, the activities involved in the project have the potential to affect species and/or habitats.

Screen Summary

Compliance Determination

This project will have No Effect on listed species based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office. This project is in compliance with the Endangered Species Act.

Supporting documentation

[Newport at Rodeo AGFD memo.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

Yes

3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:

- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR

- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.

If all containers within the search area fit the above criteria, answer "No." For any other type of aboveground storage container within the search area that holds one of the flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer "Yes."

No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Yes

Screen Summary

Compliance Determination

After review of the Phase I Environmental Site Assessments by Western Technologies, Inc., dated 7/26/21 and site visits by City of Tucson Housing and Community Development staff, and review of known environmental registrations and maps, the determination is that the project site is not in the vicinity of any hazardous operation involving explosive or flammable fuels or chemicals. There are no current or planned stationary above ground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements. There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements.

Supporting documentation

[Newport aerial map 7-13-21.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	7 CFR Part 658

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

Yes

No

2. Does your project meet one of the following exemptions?

- Construction limited to on-farm structures needed for farm operations.
- Construction limited to new minor secondary (accessory) structures such as a garage or storage shed
- Project on land already in or committed to urban development or used for water storage. (7 CFR 658.2(a))

Yes

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

No

Screen Summary

Compliance Determination

The site does not meet the definition of farmland per 7 CFR Part 658.2 a (1) "Farmland" does not include land already in or committed to urban development or water storage. The site is in a fully developed urban environment per USDA Soils Survey Map printed 5/11/18. This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.

Supporting documentation

[USDA Urban Area Soils Map 5-11-18.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55

1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]

- 55.12(c)(3)
- 55.12(c)(4)
- 55.12(c)(5)
- 55.12(c)(6)
- 55.12(c)(7)
- 55.12(c)(8)
- 55.12(c)(9)
- 55.12(c)(10)
- 55.12(c)(11)

None of the above

2. Upload a FEMA/FIRM map showing the site here:

[FIRMETTE Newport at Rodeo 7-13-21.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

Does your project occur in a floodplain?

No

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

This project does not occur in a floodplain. FEMA Zone X 4019C-2287 and 2289 L 6/16/11. The project is in compliance with Executive Order 11988.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No

Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 "Protection of Historic Properties" http://www.access.gpo.gov/nara/cfr/waisidx_10/36cfr800_10.html

Threshold

Is Section 106 review required for your project?

- No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the PA Database to find applicable PAs.)
- ✓ No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].
- Yes, because the project includes activities with potential to cause effects (direct or indirect).

Threshold (b). Document and upload the memo or explanation/justification of the other determination below:

Based on the response, the review is in compliance with this section.

Screen Summary

Compliance Determination

The Area of Potential Effects (APE) for the project is defined as the individual area of construction on the site. No effects are anticipated outside the immediate area of construction on each site. The cultural resource survey by SWCA Environmental Consultants on nine contiguous vacant lots at 5301 South Nogales Highway resulted in the discovery of a single archaeological site and five IOs of cultural material. The site is a small, low- to moderate density Hohokam artifact scatter. The full extent of the archaeological site could not be determined because it extends an unknown distance

east, underneath a stacked pile of pipes stored at this location at the time of the survey. There was not enough of the site exposed to make a National Register of Historic Places (NRHP) evaluation. SWCA recommends this area will need to be tested to determine the site's NRHP eligibility. No other archaeological sites or historic-era buildings or structures were recorded. With mitigation the project is in compliance with the National Historic Preservation Act of 1966.

Supporting documentation

[HPO Programmatic agreement.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Noise Abatement and Control

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972 General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B

1. What activities does your project involve? Check all that apply:

- New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster
None of the above

4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).

Indicate the findings of the Preliminary Screening below:

There are no noise generators found within the threshold distances above.

- ✓ Noise generators were found within the threshold distances.

5. **Complete the Preliminary Screening to identify potential noise generators in the**

- ✓ Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Indicate noise level here: 65

Based on the response, the review is in compliance with this section. Document and upload noise analysis, including noise level and data used to complete the analysis below.

Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Unacceptable: (Above 75 decibels)

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels.

Check here to affirm that you have considered converting this property to a non-residential use compatible with high noise levels.

Indicate noise level here: 65

Document and upload noise analysis, including noise level and data used to complete the analysis below.

Screen Summary

Compliance Determination

A Noise Assessment was conducted by Spendiarian & Willis Acoustics & Noise Control LLC on September 20, 2021. The noise level was acceptable: 65.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation.

Supporting documentation

[Newport at Rodeo Noise study 9-20-21.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Sole Source Aquifers

General requirements	Legislation	Regulation
The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

No

Yes

3. Does your region have a memorandum of understanding (MOU) or other working agreement with Environmental Protection Agency (EPA) for HUD projects impacting a sole source aquifer?

Yes

Document and upload MOU or Agreement below.

No

4. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen

Yes

Document and upload where your project fits within the MOU or working agreement below. Based on the response, the review is in compliance with this section.

No

Screen Summary

Compliance Determination

The project is located on a sole source aquifer. The region has an MOU or other working agreement with EPA for HUD projects impacting a sole source aquifer, and the MOU or working agreement excludes the project from further review. The project will utilize existing municipal water and wastewater facilities. The project is in compliance with Sole Source Aquifer requirements.

Supporting documentation

[Sole Source Aquifer Template 5-11-18.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order

No

Yes

2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."

No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

Yes, there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.

Screen Summary

Compliance Determination

The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990.

Supporting documentation

[Newport at Rodeo wetlands map 7-13-21.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

1. Is your project within proximity of a NWSRS river?

✓ No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

Screen Summary

Compliance Determination

This project is not within proximity of a NWSRS river. There are no NWSRS in southern Arizona. The project is in compliance with the Wild and Scenic Rivers Act.

Supporting documentation

[Wild-Scenic Rivers TEMPLATE 11-1-19.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?

Yes

No

Based on the response, the review is in compliance with this section.

Screen Summary

Compliance Determination

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

Supporting documentation

[Newport ejscreen.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

5301-5383 S NOGALES HWY
 LAND USE
 C-2 ZONING
 LOT SIZE = 125,168 SF (2.87 ACRES)
 DENSITY = 44 UNITS / ACRE = 126 UNITS MAX
 HEIGHT MAX = 40'

PERMITTER YARD = 0' AT NON-RESIDENTIAL ZONES
 PERIMETER YARD = 1-1/2 H AT RESIDENTIAL ZONES
 STREET PERIMETER YARD = 20' OR 1-1/2H (ESTABLISHED AREAS)
 LANDSCAPE SCREENING:
 10' LANDSCAPE BORDER AT NOGALES HWY (MS&R) with 30"
 VEGETATIVE SCREEN AT PARKING AREA
 NO INTERIOR LANDSCAPE BUFFER REQUIRED ADJACENT TO C-2, O-3, OR I-1 ZONING
 NO INTERIOR LANDSCAPE BUFFER REQUIRED ADJACENT TO NEBRASKA WASH ROW

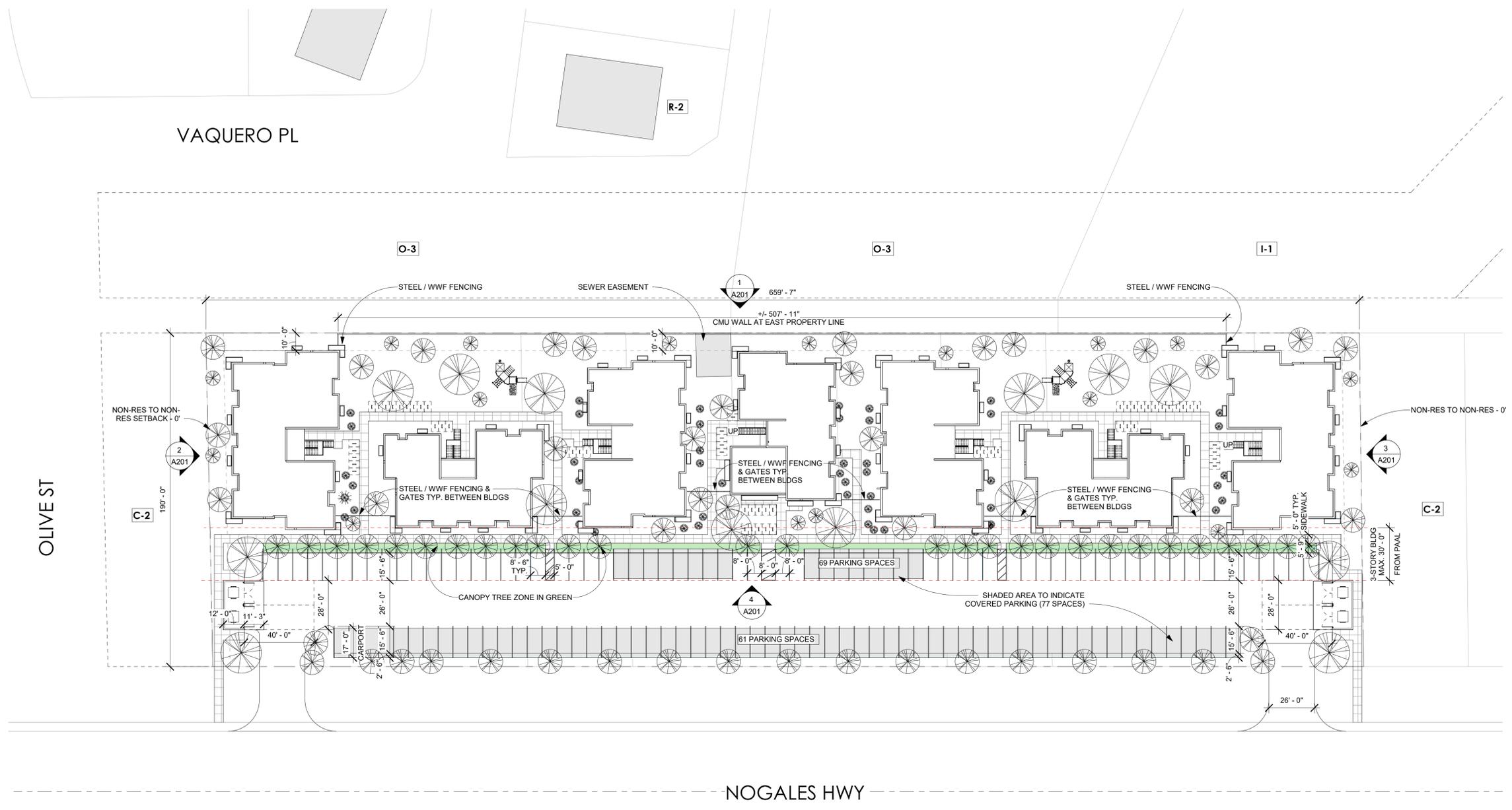
PROPOSED PROJECT
 GROSS FLOOR AREA = 102,890 SF
 GROSS GROUND FLOOR AREA = 35,960 SF

PARKING
 1-BR: 1.5 SPACES
 2-BR: 2.00 SPACES
 3-BR: 2.25 SPACES
 = 156 PARKING SPACES REQ. (BEFORE ALLOWABLE REDUCTIONS)
 PROVIDED: 130 SPACES INCLUDING 77 COVERED PARKING SPACES

ADA SPACES: 6 REQUIRED (BASED ON 156 SPACES PER UDC 7.4.5.E.1.d)
 6 PROVIDED INCLUDING 1 VAN SPACE

BICYCLE PARKING
 SHORT TERM: 0.1 SPACE PER BEDROOM @ 172 BEDROOMS = 39 REQUIRED
 LONG TERM: 0.5 SPACE PER BEDROOM @ 172 BEDROOMS = 86 REQUIRED

PARKING REDUCTIONS
 1 SPACE REDUCTION PER EVERY 3 NON-REQ TREE @ 15 ADDITIONAL TREES (- 5 SPACES)
 1 SPACE REDUCTION FOR EVERY 6 NON-REQ BIKE SPACE @ 78 ADDITIONAL (-13 SPACES)
 8 ELECTRIC VEHICLE CHARGING STATIONS (-8 SPACES)
 = 26 REDUCED SPACES



OLIVE ST

NOGALES HWY

1 SITE PLAN
 1/32" = 1'-0"

PRELIMINARY
 NOT FOR
 CONSTRUCTION
 PROGRESS
 PRINT
 9/17/2021 3:33:48 PM

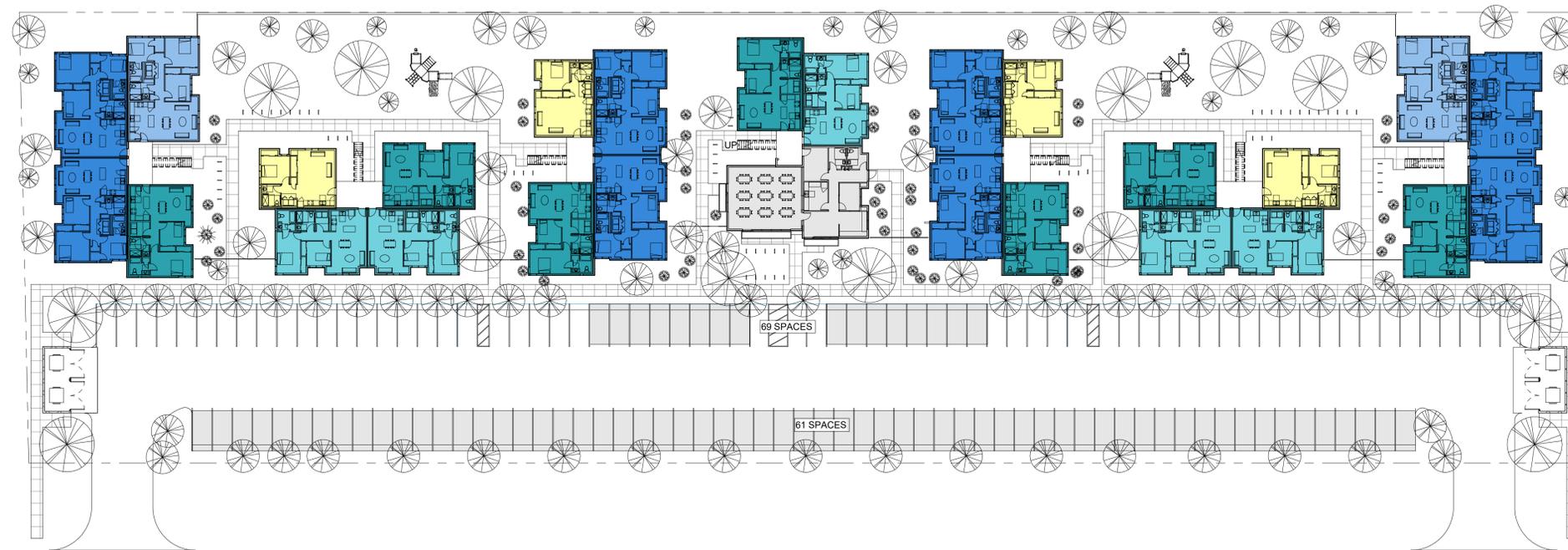
NEWPORT AT THE RODEO
 LIHTC 2021
 5301 S Nogales Hwy

G101 REFERENCE SITE PLAN

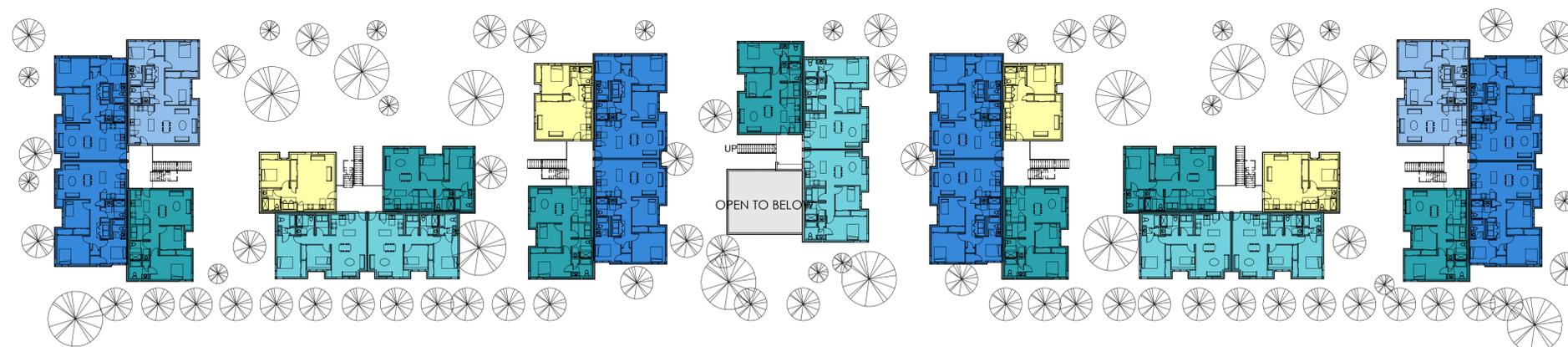
DRAWN BY: Author REVISIONS
 CHECKED BY: Checker NO. DATE ISSUE

© DATE: Project Date
 PROJECT NO: 1525

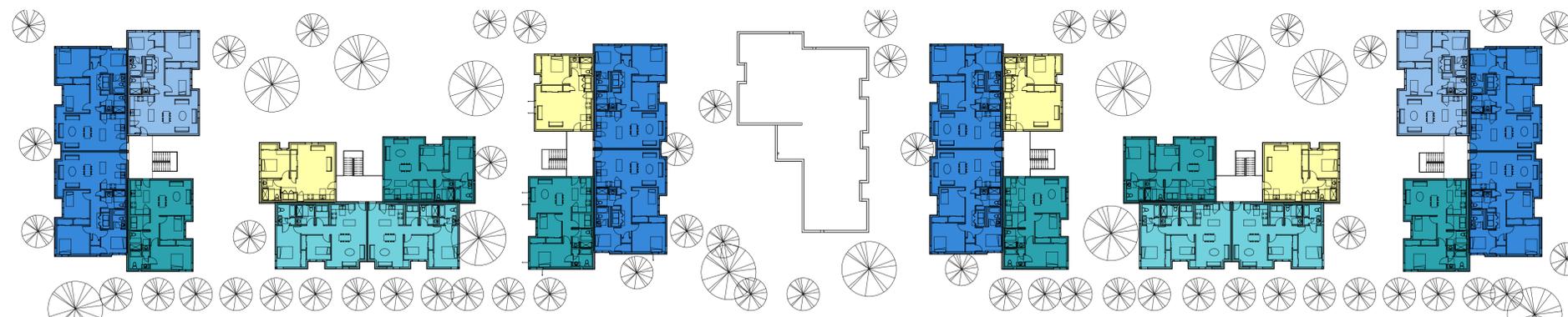
THESE PLANS ARE THE SOLE POSSESSION OF POSTER MIRTO McDONALD, INC. AND ARE COPYRIGHTED ©. THEY ARE NOT TO BE REPRODUCED WITHOUT THE EXPRESSED WRITTEN PERMISSION OF PMM, INC.
 9/17/2021 3:33:48 PM
 Autodesk Docs://Newport at Rodeo/1525_Newport at Rodeo_LIHTC_2021.rvt



1 LEVEL 1 - WORKING
1" = 30'-0"



2 LEVEL 2 - WORKING
1" = 30'-0"



3 LEVEL 3 - WORKING
1" = 30'-0"

- 3 BEDROOM FLAT - UNIT 3A
- 3 BEDROOM FLAT - UNIT 3B
- 2 BEDROOM FLAT - UNIT 2A
- 2 BEDROOM FLAT - UNIT 2B
- 1 BEDROOM FLAT

PRELIMINARY
NOT FOR
CONSTRUCTION

PROGRESS
PRINT
9/17/2021 3:33:19 PM

NEWPORT AT THE RODEO

LIHTC 2021
5301 S Nogales Hwy

A101 FLOOR PLANS

DRAWN BY: Author REVISIONS
CHECKED BY: Checker NO. DATE ISSUE



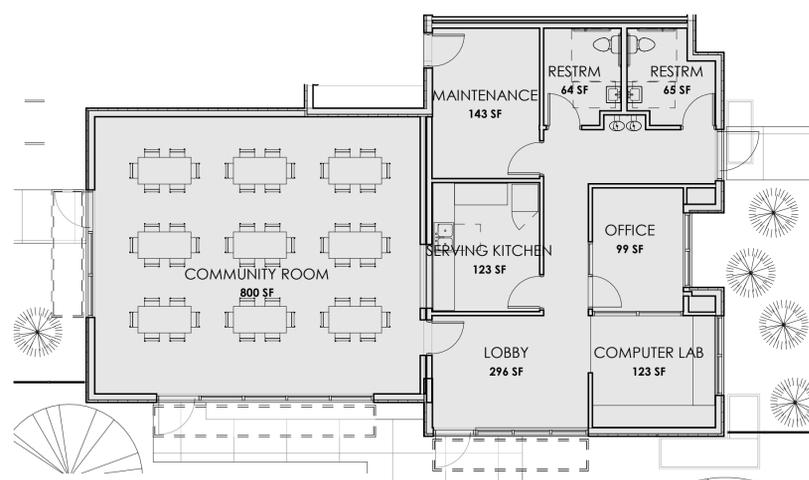
① UNIT FLOOR PLAN - 1 BR FLAT
1/8" = 1'-0"



⑤ UNIT FLOOR PLAN - 2 BR FLAT UNIT 2B
1/8" = 1'-0"



② UNIT FLOOR PLAN - 2 BR FLAT UNIT 2A
1/8" = 1'-0"



④ COMMUNITY BUILDING FLOOR PLAN
1/8" = 1'-0"



⑥ UNIT FLOOR PLAN - 3 BR FLAT UNIT 3B
1/8" = 1'-0"



③ UNIT FLOOR PLAN - 3 BR FLAT UNIT 3A
1/8" = 1'-0"

- 3 BEDROOM FLAT - UNIT 3A
- 3 BEDROOM FLAT - UNIT 3B
- 2 BEDROOM FLAT - UNIT 2A
- 2 BEDROOM FLAT - UNIT 2B
- 1 BEDROOM FLAT

PRELIMINARY
NOT FOR
CONSTRUCTION
PROGRESS
PRINT
9/17/2021 3:33:21 PM

NEWPORT AT THE RODEO
LIHTC 2021
5301 S Nogales Hwy

A101.2 UNIT FLOOR PLANS

DRAWN BY: Author REVISIONS
CHECKED BY: Checker NO. DATE ISSUE

THESE PLANS ARE THE SOLE POSSESSION OF POSTER MIRTO McDONALD, INC. AND ARE COPYRIGHTED ©. THEY ARE NOT TO BE REPRODUCED WITHOUT THE EXPRESSED WRITTEN PERMISSION OF PMM, INC.
9/17/2021 3:33:21 PM Autodesk Docs://Newport at Rodeo/1525_Newport at Rodeo_UHTC_2021.rvt

T.O. PARAPET
36' - 10 1/4"
B.O. ROOF
32' - 0"
LEVEL 3
22' - 0"
LEVEL 2
11' - 0"
LEVEL 1
0' - 0"



1 EAST
1" = 30'-0"



T.O. PARAPET
36' - 10 1/4"
B.O. ROOF
32' - 0"
LEVEL 3
22' - 0"

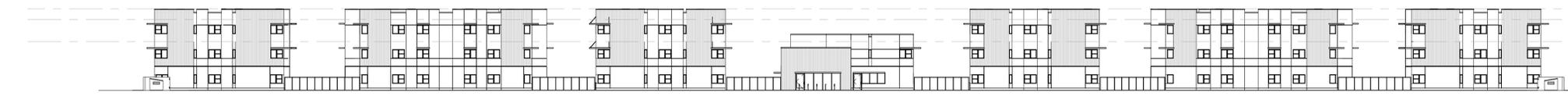
3 SOUTH
1" = 30'-0"



T.O. PARAPET
36' - 10 1/4"
B.O. ROOF
32' - 0"
LEVEL 3
22' - 0"

2 NORTH
1" = 30'-0"

T.O. PARAPET
36' - 10 1/4"
B.O. ROOF
32' - 0"
LEVEL 3
22' - 0"



4 WEST
1" = 30'-0"



5 TYP COURTYARD ELEVATION



6 TYP BUILDING ELEVATION

THESE PLANS ARE THE SOLE POSSESSION OF POSTER MIRTO MCDONALD, INC. AND ARE COPYRIGHTED ©. THEY ARE NOT TO BE REPRODUCED WITHOUT THE EXPRESSED WRITTEN PERMISSION OF PMM, INC.
Autodesk Docs://Newport at Rodeo/1525_Newport at Rodeo_UHTC_2021.rvt
9/17/2021 3:33:34 PM

PRELIMINARY
NOT FOR
CONSTRUCTION
PROGRESS
PRINT
9/17/2021 3:33:34 PM

NEWPORT AT THE RODEO
LIHTC 2021
5301 S Nogales Hwy

A201 EXTERIOR
ELEVATIONS

DRAWN BY: Author REVISIONS
CHECKED BY: Checker NO. DATE ISSUE

© DATE: Project Date
PROJECT NO: 1525



1 TYP. MATERIAL AXON

THESE PLANS ARE THE SOLE POSSESSION OF POSTER MIRTO McDONALD, INC. AND ARE COPYRIGHTED ©. THEY ARE NOT TO BE REPRODUCED WITHOUT THE EXPRESSED WRITTEN PERMISSION OF PMM, INC.
 Autodesk Docs://Newport at Rodeo/LIHTC_2021.rvt
 9/17/2021 3:33:44 PM

PRELIMINARY
 NOT FOR
 CONSTRUCTION
 PROGRESS
 PRINT
 9/17/2021 3:33:44 PM

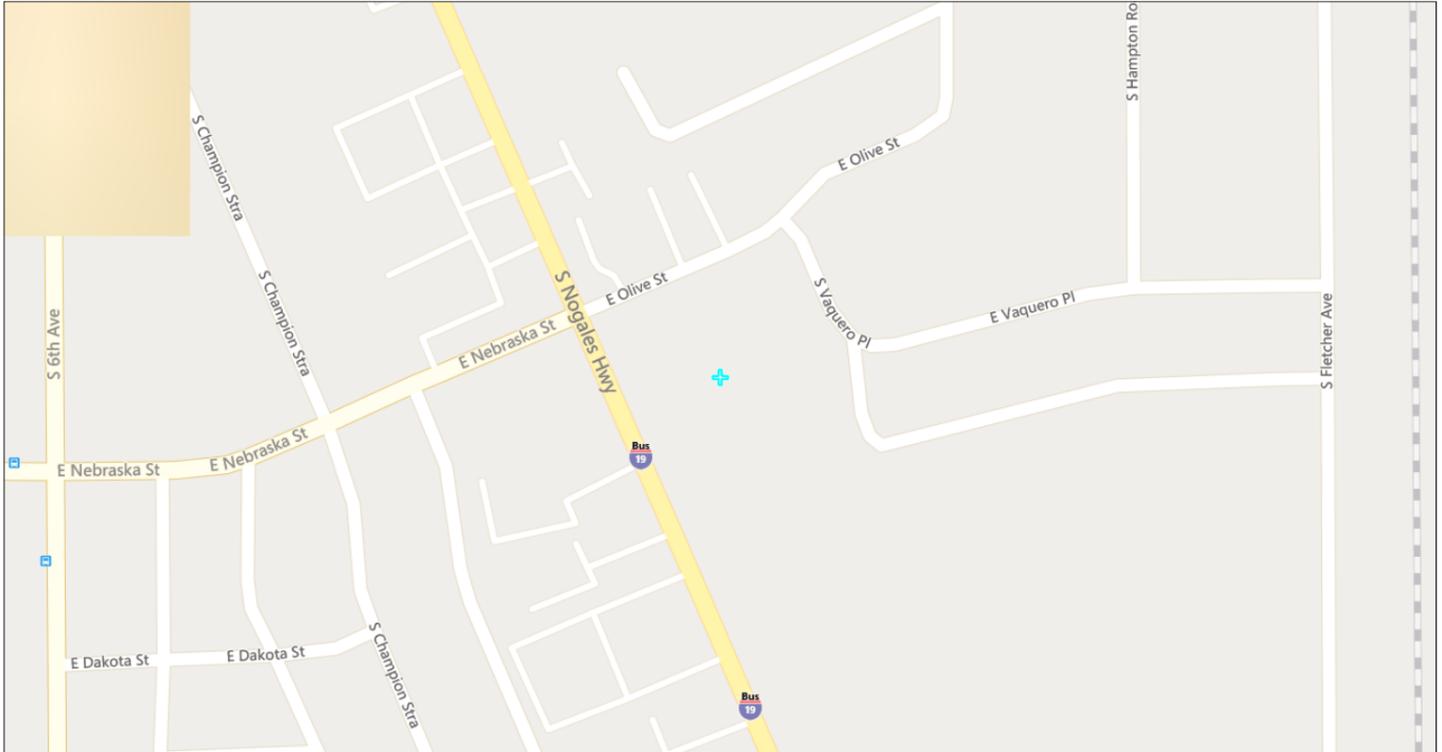
NEWPORT AT THE RODEO
 LIHTC 2021
 5301 S Nogales Hwy

A201.5 3D VIEW /
 MATERIALITY

DRAWN BY: Author REVISIONS
 CHECKED BY: Checker NO. DATE ISSUE

© DATE: Project Date
 PROJECT NO: 1525

NEPAssist Report



October 18, 2021

✚ Search Result (point)

1:2,030



© 2021 Microsoft Corporation © 2021 TomTom

Project Location	32.156398,-110.964707
Within 0.5 miles of an Ozone 8-hr (1997 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of an Ozone 8-hr (2008 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a Lead (2008 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a SO2 1-hr (2010 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a PM2.5 24hr (2006 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a PM2.5 Annual (1997 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a PM2.5 Annual (2012 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a PM10 (1987 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a Federal Land?	no
Within 0.5 miles of an impaired stream?	no
Within 0.5 miles of an impaired waterbody?	no
Within 0.5 miles of a waterbody?	no
Within 0.5 miles of a stream?	yes
Within 0.5 miles of an NWI wetland?	Available Online
Within 0.5 miles of a Brownfields site?	yes
Within 0.5 miles of a Superfund site?	no
Within 0.5 miles of a Toxic Release Inventory (TRI) site?	no
Within 0.5 miles of a water discharger (NPDES)?	no
Within 0.5 miles of a hazardous waste (RCRA) facility?	yes
Within 0.5 miles of an air emission facility?	no
Within 0.5 miles of a school?	yes

Within 0.5 miles of an airport?	no
Within 0.5 miles of a hospital?	no
Within 0.5 miles of a designated sole source aquifer?	yes
Within 0.5 miles of a historic property on the National Register of Historic Places?	no
Within 0.5 miles of a Toxic Substances Control Act (TSCA) site?	no
Within 0.5 miles of a Land Cession Boundary?	yes
Within 0.5 miles of a tribal area (lower 48 states)?	no
Within 0.5 miles of the service area of a mitigation or conservation bank?	yes
Within 0.5 miles of the service area of an In-Lieu-Fee Program?	yes

Created on: 10/18/2021 12:16:09 PM



September 13, 2021

Glenn Fournie
City of Tucson
310 N Commerce Park Loop
Tucson, Arizona 85745

Electronically submitted to: glenn.fournie@tucsonaz.gov

Re: Review of the Newport at Rodeo Apartments project

Dear Mr. Fournie:

The Arizona Game and Fish Department (Department) reviewed your Project Evaluation Request dated July 20, 2021, regarding the construction of a new 77-unit family affordable housing project located in the Sunnyside neighborhood of the City of Tucson on the west side of S. Nogales Highway. As the proposed project is located in a previously disturbed area, with the present habitat providing relatively low value to wildlife, the Department does not anticipate any significant adverse impacts to wildlife resources would occur as a result of this project.

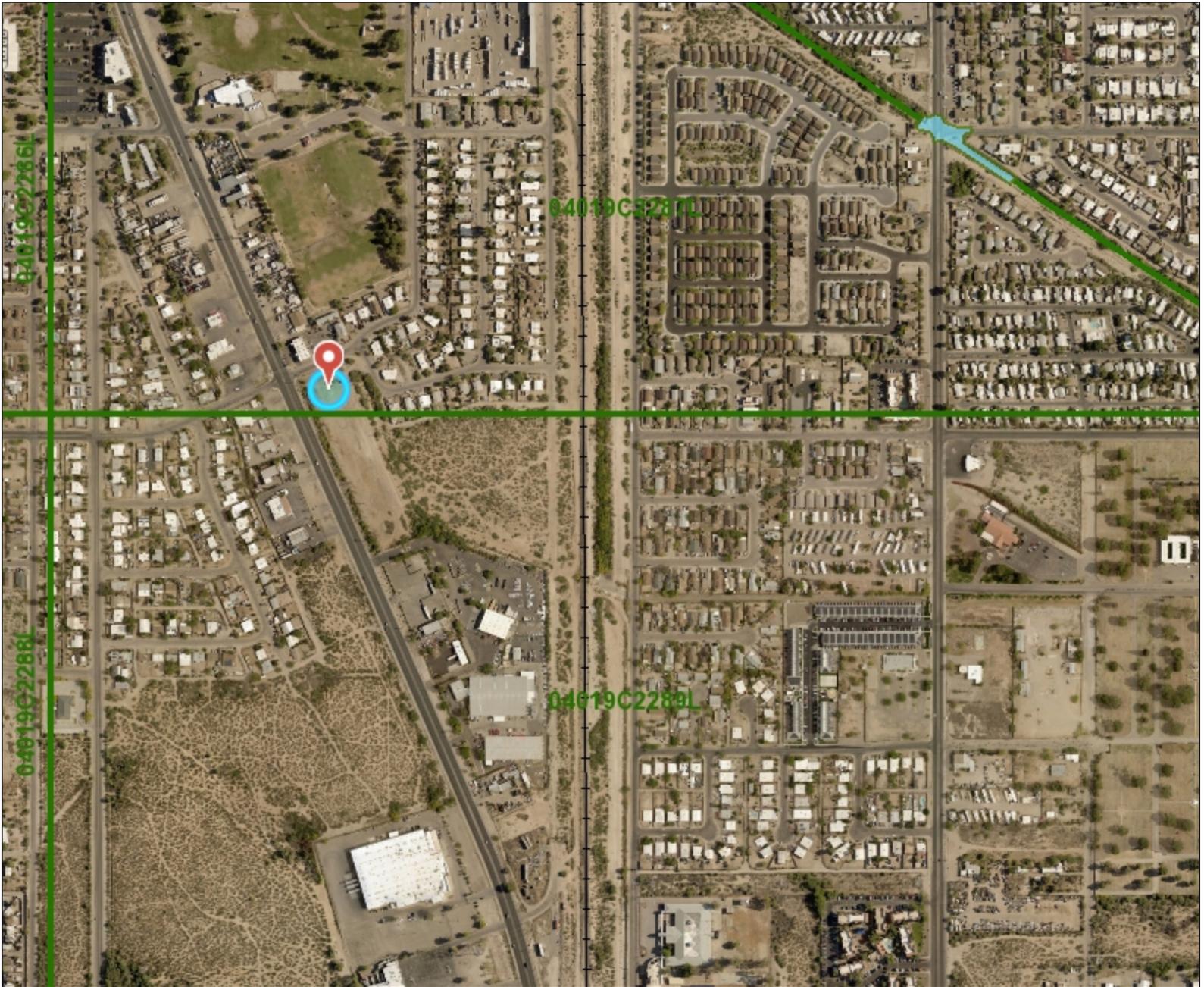
Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact me at (623) 236-7615.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheri Bouchér", with a long horizontal flourish extending to the right.

Cheri Bouchér
Project Evaluation Program Specialist, Habitat Branch
Arizona Game and Fish Department

AZGFD# M21-07205222



Notes

Newport at Rodeo

Legend

- | | | | | |
|--|--|--|---|---|
| <p>A Zones</p> <ul style="list-style-type: none">  ZONE A  ZONE AE  ZONE AH  ZONE AO <p>X Zones</p> <ul style="list-style-type: none">  Areas of 100-year flor  Areas of 500-year flor  LOMR  Excluded Structures/Parcels  Other | <p> Floodway</p> <p> 1% Chance Flood Contained in Culvert/Channel</p> <p> FIRM</p> <p>Historic Properties</p> <ul style="list-style-type: none">  Listed  Listed and Local  Contributor  Eligible  Ineligible  Non-Contributor  No Data <p> City of Tucson Historic Zoning</p> <p> City of Tucson National Register Districts</p> <ul style="list-style-type: none">  Current National  Eligible National <p> Railroads</p> <p> AEZ Land Use</p> | <p> Demolished Contrib</p> <p> Demolished</p> <p> Vacant</p> <p> Outside of HD</p> <p> City of Tucson Historic Zoning</p> <p> City of Tucson National Register Districts</p> <p> Current National</p> <p> Eligible National</p> <p> Railroads</p> <p> AEZ Land Use</p> | <p> ADC-1</p> <p> ADC-2</p> <p> ADC-3</p> <p> CUZ-1</p> <p> CUZ-2</p> <p> CUZ-3</p> <p> RSZ</p> <p>AEZ_CUZs</p> <ul style="list-style-type: none">  CUZ-1  CUZ-2  CUZ-3 | <p> CUZ-4</p> <p>AEZ Noise</p> <ul style="list-style-type: none">  65-70 LDN  70-75 LDN  70-PLUS LDN  75-80 LDN  80-PLUS LDN <p>DM AFB Approach-Departur Corridors</p> <ul style="list-style-type: none">  ADC-1  ADC-2  ADC-3 |
|--|--|--|---|---|

1: 9,028



0.3 0 0.14 0.3 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
 © City of Tucson

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

PHASE I ENVIRONMENTAL SITE ASSESSMENT

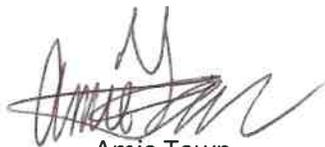
Commercial Property

5301-5383 South Nogales Highway
Tucson, Arizona 85706
WT Job No. 2981XC103

PREPARED FOR:

Newport Rodeo, LP
9 Cushing, Suite 200
Irvine, California 92618

July 26, 2021



Amie Town
Environmental Scientist



Stephen G. Collins, REPA
Director of Environmental Services





**Western
Technologies Inc.**
The **Quality** People
Since 1955

3480 South Dodge Boulevard
Tucson, Arizona 85713-5435
(520) 748-2262 • fax 748-0435

July 26, 2021

Newport Rodeo, LP
9 Cushing, Suite 200
Irvine, California 92618

Attn: Mr. David Wohl

Re: Phase I Environmental Site Assessment
Commercial Property
5301-5383 South Nogales Highway
Tucson, Arizona 85706

WT Job No. 2981XC103

Western Technologies Inc. presents this Phase I Environmental Site Assessment of the commercial property 5301-5383 South Nogales Highway in Tucson, Arizona. The results of our assessment, significant findings and conclusions are presented in the enclosed report.

This report completes the agreed scope of services. Thank you for allowing us to provide these services.

Please let us know, if we can be of further assistance with the property development. We offer geotechnical engineering, construction materials testing & engineering, and other services.

Sincerely,

WESTERN TECHNOLOGIES INC.



Stephen G. Collins, REPA
Director of Environmental Services

Copies to: Addressee (1)

TABLE OF CONTENTS

Page No.

EXECUTIVE SUMMARY	i
1.0 INTRODUCTION	1
1.1 Project Authorization	1
1.2 User Reliance	1
1.3 Environmental Professionals Statement.....	1
1.4 Purpose	1
1.5 Scope of Services	2
2.0 PROPERTY AND AREA INFORMATION	2
2.1 Current Property Use and Occupancy.....	2
2.2 Property Improvements and Features.....	2
2.4 Current Adjoining Property Use and Description	2
2.5 Physical Setting Sources	3
3.0 RECONNAISSANCE FOR KNOWN AND SUSPECT RECS	4
3.1 Potential PCB Sources.....	4
3.2 Aboveground Storage Tanks (ASTs)	4
3.3 Underground Storage Tanks (USTs)	4
3.4 Hazardous Substances, Petroleum Products, and Containers	4
3.5 Solid Waste Indicators	5
3.6 Wastewater, Stormwater, and Other Liquid Discharges.....	5
3.7 Air Emission Control Equipment	5
3.8 Existing or Former Wells.....	5
4.0 INTERVIEWS	5
4.1 Interviews with the User of this Report	6
4.2 Interviews with the Property Owner, Current Operators, or Occupants.....	6
4.3 Interviews with Past Owners, Operators, or Occupants	6
4.4 Interviews with Others	7
5.0 HISTORICAL RECORDS INFORMATION	7
5.1 Property Tax Files	7
5.2 Land Title Records	7
5.3 Zoning/Land Use Records.....	7
5.4 Local Street Directories	7
5.5 Building Inspection Records	8
5.6 Fire Insurance Maps	8
5.7 Topographic Maps and Atlases	8
5.8 Aerial Photography	8
5.9 Prior Reports.....	8

6.0	ENVIRONMENTAL RECORDS REVIEW	9
6.1	Federal USEPA Records Results.....	9
6.2	Arizona ADEQ Records Results.....	9
6.3	Additional Records Reviews	10
7.0	SUMMARY OF ASSESSMENT.....	10
7.1	Findings.....	10
7.2	Conclusions and Recommendations	11
8.0	LIMITATIONS	11
9.0	REFERENCES	12
9.1	Contacts	12
9.2	Reports and Publications.....	12

Appendix A	Figures
Appendix B	Photographic Log
Appendix C	Facility Records
Appendix D	Questionnaires and Correspondence
Appendix E	Historical Aerial Photographs
Appendix F	Database Report
Appendix G	Resumes

EXECUTIVE SUMMARY

Western Technologies Inc. (WT) completed a Phase I Environmental Site Assessment (ESA) of the commercial property at 5301-5383 South Nogales Highway, Tucson, Arizona (“the Property”). The purpose of this ESA was to identify to the extent feasible, pursuant to the processes described herein, Recognized Environmental Conditions (RECs), in connection with the Property.

The Property was approximately 2.88 acres of vacant land. According to the Pima County online assessor records, the parcel numbers for the Property were 137-04-1470, -1480, -1490, -1500, -1510, -1520, -1530, -1540, and -155A.

Based on a review of available historical information, the Property has been vacant land since 1936. Adjoining sites were developed starting in 1973.

Findings

- Current Use of the Property – The Property was used for storage of new sewer pipes and materials at the time of the site reconnaissance. No RECs were identified in connection with the current use of the Property.
- Use of Adjoining Properties – The adjoining properties consisted of residential and commercial use and vacant land. No RECs were identified in connection with the adjoining properties.
- Historical Use of the Property – The Property has been vacant land since at least 1936, and used for storage of new sewer pipes and materials in 2021. The historical use of the Property does not represent a REC.
- Regulatory Agency Records Review – The Property was not listed in the ASTM-defined federal and state regulatory databases. The facilities listed in the regulatory databases did not represent a REC to the Property based on the regulatory status and/or distance.
- No RECs were identified in connection with the Property.
- No controlled RECs (CRECs) were identified in connection with the Property.
- No historical RECs (HRECs) were identified in connection with the Property.
- No indications of vapor migration on the Property were identified.
- No unplotable records were reported in the database.

WT has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-13 of the commercial property at 5301-5383 South Nogales Highway, Tucson, Arizona. Any exceptions to, or deletions from, this practice are described in Section 8 of this report.

This ESA has revealed no evidence of RECs currently in connection with the Property, and WT makes no recommendations for further assessment at this time.

If additional information becomes available or known that may suggest the presence of RECs currently in connection with the Property, contact this firm for potential recommendations.

1.0 INTRODUCTION

This report presents the results of a Phase I Environmental Site Assessment (ESA) of the commercial property at 5301-5383 South Nogales Highway, Tucson, Arizona (“the Property”). According to the Pima County online assessor records, the parcel numbers for the Property were 137-04-1470, -1480, -1490, -1500, -1510, -1520, -1530, -1540, and 155A. The cadastral description of the Property relative to the U.S. Public Land Survey System was generally within a portion of the northeast quarter of the southeast quarter of the Section 1, Township 15 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona. Figure 1 in Appendix A shows the Property location.

1.1 Project Authorization

Western Technologies Inc. (WT) was authorized by Newport Rodeo, LP to perform this ESA according to WT Contract No. 2981PC131 dated July 15, 2021.

1.2 User Reliance

WT prepared this ESA for Newport Rodeo, LP. This ESA may not be utilized or relied upon by any other person or entity without the express written consent of WT and the completion of the User’s responsibilities as described in ASTM E1527-13 and the All Appropriate Inquiries Rule (AAI Rule).

1.3 Environmental Professionals Statement

I, Stephen G. Collins, declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in in § 312.10 of 40 CFR § 312. I have the specific qualifications, based on education, training, and experience, to assess a property of the nature, history, and setting of the Property. I have developed and performed the all appropriate inquiries in general conformance with the standards and practices set forth in 40 CFR Part 312.

Ms. Amie Town conducted the site reconnaissance, interviews, and records reviews. The final review of the written report and the formulation of opinions regarding Recognized Environmental Conditions were performed by Mr. Stephen G. Collins, Environmental Professional. Resumes for these individuals are included in appendix G.

1.4 Purpose

The purpose of this ESA was to identify, to the extent feasible pursuant to the processes described herein, recognized environmental conditions (RECs) in connection with the Property. According to the ASTM E1527-13, RECs are “the presence or likely presence of any hazardous substances or petroleum products on, in, or at a property: (1) due to a release to the environment; (2) under conditions indicative of a release to the environment; or (3) under

conditions that pose a material threat of a future release to the environment. De minimis conditions are not RECs.” WT used its judgment to identify migration pathways and RECs.

1.5 Scope of Services

The scope of services generally followed the applicable provisions of the Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM E1527-13) and the scope and limitations in our contract for this project, and consisted of a reconnaissance of the Property, interviews, a review of physical setting information, reviews of historical use research, reviews of standard Federal and State databases and local records, file reviews (if deemed necessary by the environmental professional), and preparation of this report.

2.0 PROPERTY AND AREA INFORMATION

The reconnaissance of the Property was performed by Ms. Amie Town on July 23, 2021. The reconnaissance included a site visit and visual observations of the Property and adjoining areas. No limiting conditions were encountered during the reconnaissance. Figure 2 in Appendix A depicts general features observed on the Property. Photographs of the Property and adjoining areas are included in Appendix B.

2.1 Current Property Use and Occupancy

The Property was occupied by Borderland Construction and used as a storage yard for new sewer pipes and materials at the time of the site reconnaissance.

2.2 Property Improvements and Features

The Property consisted of approximately 2.88 acres of land. New sewer pipes, manhole covers, chain linked fences, and other construction materials were stored on the Property.

2.3 Utilities

According to the Pima County Map Guide, water services in the area were provided by the City of Tucson and sewer services by Pima County. Electricity was provided by Tucson Electric Power (TEP).

2.4 Current Adjoining Property Use and Description

The Property was within a commercial and residential area of Tucson, Arizona. The adjoining properties consisted of the following:

North – Nebraska Wash, followed by East Olive Street, followed by multi-family residential structure (5261 South Nogales Highway)

South – Vacant land

East – Nebraska Wash, followed by residential development

West – South Nogales Highway, followed by Maryman Rentals (5374 South Nogales Highway), Puerta Antigua (5358 South Nogales Highway), Rio Sonora Tire Shop (5334 South Nogales Highway), Rio Sonora Hair Cutting & Beauty Salon (5318 South Nogales Highway), and Circle K Corporate Office (5302 South Nogales Highway)

2.5 Physical Setting Sources

Topographic maps from the United States Geological Survey (USGS) and hydrogeologic reports from the Arizona Department of Water Resources (ADWR) were reviewed as standard physical setting sources of information about Property and surrounding area. The physical setting information represents a general indication of topographic and hydrogeologic conditions that may reflect pathways for the migration of hazardous substances and petroleum products onto or away from the Property. However, this regionally-based information may not accurately describe current site-specific physical setting conditions.

According to the USGS Topographic Map *Tucson, Arizona* Quadrangle (2018) and Pima County Map Guide, the Property has an approximate elevation of 2,500 feet above Mean Sea Level (MSL) and the terrain slopes to the northwest. Nebraska Wash was north and east of the Property.

According to the Arizona Groundwater Site Inventory online map of the ADWR, the Property and adjoining area were within the Tucson sub-area of the Upper Santa Cruz Basin in the Tucson Active Management Area. The area was within the Basin and Range Physiographic Province and was characterized by broad alluvial-filled sub-basins, bounded by steep, rugged, fault-block mountains. The Santa Cruz River and its tributaries provided the major surface water drainage for the Tucson sub-area. Because of the ephemeral nature of the river and other streams in the Upper Santa Cruz Basin area, groundwater was the only dependable source of water and was mined for a variety of uses. Colorado River water, via the Central Arizona Project (CAP) canal, was being blended with groundwater and delivered to certain areas in Tucson and Pima County. Within the Tucson sub-area, the principal water-bearing units were, in ascending order, the Pantano Formation, the Tinaja Beds, and the Fort Lowell Formation. The Fort Lowell Formation provided most of the groundwater that was withdrawn from the sub-area. The overall regional direction of groundwater movement in the Tucson sub-area was towards the north, following the Santa Cruz River drainage.

According to City of Tucson 2018 Depth to Groundwater Map dated September 2019, the depth to groundwater in the vicinity of the Property was approximately 170 feet below ground surface (bgs). The direction of groundwater flow beneath the Property appeared to be north-northwest based on the 2018 Groundwater Elevation Map dated September 2019. However,

nearby groundwater pumping, groundwater recharge, and mountain blocks, may locally alter the natural groundwater flow direction.

3.0 RECONNAISSANCE FOR KNOWN AND SUSPECT RECS

This section provides information about potential sources of known and suspect RECs in connection with the Property. Facility records provided to WT are presented in Appendix C.

3.1 Potential PCB Sources

Electrical transformers, capacitors, and possibly hydraulic equipment including elevators, are potential sources of PCBs.

Two pole-mounted transformers were on the northern portion of the Property. The transformers were owned and serviced by Tucson Electric Power (TEP). The transformers were in good condition with no indications of spills or leaks. The PCB-content of the transformers was unknown. Based on our understanding, TEP would be responsible for the remediation of soils or other materials impacted by any released oils.

3.2 Aboveground Storage Tanks (ASTs)

ASTs consist of portable fuel tanks on construction properties, portable fertilizer tanks in agricultural fields, process tanks in industrial applications, large bulk storage tanks at distribution facilities, storage tanks for the dispensing of fuel and lubricants and for the collection of liquid waste materials, and as integral fuel tanks to back-up power generators.

No ASTs were on the Property.

3.3 Underground Storage Tanks (USTs)

Surface indications of existing or former USTs includes pump islands, fill ports, vent pipes, vapor monitoring wells, inventory monitoring equipment, asphalt patches over former tank pits or fuel lines, and remedial systems.

No USTs were on the Property.

3.4 Hazardous Substances, Petroleum Products, and Containers

No hazardous or unknown substances or petroleum products were on the Property.

3.5 Solid Waste Indicators

Indications of solid waste storage or disposal include dumpsters, roll-off containers, waste piles, uncontrolled disposal of trash, demolition debris, construction debris, or vegetation, illegal dumping, tires, litter, unusual mounding or depressions, fill or suspected fill from unknown sources, and debris commingled in disturbed surface areas.

No solid waste was on the Property.

3.6 Wastewater, Stormwater, and Other Liquid Discharges

Wastewater discharges include existing or former surface impoundments, oil/water separators, sumps, catch basins, injection wells, drywells receiving non-storm water related discharges, wastewater treatment systems, septic systems including tanks, leach fields, and seepage pits, exterior pipe discharges, pits, ponds, and lagoons.

No wastewater discharges were on the Property; however, several stormwater drainage systems were on the city right-of-way (ROW) surrounding the Property.

3.7 Air Emission Control Equipment

Air emission control equipment can include laboratory hoods, exterior vent stacks, incinerators, chimneys, bag houses, cyclones, and paint booths and result in the generation of used products or materials consisting of hazardous substances or petroleum products.

No air emission control equipment were on the Property.

3.8 Existing or Former Wells

Wells can be identified through the presence of well casings extending above the ground surface, turbines or pumps, a water storage tank, pressure tank, or water distribution piping, or traffic-rated covers over monitoring wells. Water produced from wells can be utilized for irrigation, public distribution, personal consumption, or environmental or hydrological monitoring or remediation.

No groundwater wells were on the Property during the site reconnaissance.

4.0 INTERVIEWS

This section summarizes information from interviews conducted as part of this ESA. Questionnaires completed by interviewees and other correspondence are presented in Appendix D.

4.1 Interviews with the User of this Report

Newport Rodeo, LP has been identified as the “User” of this ESA and Mr. David Wohl, provided information consistent with the User Responsibilities described by ASTM E1527-13 by completing and returning WT’s User Questionnaire on July 16, 2021. This ESA was requested in support of Lender’s Requirements, Landowner Liability Protection, Insurance Requirements, and Business Planning.

Mr. Wohl stated that he was not aware of the following:

- Reduced purchase price for the Property,
- Environmental liens, engineering controls, institutional controls, or land use restrictions, or of litigation or administrative actions regarding environmental laws,
- Commonly known or reasonably ascertainable information about the Property,
- Special knowledge about the Property, the surrounding area, or the type of business occurring on the Property, based on the personal and professional experience.

4.2 Interviews with the Property Owner, Current Operators, or Occupants

Mr. David Wohl, the Owner’s Representative, completed WT’s Interview Questionnaire on July 16, 2021. He stated the following:

- He was familiar with the Property for 1.5 years,
- The Property was used for storage of “pipe and other materials,”
- There were prior environmental reports for the Property.

Mr. Wohl was not aware of:

- Aboveground/underground storage tanks,
- Storage and releases of petroleum or hazardous chemicals,
- Buried waste, landfill and dumping on the Property,
- Other environmental concerns associated with the Property and adjoining properties.

4.3 Interviews with Past Owners, Operators, or Occupants

WT was not provided with a contact information for the past owners of the Property. Since other historical sources were available for the Property, this data gap is not significant and should not prevent WT from rendering an opinion regarding RECs on the Property.

4.4 Interviews with Others

WT routinely contacts state and local government agencies about information and records concerning the Property. These contacts/interviews may be made in person, by telephone or in writing. We made reasonable attempts to interview at least one representative of the following types of state or local government agencies: local fire department; local health agency; hazardous waste control agencies; building permit agencies; or groundwater use permitting agencies.

WT submitted a record request to Tucson Fire Department requesting hazardous materials or UST records that may be on-file for the Property. As of the date of this report, no response was received from TFD.

5.0 HISTORICAL RECORDS INFORMATION

The objective of consulting historical sources was to develop a history of obvious uses of the Property back to 1940, or to the first developed use of the Property, whichever is earlier, unless a data failure occurred. The intervals between standard historical sources reviewed for this did not exceed 5 years, and the earliest standard historical source reviewed for this ESA was an aerial image dated 1936.

5.1 Property Tax Files

According to the Pima County Assessor's online records, the current owner of the Property was Newport SW LLC (2021). Previous owners included Bootjack Company, Inc. (2019).

5.2 Land Title Records

A chain-of-title report was not commissioned as part of this ESA. This data gap should not prevent WT from rendering an opinion regarding RECs.

5.3 Zoning/Land Use Records

According to the Pima County Map Guide website, the Property was within City of Tucson Commercial Zone (C-2) and Office Zone (O-3).

5.4 Local Street Directories

Local street directories are annual publications that list the names of telephone service recipients by address. The information contained in local street directories may be useful in determining the type of facility or business that operated at a particular address in a given year.

Based on the undeveloped nature of the Property and other available historical information, city directories were deemed not necessary to understand the historical uses of the Property and were not reviewed.

5.5 Building Inspection Records

City of Tucson Property Research Online (PRO) and Pima County Development Services online records were reviewed for the Property. Annexation and city zoning records, and commercial permits were dated 1996 through 2010.

Floodplain Use Permits were dated 2007. No records of environmental concern were identified.

5.6 Fire Insurance Maps

Fire Insurance maps were published by the Sanborn Map Company for the cities and towns, and depicted physical features and individual buildings. The United States Library of Congress maintains an online collection of Sanborn Fire Insurance Maps for Tucson, Arizona for the years 1886 through 1949.

Based on the review of the Sanborn maps available at the Library of Congress, Sanborn maps were not available for the Property area.

5.7 Topographic Maps and Atlases

Topographic maps were reviewed for evidence of prior land uses or structures on or adjacent to the Property. The USGS 15- and 7.5-Minute series *Tucson, Arizona* Quadrangle topographic maps dated 1948 through 2018 were reviewed.

By 1948, South Nogales Highway was west, and an ephemeral wash crossed the Property. Olive Street was north of the Property by 1958.

5.8 Aerial Photography

Aerial photographs of the Property and adjoining areas, provided by Cooper Aerial Survey Co., HistoricAerials.com, Pima County Map Guide, and Google Earth, were reviewed for the years 1936-2020. Selected aerial photographs from the years 1941, 1953, 1960, 1973, 1988, 1998, 2005, 2015, and 2020 are included in Appendix E.

The Property has been vacant land since 1936. South Nogales Highway was west and Olive Street was north of the Property by 1953. By 1973, there was a building on the west-adjointing property, and by 1988, there were two additional buildings on the west-adjointing property, and the north-adjointing property was developed with a building. By 1998, the Property was graded, and the west-adjointing properties were developed with five commercial buildings.

5.9 Prior Reports

The Western Technologies, Inc. Phase I Environmental Site Assessment titled “Approximately 2.88 Acres of Vacant Land” dated December 19, 2019. The report addressed the vacant land at 5301-5383 South Nogales Highway in Tucson, Arizona.

- The report “*revealed no evidence of RECs currently in connection with the Property*” and no recommendations for further assessment.

Based on the reviewed information, the findings from the prior reports do not represent a REC.

6.0 ENVIRONMENTAL RECORDS REVIEW

WT obtained a commercial database report from Geosearch that included information extracted from regulatory databases and lists kept by the United States Environmental Protection Agency (USEPA) and the Arizona Department of Environmental Quality (ADEQ). A copy of the database report with descriptions and release dates of the searched databases, and maps showing locations relative to the Property, is presented in Appendix F. WT also contacted local agency representatives concerning additional records information pertaining to the Property.

6.1 Federal USEPA Records Results

The Federal records maintained by the USEPA included: the National Priorities List (NPL); the Superfund Enterprise Management System (SEMS); No Further Remedial Action Planned (NFRAP) sites; Resource Conservation Recovery Act (RCRA) database of hazardous waste generators; RCRA Treatment Storage Disposal Facilities; RCRA Corrective Action Sites (CORRACTS); federally registered engineering or administrative controls; federal brownfields sites; and the Emergency Response Notification System (ERNS) Database.

The database findings did not identify any listings for the Property nor immediate-adjointing properties in the referenced federal databases.

The database identified several listings within the ASTM minimum search distances in the referenced databases. Based on distance, these listings did not represent a REC to the Property.

6.2 Arizona ADEQ Records Results

The Arizona records maintained by the ADEQ included: the Water Quality Assurance Revolving Fund (WQARF) Registry List; the Arizona Superfund Program List (ASPL); the historic Arizona CERCLA Information Data System (ACIDS); the Registered UST Database; the Leaking USTs (LUST) List; the Brownfields/Voluntary Remediation Program (VRP) List, the Database of Voluntary Environmental Mitigation Use Restrictions (VEMURs) and Declarations of Environmental Use Restriction (DEURs); lists of Solid Waste Facilities; and the Hazardous Materials Response Incidents (HAZMAT) List.

The database findings did not identify any listings for the Property nor immediate-adjoining properties in the referenced State ADEQ databases.

Other listings identified in the database within the ASTM minimum search distances did not represent a REC to the Property based on distance.

No unplottable records were reported in the database.

6.3 Additional Records Reviews

The following local and/or additional state and federal records sources were reviewed to supplement the standard records sources discussed in Sections 6.1 and 6.2 of this report.

WT reviewed the ADEQ online databases, eMaps and MegaSearch for land use restrictions, superfund sites and municipal and non-municipal landfills, transfer stations, composting facilities, material recovery facilities, UST/LUST, waste and hazardous waste programs, drywells, and other available databases. The Property was listed in the Water Quality (Applications) Database on MegaSearch as Rodeo Addition (5359 South Nogales Highway) for SWPP – Storm water. This listing does not represent a REC.

City of Tucson Property Research Online (PRO) and Pima County Development Services online records were reviewed for the Property. No records of environmental concern were identified.

WT reviewed the Arizona Department of Water Resources (ADWR) well registration records online. No records of registered wells were on the Property.

7.0 SUMMARY OF ASSESSMENT

7.1 Findings

This section presents our opinion regarding the probable impact to the Property from known or suspect RECs which may include current RECs, historical RECs, controlled RECs, or de minimis conditions that were identifiable from the records reviews, interviews, and site reconnaissance.

- Current Use of the Property – The Property was used for storage of new sewer pipes and materials at the time of the site reconnaissance. No RECs were identified in connection with the current use of the Property.
- Use of Adjoining Properties – The adjoining properties consisted of residential and commercial use and vacant land. No RECs were identified in connection with the adjoining properties.
- Historical Use of the Property – The Property has been vacant land since at least 1936, and used for storage of new sewer pipes and materials in 2021. The historical use of the Property does not represent a REC.

- Regulatory Agency Records Review – The Property was not listed in the ASTM-defined federal and state regulatory databases. The facilities listed in the regulatory databases did not represent a REC to the Property based on the regulatory status and/or distance.
- No RECs were identified in connection with the Property.
- No CRECs were identified in connection with the Property
- No HRECs were identified in connection with the Property
- No indications of vapor migration on the Property were identified.
- No unplottable records were reported in the database.

7.2 Conclusions and Recommendations

WT has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-13 of the commercial property at 5301-5383 South Nogales Highway, Tucson, Arizona. Any exceptions to, or deletions from, this practice are described in Section 8 of this report.

This ESA has revealed no evidence of RECs currently in connection with the Property, and WT makes no recommendations for further assessment at this time.

If additional information becomes available or known that may suggest the presence of recognized environmental conditions currently in connection with the Property, contact this firm for potential recommendations.

8.0 LIMITATIONS

WT has performed its services in accordance with its contract with the Client, utilizing the degree of skill and care practiced by firms providing similar services in the locality of the Property. No other warranty or representation, either express or implied, is made. Not every property warrants the same level of assessment. The level of inquiry for this assessment was guided by factors including the type of property subject to assessment, the expertise and risk tolerance of the user, reasonable limits on time and cost as specified in our contract, and the ability to obtain information that was reasonably ascertainable and practically reviewable. There is a point at which the cost of information obtained or the time required to gather it outweighs the likely usefulness of the information and such cost and delay may, in fact, be a material detriment to the orderly completion of transactions.

Our review of third party information was limited as set forth in the discussion presented herein and was based on our actual knowledge of the information as presented. All results and opinions contained in third party information, including public records, are the sole responsibility of the entity producing the information. An evaluation of the completeness, accuracy, or appropriateness of the test methods or procedures employed by others was outside the scope of this ESA.

This assessment was limited to the identification of conditions likely to indicate RECs in connection with the Property, according to the definitions, scope and limitations contained in ASTM E1527-13. No

environmental site assessment can wholly eliminate uncertainty regarding the potential for RECs in connection with a property. The performance of an assessment according to ASTM E1527-13 is intended to reduce, but not eliminate, uncertainty regarding the potential for RECs in connection with a property, recognizing reasonable limits of time and cost. Therefore, if none are identified as a result of this assessment, such a conclusion should not be construed as a guaranteed absence of RECs.

The “User” or “Users” identified by ASTM E1527-13, including the addressee, any third parties acknowledged in writing by WT, and recipients of reliance letters, are obligated to conduct the “Additional Inquiries” identified in 40 CFR §312.22 and ASTM E1527-13 independently of the Environmental Professional. These Additional Inquiries include searches for environmental clean-up liens, an assessment of the User’s specialized knowledge or experience, an assessment of the relationship of the purchase price to fair market value, and an assessment of commonly known or reasonably ascertainable information about the property.

Nothing in this ESA, nor in our contract, subsequent correspondence, or reliance letters, shall relieve a User of this report from post-acquisition “Continuing Obligations” as required by CERCLA.

9.0 REFERENCES

9.1 Contacts

Mr. David Wohl, Client representative, (520) 248-8213
Tucson Fire Department, TFDRecords@tucsonaz.gov

9.2 Reports and Publications

Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, ASTM Designation: E1527-13. ASTM International; West Conshohocken, Pennsylvania; November 2013

Aerial photographs provided by Cooper Aerial Survey Co., Google Earth and Historic Aerials.com

Arizona Department of Water Resources Wells 55 Registry and online maps

Arizona Department of Environmental Quality (ADEQ) online MegaSearch and eMaps

City of Tucson Depth to Groundwater Map, September 2019

City of Tucson Groundwater Elevation Map, September 2019

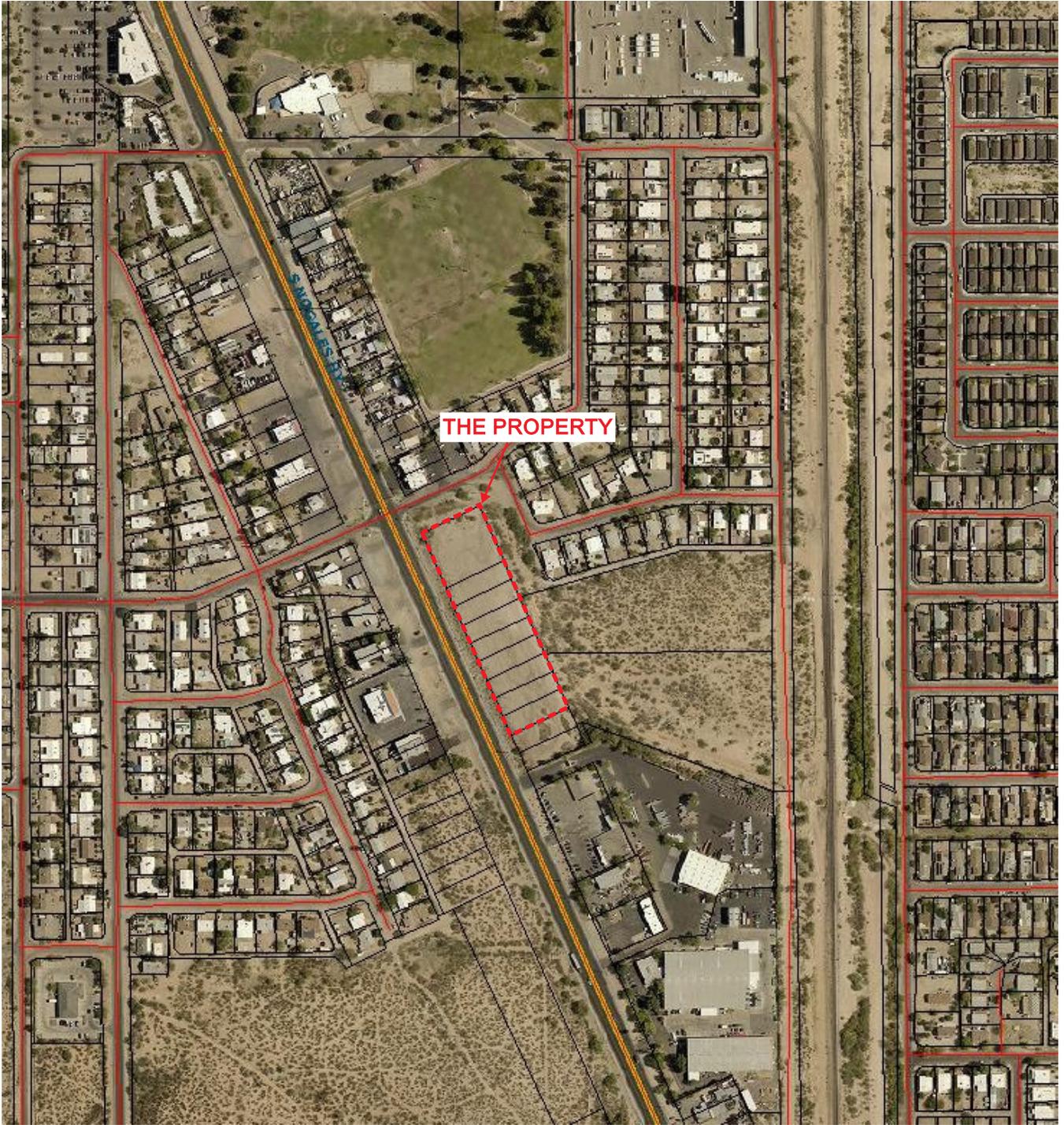
Environmental Risk Information Services (ERIS), info@erisinfo.com, 866-517-5204

Geosearch, <http://www.geo-search.com>, (888) 396-0042

Pima County Map Guide online resources

Tucson, Arizona Quadrangle, 7.5 minute series. United States Geological Survey

APPENDIX A
FIGURES



THE PROPERTY



NOT TO SCALE, FOR REFERENCE ONLY

*Geotechnical
Environmental
Inspections
Materials*



**Western
Technologies Inc.**
The Quality People
Since 1955

Commercial Property Phase I ESA

5301 - 5383 South Nogales Highway, Tucson, Arizona

WT Job No. 2981XC103

VICINITY MAP

FIGURE

1



NOT TO SCALE, FOR REFERENCE ONLY

*Geotechnical
Environmental
Inspections
Materials*



**Western
Technologies Inc.**
The Quality People
Since 1955

Commercial Property Phase I ESA
5301 - 5383 South Nogales Highway, Tucson, Arizona
WT Job No. 2981XC103
SITE MAP

**FIGURE
2**

NEWPORT RODEO, LP
Commercial Property Phase I ESA
5301-5383 South Nogales Highway
Tucson, Arizona
Photographic Log
WESTERN TECHNOLOGIES INC.

WT Job No.: 2981XC103

Date: July 23, 2021



Picture 1 – The Property, looking north



Picture 2 – Stored materials



Picture 3 – North-adjointing Nebraska Wash and East Olive Street, followed by residential development



Picture 4 – South-adjointing vacant land



Picture 5 – East-adjointing Nebraska Wash, followed by vacant land and residential development



Picture 6 – West-adjointing South Nogales Highway, followed by commercial properties

NEWPORT RODEO, LP
Commercial Property Phase I ESA
5301-5383 South Nogales Highway
Tucson, Arizona
Photographic Log
WESTERN TECHNOLOGIES INC.

WT Job No.: 2981XC103

Date: July 23, 2021



Picture 1 – The Property, looking north



Picture 2 – Stored materials



Picture 3 – North-adjointing Nebraska Wash and East Olive Street, followed by residential development



Picture 4 – South-adjointing vacant land



Picture 5 – East-adjointing Nebraska Wash, followed by vacant land and residential development



Picture 6 – West-adjointing South Nogales Highway, followed by commercial properties