

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

**Project Information**

**Project Name:** 23094-Bright-Com-Trust---9th-St-Apt-Rental-Dev

**HEROS Number:** 900000010472938

**Start Date:** 05/27/2025

**Responsible Entity (RE):** MANATEE COUNTY, PO Box 100 Bradenton FL, 34206

**RE Preparer:** Julia Vieira

**State / Local Identifier:**

**Certifying Officer:** Sarah Brown, Director

**Grant Recipient (if different than Responsible Entity):**

**Point of Contact:**

**Consultant (if applicable):**

**Point of Contact:**

40 CFR 1506.5(b)(4): The lead agency or, where appropriate, a cooperating agency shall prepare a disclosure statement for the contractor's execution specifying that the contractor has no financial or other interest in the outcome of the action. Such statement need not include privileged or confidential trade secrets or other confidential business information.

By checking this box, I attest that as a preparer, I have no financial or other interest in the outcome of the undertaking assessed in this environmental review.

**Project Location:** 5415 9th St E, Bradenton, FL 34203

**Additional Location Information:**  
N/A

**Direct Comments to:**

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

The Proposed Ninth Street Apartments is the proposed development of an approximately 6.71-acre parcel of undeveloped grassed and partially wooded land into one (1) four-story multi-family residential apartment structure, including one hundred and thirty-four (134) units, located at 5420 10th Lane East, Bradenton, FL 34203.

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

Manatee County has faced a significant demographic change in the past decade, especially since the Coronavirus pandemic. These changes are described in our 2023-2027 Consolidated Plan Needs Assessment, in which the population grew by 49.5% reaching 394,824 residents according to the 2017-2021 ACS. That number is currently estimated at over 420,000 residents. Household numbers increased by over 38% reaching an estimated of 156,254 households (2017-2021 ACS), and household income increased even more significantly by 76.3% to \$68,172.00. The current Median Household Income estimated for Manatee County on June 2024 is actually \$97,000.00. The significant increase in population, especially in higher income population, resulted in a significant increase in housing costs for both rental and homeownership units, which have put lower income households at a significantly more risk for housing cost burden and at risk of homelessness. Data from the 2013-2018 Comprehensive Housing Affordability Strategy (CHAS) indicated that at least 43.5% (8,812 HH) of the Low to Moderate Income households that are renters, and at least 27% (9,817) of the Low to Moderate Income households that are homeowners have at least one of the four housing problems. These estimates were before the Coronavirus pandemic which has stressed even more the capacity for LMI renters and homeowners to access decent affordable housing. Currently, Manatee County has been trying to recover from three major back to back disasters in 2024 (Hurricanes Debby, Helene and Milton), which estimates indicate 6,685 residential units sustained major damage or were destroyed. The majority of these impacts were unfortunately to manufactured homes at 4,670 units majorly damaged or destroyed, which represent a significant stock of affordable units in the county. This project intends to

support the construction of one (1) four-story multi-family residential apartment structure, including one hundred and thirty-four (134) units in an approximate 6.71-acre parcel of undeveloped grassed and partially wooded land. Most of the development is financed by Florida Housing Tax Credits incentives. Manatee County HOME funds are necessary to provide the required match for the project feasibility.

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

The proposed project is located in a primarily residential area that abuts a critical transportation corridor that connects the major industries and employment areas of the county. The project neighborhood is conveniently located near major grocery stores, commerce, public and charter schools, and local health facilities. The county strongly believes this project aligns with the goals of the Consolidated Plan and Comprehensive Plan to expand access to affordable homeownership units to residents.

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

[Bright Communities pictures.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:**

**7015.15 certified by Certifying Officer**  
on:

**7015.16 certified by Authorizing Officer**  
on:

**Funding Information**

Grant / Project Identification Number	HUD Program	Program Name	Funding Amount
HOME Program Income	Community Planning and Development (CPD)	HOME Program	\$242,000.00
M-22-UC-12-0219	Community Planning and Development (CPD)	HOME Program	\$508,000.00

**Estimated Total HUD Funded,  
Assisted or Insured Amount:** \$750,000.00

**Estimated Total Project Cost [24 CFR 58.2 (a)  
(5)]:** \$48,000,000.00

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

<b>Compliance Factors:</b> 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)
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.6</b>		
<b>Airport Hazards</b> Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.
<b>Coastal Barrier Resources Act</b> 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 not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.
<b>Flood Insurance</b> 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. 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.
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</b>		
<b>Air Quality</b> 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 attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act.

<b>Coastal Zone Management Act</b> Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is located in a Coastal Zone, but it has been determined to be consistent with the State Coastal Management Program. The project is in compliance with the Coastal Zone Management Act.
<b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) & 58.5(i)(2)]	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site contamination was evaluated as follows: ASTM Phase I ESA, ASTM Phase II ESA, Remediation or clean-up plan. On-site or nearby toxic, hazardous, or radioactive substances were found that could affect the health and safety of project occupants or conflict with the intended use of the property. Radon analysis indicated elevated levels of radon or consideration of radon will occur following construction. Adverse environmental impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements.
<b>Endangered Species Act</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project May Affect, but is Not Likely to Adversely Affect, listed species, and informal consultation was conducted. With mitigation, identified in the mitigation section of this review, the project will be in compliance with the Endangered Species Act.
<b>Explosive and Flammable Hazards</b> Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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.
<b>Farmlands Protection</b> 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	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.
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	This project is located in the FFRMS floodplain. The 8-Step or 5-Step Process is required. With the 8-Step or 5-Step Process the project will be in

		compliance with Executive Orders 11988 and 13690.
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project has No Potential to Cause Effects. The project is in compliance with Section 106.
<b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A Noise Assessment was conducted. The noise level was normally unacceptable: 72.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation with mitigation.
<b>Sole Source Aquifers</b> 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 not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.
<b>Wetlands Protection</b> 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.
<b>Wild and Scenic Rivers Act</b> 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. The project is in compliance with the Wild and Scenic Rivers Act.
<b>HUD HOUSING ENVIRONMENTAL STANDARDS</b>		
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> 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.

Environment al Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>LAND DEVELOPMENT</b>			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	ADDRESS: 5420 10TH LN E, BRADENTON, FL 34203 Conformance with Comprehensive Plan and Zoning: The project site is anticipated to receive Final Site Plan Approval by July 31, 2025. Manatee County Planning Commission is anticipated to conclude that the proposed project is consistent with the Manatee County Comprehensive Plan and in compliance with the applicable review standards in the Manatee County Land Development Code. Conformance with Zoning: The proposed 4-story apartment building with 134 units development is an approved use within the Residential Multi-Family (RMF-16) zoning district and is consistent with the immediate surrounding area.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	SOIL SUITABILITY: The Geotechnical Report presented by the developer identified the following soil related conclusions for supporting the proposed structure and overall site development: * The presence of the buried debris and thick fill deposits, which are unsuitable and cannot remain below the proposed structure that will therefore need to be removed and replaced, bypassed or improved for suitable foundation support and performance; * Thick fill deposits in proposed hardscape areas that if left in place and not mitigated/improved would result in poor performance and increased long-term maintenance cost; * Buried obstructions which could complicate foundation installation; * Potential environmental soil and groundwater impacts from previous site activities. Based on the results of the subsurface investigation, the near surface soils within the proposed building footprint are generally considered suitable for support of the proposed structure on shallow foundations subsequent to a limited over excavation and replacement of unsuitable fill with engineered fill. Following performance of debris and fill removal, we anticipate that foundations will bear on natural sand or engineered fill and could be designed using an allowable bearing pressure of 2,500 psf. Based on	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>the extent and depth of debris-laden material encountered across the proposed pavement areas, it is considered impractical to completely excavate and replace the debris-laden materials, given the cost of disposal. The study recommend that a ground improvement program be performed to limit long-term distress to pavement/hardscape and underground utilities that could result from long term settlement and degradation of the fill. It is anticipated that suitable options for ground improvement in pavement areas that would be considered economical and practical include heavy surface compaction, incorporation of geogrid, rapid impact compaction, and surcharging, or some combination thereof. SLOPE: The Geotechnical Report indicate site slope between 0 to 2 percent. EROSION: The Geotechnical Report indicates that the geologic conditions in the Manatee County region and the area surrounding the site are such that the risk for sinkhole and subsidence features is generally present, however, the risk of sinkhole development in Manatee County is considered lower than other parts of Florida. The Florida Geologic Survey database does not report any subsidence incidents within the immediate site vicinity but three events are reported within an approximately 3-mile radius of the site. The Manatee County Development Services Dept is requiring that the developer install, implement, and maintain appropriate erosion and sediment controls that minimize soil erosion and offsite sedimentation. Environmental staff will inspect the BMPs identified in the SWPPP to ensure that they are installed, maintained, and operating correctly and effectively until such time that the stormwater discharges associated with construction activity are eliminated and all disturbed soils at the site have been stabilized, and temporary erosion and sediment control measures have been removed. STORM WATER: The Geotechnical Report indicates that the proposed development will include a wet-bottom stormwater management pond. Prior to Certificate of</p>	



Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		Completion (COC), the developer must be demonstrated that any "Roadway Improvements" and/or "Storm Water Improvements", including roadway and storm water installations have been installed and accepted by all entities. This includes final infrastructure inspection approval for the roadway improvement and storm water facilities by the Manatee County Public Works Dept.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	HAZARDS: According to HUD guidelines, no structures, ancillary facilities or structures, common areas, parking areas or like property improvements or features may be constructed or located within 10 feet of or on the easement of a pressurized pipeline transferring flammable or combustible liquids or gases that exceed 200 psi operating pressure (pressurized pipelines). This does not apply to distribution lines supplying only the facility itself. According to HUD guidelines, all new construction, rehabilitation projects where residential density is increased, projects where there is a conversion from non-residential to residential use, or projects where a vacant building is made habitable must consider the potential hazard of pressurized pipelines. The analysis must identify all buried and aboveground pressurized pipelines within a one (1) mile radius of the property that exceed 200 psi operating pressure. Once the pipelines are identified and relevant pipeline diameter and operating pressure has been obtained, refer to HUD's Pipeline Impact Potential Evaluation (PIPE) Tool, accessed at <a href="https://www.hudexchange.info/programs/environmental-review/pipeline-impactpotential-evaluation-tool/">https://www.hudexchange.info/programs/environmental-review/pipeline-impactpotential-evaluation-tool/</a> , to determine the potential impact radius (PIR). Based on field observations during D3G's site inspection on March 25, 2025, as well as a review of the National Pipeline Mapping System (NPMS) Public Viewer accessed at <a href="https://pvnpm.phmsa.dot.gov/PublicViewer/">https://pvnpm.phmsa.dot.gov/PublicViewer/</a> . According to visual observations, eight (8) natural gas pipeline markers were observed on-site on the southwestern portion and adjacent to the west and	

Environment al Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>north of the property, which are owned and operated by TECO/Peoples Gas. According to Mr. Wayne Skidmore, Design Tech (SWSkidmore2@tecoenergy.com), the pipeline in question is a 6-inch natural gas pipeline with an operating pressure of less than 200 psi. In addition, according to the National Pipeline Mapping System (NPMS) Public Viewer accessed at <a href="https://pvnpm.phmsa.dot.gov/PublicViewer/">https://pvnpm.phmsa.dot.gov/PublicViewer/</a>, no additional pressurized pipelines were identified on or in the immediate vicinity of the subject property that would warrant an evaluation in accordance with HUD guidelines. Therefore, the project is in compliance with HUD's pressurized pipeline requirements. The contractor will follow the general procedures outlined for handling soil during soil management activities. All excavated soil in the proposed development area will be relocated underneath building pad and/or pavement. If applicable, the excavated soil will be screened from the solid waste material for reuse as fill material underneath building pad and/or pavement. All contaminated soil, solid waste, and imported fill will be segregated and staged separately to prevent cross-contamination. The movement of soil above shall be documented and tracked on Site by a Langan field engineer or the contractor. Documentation will include GPS coordinates of the origin and destination of the excavated material, the depth of reuse, and the type of cover material. NUISANCE: The proposed development activities will not result in any significant noise generation levels within the neighborhood, nor will it result in the neighborhood being exposed to noise levels in excess of General Plan policies. Best Management Practices will be required during construction of the project, and the developer will enforce daily start and finish construction times to mitigate neighborhood nuisance. Fire Department Comments on Site Plan approval also indicate that the site shall be maintained and meet the requirements of NFPA 241</p>	

Environment al Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		Standard for Safeguarding Construction, Alteration and Demolition Operations. Developer will be required to comply with such determinations. No additional "nuisances" or "hazards" were observed at the subject property or surrounding properties during the site inspection.	
<b>SOCIOECONOMIC</b>			
Employment and Income Patterns	2	The construction phase of the project is anticipated to generate additional employment opportunities in the local construction sector. Numerous businesses in the vicinity of the project will allow for suitable employment opportunities for the future residents that this project will result. A large array of industries are located along State Road 70 and US. 301 including government facilities, grocery stores, retail, office, restaurants, pharmacies, medical facilities, warehouses, grocery stores . Employment opportunities are consistent with the anticipated residential characteristics that will result from the project.	
Demographic Character Changes / Displacement	2	The subject property is located in Census Tract / Block Group 3.05 / 1, which is estimated to have 58.50% Low- or Moderate-Income Households. The characteristics of the intended residential demographic (households with incomes at 50-80% LMI) are consistent with the surrounding neighborhood. The property is currently undeveloped and surrounded mostly by single-family and commercial uses. County staff finds this location to be appropriate for infill affordable housing development that is located within the Urban Service Area. Moreover, the timing of the development can be found appropriate while Manatee County is focusing on infill development to limit urban sprawl. This project will not negatively affect the neighborhood's demographic or character elements, nor will it cause persons to be relocated either in or out of the immediate vicinity.	
Environmental Justice EA Factor	2	The project has no identified environmental issues that would impact environmental justice factors.	

Environment al Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>COMMUNITY FACILITIES AND SERVICES</b>			
Educational and Cultural Facilities (Access and Capacity)	2	A review from the School District of Manatee County estimates 25 additional projected students: Elementary - 12; Middle - 5; High - 8. Under the Land Use permitting, the School District has reviewed and found this project has no impact on school facilities. Project will require Impact Fees for the additional students. 2024-25 School Attendance Zones: Oneco Elementary, Sugg Middle and Southeast High School. School capacity has been temporarily reserved for this project. Sidewalks and Bicycle Paths Access: The development is located within the two-mile walking radius of an existing zoned elementary school site. Elementary school students residing at this development will not qualify for bussing. The development is not located within the two-mile walking radius of an existing zoned middle and high school. Middle and high school students residing at this development will qualify for bussing. Generally, the School District suggests sidewalks connect throughout the neighborhood, along both sides of entrance drives, along the property frontage and connect to existing offsite sidewalks to provide a safe route to area schools and bus stops. The sidewalks connect throughout the neighborhood and along the property frontage. The School District is not suggesting additional sidewalks or bicycle paths for this project at this time.	
Commercial Facilities (Access and Proximity)	2	There are numerous non-residential uses within less than a mile along State Road 70, including grocery stores, health facilities, retail, office, restaurants, mini-warehouse, and vehicle sales/services. The project is located in a developed neighborhood and will not require additional commercial support facilities, nor will it negatively affect any of the existing commercial establishments within the area.	
Health Care / Social Services (Access and Capacity)	2	This project will not have an impact on Manatee County Emergency Management services or on the existing health care facilities beyond current capacities. There are non-emergency health care services within walking distance, and Memorial	

<b>Environment al Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
		Hospital is less than 6 miles from the project site. An array of different social services is available within a 10-minute drive from the project site. Project development will allow for access for large emergency vehicles.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	During Construction: The contractor will follow the general procedures outlined for handling soil during soil management activities. All excavated soil in the proposed development area will be relocated underneath building pad and/or pavement. If applicable, the excavated soil will be screened from the solid waste material for reuse as fill material underneath building pad and/or pavement. All contaminated soil, solid waste, and imported fill will be segregated and staged separately to prevent cross-contamination. The movement of soil above shall be documented and tracked on Site by a Langan field engineer or the contractor. Documentation will include GPS coordinates of the origin and destination of the excavated material, the depth of reuse, and the type of cover material. Once completed, the development will utilize the solid waste and recycling services offered by Manatee County. This has been noted in their application, and the required fees will be collected.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	Existing wastewater lines are in the vicinity and these will be extended to the project site and individual homes. Such off-site extension shall be designed and constructed in accordance with the applicable County Master Plan. The connection shall be designed, engineered and permitted consistent with Manatee County Public Works Standards and approved by County Engineer through the construction plans review process for the project. This project will not have an impact on the capacity of the system.	
Water Supply (Feasibility and Capacity)	2	Existing water lines are in the vicinity and these will be extended to the project site and individual homes. Such off-site extension shall be designed and constructed in accordance with the applicable County Master Plan. The connection shall be designed, engineered and permitted consistent with Manatee	

Environment al Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		County Public Works Standards and approved by County Engineer through the construction plans review process for the project. This project will not have an impact on the capacity of the system.	
Public Safety - Police, Fire and Emergency Medical	2	Emergency stations are located less than a mile from the project site, and a police station is less than 4 miles. The project will not have an increased impact, nor will it require any additional fire, police, or ambulatory services. Therefore, it is anticipated that there will be no further impact on public safety resources.	
Parks, Open Space and Recreation (Access and Capacity)	2	There are parks and recreational areas within close proximity of the site (Pride Park and the brand new John Marble Park). The project site will also have outdoor amenities and open spaces for resident recreation.	
Transportation and Accessibility (Access and Capacity)	2	Based on Manatee County staff review to the project Traffic Study, there are no significant impact on traffic characteristics expected. The project neighborhood will have sufficient capacity for the traffic generated by the project. The project is located in the vicinity of mass transit corridors which will allow for convenient access to residents. Mass transit has the capacity to absorb potential demand from project residents.	
<b>NATURAL FEATURES</b>			
Unique Natural Features /Water Resources	2	UNIQUE NATURAL FEATURES: The subject property is not located near natural features or near public or private scenic areas. In addition, no other natural resources are visible onsite or in the vicinity. WATER RESOURCES: An Environmental Study for the Final Site Plan was performed on December 2024 which indicated that no wetlands are not located within the project area for this permit; there are other surface water located along the southern project area. Permanent filling impacts of 26 square feet of the surface waters will occur for the placement of riprap for an outfall structure. Wetland mitigation is not required for permanent filling impacts to the upland cut ditches pursuant to Subsection 10.2.2.2 of the ERP Applicant's Handbook	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		Vol. I. Under this Subsection, wetland mitigation is not required for impacts to drainage ditches that were constructed in uplands and do not provide significant habitat for threatened or endangered species and were not constructed to divert natural stream flow.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	<p>VEGETATION: Phase I ESA and on-site inspection indicate that, except for the northwest portion of the property, the site is generally clear of mature vegetation (large trees, etc.), with one significant stockpile of soil present in the south-central portion of the site. The Site Plan review indicates that the developer will be required to install Tree Protection Barricades for trees to be preserved during construction shall be located at the drip line, unless otherwise approved by the Environmental Planning Section, prior to Commencement of Construction. Drip lines can be estimated based on 1foot of radius (out from the trunk in all directions) for every 1-inch DBH (diameter breast height). The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: improvements, fill, machinery and vehicle travel or parking; underground utilities; grade changes, compaction of soil, or excavation; storage or construction materials. WILDLIFE: Kimley-Horn has reviewed the subject property for the potential presence of listed species. This review included field survey and research of available databases for documented listed species presence relative to the proposed project. Recent on-site evaluations occurred in December 2024. According to the USFWS Information for Planning and Consultation (IPaC) website accessed at <a href="https://ecos.fws.gov/ipac/">https://ecos.fws.gov/ipac/</a>. According to the Official Species List, nine (9) federally-listed species have the potential to be present within the project area (Eastern Black Rail, Everglade Snail Kite, Wood Stork, American Crocodile, Eastern Indigo Snake, Green Sea Turtle, Monarch Butterfly, Pygmy Fringe-tree, and Florida Perforate Cladonia). Based on an analysis of the</p>	

Environment al Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		habitat requirements of the identified species and the physical characteristics of the subject property, no suitable habitat is believed to be present for the nine (9) identified species, as detailed in the attached Species Conclusion Table. In addition, no critical habitats were identified within the project area. Given the habitats present and the results of the recent listed species review, significant utilization by listed species is not anticipated, but if listed species are found during construction, appropriate measures will be taken with State and Federal regulatory agencies.	
Other Factors 1		NA	
Other Factors 2		NA	
<b>CLIMATE AND ENERGY</b>			
Climate Change	2	Staff has found no evidence of this project effecting any natural and historic features, conservation and preservation areas. Therefore, no relevant impact on climate change is anticipated.	
Energy Efficiency	1	Project construction will be ICC 700 National Green Building Standard (NGBS) certified, as required by the Florida Housing Finance Corporation Tax Credits program. Detailed description of all energy efficiency requirements including Energy star appliances and WaterSense products are included in Energy Efficiency Terms. The project is conveniently located near transportation corridor with access to public transit, as well as vast commerce options and employment opportunities at walking distance. All of these features maximize energy efficiency.	

**Supporting documentation**

[07 Geotechnical Study Report.pdf](#)

**Additional Studies Performed:**

Phase I ESA report produced by Langan Engineering and Environmental Services, LLC (Langan) dated June 4, 2024 Phase II Environmental Site Assessment produced by Langan Engineering and Environmental Services, LLC (Langan) dated September 14,



2022 Site Assessment Report Addendum (SARA) produced by Langan Engineering and Environmental Services, Inc (Langan) dated January 18, 2023 Soil Management Plan produced by Langan Engineering and Environmental Services, LLC (Langan) dated January 31, 2025

**Field Inspection [Optional]:** Date and completed

by:

Julia Hayes Vieira

8/8/2024 12:00:00 AM

[Bright Communities pictures.pdf](#)

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

State of Florida Division of Historical Resources - Ms. Alissa Slade Lotane, Director, Division of Historical Resources & State Historic Preservation Officer Tribal Consultations: Miccosukee Tribe of Indians - Mr. Jason Daniel, Historical Preservation Officer; Seminole Tribe of Florida - Ms. Tina Marie Osceola, Tribal Historical Preservation Officer Manatee County Government - Development Services Department: Mr. CJ Mills, Planner, Case Manager for Site Plan procedures.

**List of Permits Obtained:**

The following permits have been or are in the process of being obtained: Manatee County Building Permit and Final Site Plan Permit Florida Department of Environmental Protection (FDEP) Sewer and Water Permit Southwest Florida Water Management District (SWFWMD) Environmental Resource Permitting Permit

**Public Outreach [24 CFR 58.43]:**

The Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds will be published in the local newspaper on July 13, 2025 and was open for comment from July 15th to July 30th, 2025. Copies of the ERR will also be published in the Central Library Branch as well as the South County Library Branch, which are the library branches that serve the project area. In accordance with 24 CFR 58.43, FONSI Notice has also been transmitted to the following groups: Local news media (ABC7 - Sarasota News & Bradenton Herald newspaper); Seminole and Miccosukee Tribals; Florida Department of State Division of Historical Resources; Florida Department of Environmental Protection Southwest District; U.S. Environmental Protection Agency - Federal Office; U.S. Environmental Protection Agency - Regional Office; HUD Jacksonville Office; Manatee County Housing Authority; Florida Housing Finance Corporation; and Florida Housing Coalition.

**Cumulative Impact Analysis [24 CFR 58.32]:**

The Proposed Ninth Street Apartments is the proposed development of an approximately 6.71-acre parcel of undeveloped grassed and partially wooded land into one (1) four-story multi-family residential apartment structure, including one hundred and thirty-four (134) units, located at 5420 10th Lane East, Bradenton, FL 34203. The parcel is currently zoned for multi-family residential development (RMF-16). The project site is located within the urban developed area and is surrounded by other residential single-unit properties and commercial facilities. The development has a total estimated cost of \$48 million, which will utilize project-based vouchers to provide much-needed affordable housing within the area. As described throughout this Environmental Assessment Report, the parcel is a designated Brownfield site, with an active Brownfield Site Rehabilitation Agreement (BSRA) with the Florida Department of Environmental Protection (FDEP) since 2021. There has been historical support both from the County, state environmental and housing agencies, and prominent affordable housing developers to address the hazards identified in the property and develop it for affordable housing. The ongoing Soil Management Plan (SMP) will comply with the HUD requirement to attain the specified clean up standard for applicable corrective actions at the subject property under regulatory oversight (in this case FDEP) as part of construction activities in order to obtain a No Further Action with Conditions (NFAC) Risk Management Option (RMO) II closure under Chapter 62-780.680(1) F.A.C.. The NFAC will be achieved before initial occupancy. According to FEMA Flood Insurance Rate Map (FIRM) #12081C-0308E, dated March 17, 2014, the majority of the subject property is located in Unshaded Zone X, designated as an area outside the 100 and 500-year floodplain; however, the southern portion of the subject property is located in Shaded Zone X, designated as an area within the 500-year floodplain associated with Bowlees Creek. According to the developer's plans, the grading and the installation of an 18-inch storm pipe and discharge associated with the proposed lined wet detention pond are proposed within the 500-year/FFRMS floodplain. Approximately 0.26 acres of the FFRMS floodplain encroaches onto the subject property boundaries, of which impacts to approximately 0.12 acres are being proposed. Although portions of the site are in the FFRMS floodplain, the following actions will be taken to offset and reduce floodplain impacts: Provide stormwater runoff mitigation through the construction of a stormwater management facility designed to be in compliance with all local, state, and federal requirements through innovative stormwater designs; and provide mitigation of potential flooding impacts to lives and property through constructing the proposed residential building outside of the onsite FFRMS floodplain with both residential and non-residential spaces still constructed above the FFRMS floodplain elevation. Lastly, the developer will be required to comply with all applicable mitigation and post-construction requirements defined by HUD under NEPA and the HOME Rule, in addition to all other Federal, State, and Local applicable statutes and regulations. Therefore, given the

opportunities this project brings to Manatee County, and its thorough design to address the risks identified in the parcel prior to occupancy, it is determined that the proposed development is suitable for carrying out HUD's mission of assisting in providing safe, suitable living environments, and expand affordable housing to low- and moderate-income residents.

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

The project is located on privately owned property that has been vacant for many years. The project is in a good position as far as alternatives. The current lot is large enough to accommodate the construction of 134 multi-family residential units and still handle the open space and stormwater drainage. This project is an infill project on a vacant piece of property in a neighborhood within the Urban Service Area and is compatible with the existing neighborhood. The only other alternative identified for the property is that it could be sold to another private developer for other uses. Based on the current housing and rental market, it can be assumed that the property would become market-rate housing. This action, however, would not meet the need of providing affordable housing in Manatee County.

**No Action Alternative [24 CFR 58.40(e)]**

It is the opinion of the Manatee County Community Development Division that if no action is taken, the property would remain vacant and unused. It would remain a brownfield site in Manatee County's core urban area. The no-action alternative would not achieve any of the benefits attributed to the proposed activities. Therefore, the No-Action alternative is not considered to be a viable option.

**Summary of Findings and Conclusions:**

In conclusion, the Environmental Assessment identified two major aspects, as well as some other minor aspects that will require mitigation. The two major aspects both discussed and planned extensively, include addressing the soil contamination and the small area in the south portion of the property that impacts a floodplain. The other minor aspects include managing the unlikely risk of encountering endangered species and historical artifacts in the parcel, as well as meeting the required noise attenuation within the residential units through the design and materials. Based on this information contained within and selected mitigation measures outlined within, Manatee County Community Development has reasonable information to conclude that the proposed project, as designed, will not result in a significant impact on the quality of the human environment.

**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
Endangered Species Act	<p>Manatee County and Dominion Due Diligence Group (D3G) obtained an Official Species List for the subject property using the USFWS Information for Planning and Consultation (IPaC) website accessed at <a href="https://ecos.fws.gov/ipac/">https://ecos.fws.gov/ipac/</a>. According to the Official Species List, nine (9) federally-listed species have the potential to be present within the project area.</p> <ul style="list-style-type: none"> <li>* Eastern Black Rail</li> <li>* Everglade Snail Kite</li> <li>* Wood Stork</li> <li>* American Crocodile</li> <li>* Eastern Indigo Snake</li> <li>* Green Sea Turtle</li> <li>* Monarch Butterfly</li> <li>* Pygmy Fringe-tree</li> <li>* Florida Perforate Cladonia</li> </ul> <p>Based on an analysis of the habitat requirements of these species and the physical characteristics of the subject property, no suitable habitat is believed to be present for the nine (9) identified species, as detailed in the attached Species Conclusion Table. In addition, no critical habitats were identified within the project area. Due to its wide habitat range, implementing standard</p>	N/A	<p>The developer is required to adhere to the recommendations that at least thirty (30) days prior to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via email that the Plan will be implemented as designed, which includes the following: 1. Use of the approved posters and pamphlets outlining the Plan 2. Verbal education instructions to the construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated 3. Observance of the Standard</p>	

	<p>protection measures for the Eastern Indigo Snake is always recommended for new construction projects.</p> <p>At least thirty (30) days prior to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via email that the Plan will be implemented as designed, which includes the following:</p> <ol style="list-style-type: none"><li>1. Use of the approved posters and pamphlets outlining the Plan</li><li>2. Verbal education instructions to the construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated</li><li>3. Observance of the Standard Protection Measures for the Eastern Indigo Snake are required to be observed until the completion of construction activities.</li></ol>		<p>Protection Measures for the Eastern Indigo Snake are required to be observed until the completion of construction activities. The developer is also required to communicate any discoveries of federally-listed species to Manatee County Community Development Division to carry out the required steps determined by USFWS Field Office.</p>	
<p>Floodplain Management</p>	<p>According to FEMA Flood Insurance Rate Map (FIRM) #12081C-0308E, dated March 17, 2014, the majority of the subject property is located in Unshaded Zone X, designated as an area outside the 100 and 500-year floodplain; however, according to the 500-Year Floodplain Exhibit prepared by Kimley and Horn dated February 2025, the southern portion of the subject property is located in Shaded Zone X, designated as an area within the 500-year floodplain</p>	<p>N/A</p>	<p>The developer is required to adhere to the actions identified during the 8-Step Process to offset and reduce floodplain impacts, including: Provide stormwater runoff mitigation through the construction of a stormwater management</p>	

	<p>associated with Bowlees Creek. According to the FEMA Flood Map Service Center accessed at <a href="https://msc.fema.gov/portal/home">https://msc.fema.gov/portal/home</a>, there are no preliminary or pending FIRMs for the subject property.</p> <p>With the 500-year floodplain mapped/defined, that is the extent of the Federal Flood Risk Management Standard (FFRMS) floodplain for this project under the 0.2% Annual Chance Flood Approach (0.2PFA).</p> <p>According to the 500-Year Floodplain Exhibit prepared by Kimley and Horn, grading associated with the lined wet detention pond are proposed within the 500-year floodplain. Since the project involves new construction in the FFRMS floodplain, it is subject to the 8-Step Process outlined in 24 CFR 55.20.</p> <p>Since the proposed development directly impacts the identified FFRMS floodplain areas, compliance with Executive Order 11988, "Floodplain Management," is required by implementing procedures contained in 24 CFR Part 55.20 (8-Step Process). This 8-Step Process is intended to address the requirements of Executive Order (EO) 11988, Floodplain Management, as well as the requirements of Federal Register 24 CFR Parts 50 and 55. Any mitigation measures which may be</p>		<p>facility designed to be in compliance with all local, state, and federal requirements through innovative stormwater designs; and provide mitigation of potential flooding impacts to lives and property through constructing the proposed residential building outside of the onsite FFRMS floodplain with both residential and non-residential spaces still constructed above the FFRMS floodplain elevation.</p>	
--	---	--	---	--

	<p>necessary will be identified during the completion of the 8-Step Process.</p> <p>Although portions of the site are in the FFRMS floodplain, the following actions will be taken to offset and reduce floodplain impacts: Provide stormwater runoff mitigation through the construction of a stormwater management facility designed to be in compliance with all local, state, and federal requirements through innovative stormwater designs; and provide mitigation of potential flooding impacts to lives and property through constructing the proposed residential building outside of the onsite FFRMS floodplain with both residential and non-residential spaces still constructed above the FFRMS floodplain elevation.</p>			
Contaminati on and Toxic Substances	<p>From 2015 to 2023, several environmental inspections of the Subject Property were conducted. In a Phase II Environmental Site Assessment ("ESA") Report conducted by Langan Engineering and Environmental Services, Inc. ("Langan") dated September 14, 2022, Langan identified buried debris throughout the eastern two-thirds of the Subject Property. The buried debris encountered in the southern and southeast portions of the Subject Property included a higher</p>	N/A	<p>The developer will be required to adhere to Remedial Actions (RAs) outlined within the Soil Management Plan (SMP) prepared by Langan Engineering and Environmental Services, Inc. (Langan). The SMP will be subsequently reviewed and approved by the</p>	

	<p>density of automobile parts (e.g., engine parts, mufflers, metal sheeting, hub caps, and tires). Buried debris was not encountered in the northwestern portion of the Subject Property, as this area was historically occupied by residential structures.</p> <p>In 2022 and 2023, soil, groundwater, surface water, and sediment samples were collected on the Subject Property. The results of the soil samples collected in the southern and southeastern portions of the Subject Property confirmed the presence of arsenic, benzo(a)pyrene ("BaP"), BaP toxicity equivalents ("BaP TEQ"), and total recoverable petroleum hydrocarbons ("TRPH") at concentrations exceeding their respective state Soil Cleanup Target Levels ("SCTLs")<sup>1</sup>. Moreover, the results of the groundwater samples collected in the southern and southeastern portions of the Subject Property detected heavy metals (aluminum, iron, and/or arsenic) while samples collected in the northeastern portion of the Subject Property detected polycyclic aromatic hydrocarbon compounds, all above their respective Groundwater Cleanup Target Levels ("GCTLs")<sup>2</sup>. Additionally, Langan collected surface water and sediment samples from the drainage ditch that enters the Subject Property along its</p>		<p>Florida Department of Environmental Protection (FDEP). Specifically, these measures comply with the HUD requirement to attain the specified cleanup standard(s) by the Sponsor/Responsible Party (RP) for applicable corrective actions at the subject property under regulatory (in this case FDEP) oversight as part of construction activities in order to obtain a No Further Action with Conditions (NFAC) Risk Management Option (RMO) II closure under Chapter 62-780.680(1) F.A.C. , the NFAC will be achieved prior to initial occupancy. Manatee County Community Development concurs with the developer and its environmental consultants that following the SMP implementation activities and applicable Institutional</p>	
--	---	--	---	--



	<p>southern boundary. Surface water samples collected at the Subject Property included aluminum and iron above their respective Surface Water Cleanup Target Levels<sup>3</sup>. Sediment samples collected at the Subject Property included BaP, BaP TEQ, and TRPH above the direct exposure residential SCTLs. However, samples collected at locations adjacent to the southern-adjointing auto salvage yard property suggest that offsite sources of contamination are affecting downstream surface water and sediment on the Subject Property.</p> <p>Site rehabilitation is currently ongoing. A Brownfields Site Rehabilitation Agreement ("BSRA") was entered into between the Subject Property's previous owner, Contemporary Housing Alternatives of Florida, Inc., and FDEP on December 14, 2021. The BSRA was assigned to and assumed by Carr Landing Bradenton, LLC on December 12, 2022. A BSRA is an agreement executed with FDEP to govern the cleanup process and incentivize property owners and future project developers to move forward with site rehabilitation for contaminated properties.</p> <p>The current rehabilitation strategy is to construct above the buried debris and install engineering controls ("ECs") to prevent exposure to contaminated soil and to</p>		<p>Controls (ICs) per Rule 62-780.680(2), the site-specific Conceptual Site Model (CSM) will be adequately validated based on Data Quality Objectives (DQOs) with no harmful exposure pathways (dermal, inhalation and/or ingestion) potentially impacting future residential occupants at this property following the implementation and Institutional and Engineering Controls. Radon Gas: The Developer is required to provide documentation from its architect/engineers that the project design will implement radon mitigation measures in accordance with HUD guidelines. In addition, following construction activities, post-construction testing will be conducted by a</p>	
--	---	--	---	--

	<p>achieve a No Further Action with Controls ("NFAC") Risk Management Option ("RMO") Level II conditional closure. Specifically, the proposed ECs would be to install an impermeable cap (e.g., the concrete building slab) and a permeable cap in landscaped areas (e.g., two feet of clean fill from a quarry), provided any remaining contaminated soil below two feet depth in landscaped areas meets the state's leachability criteria. Additionally, any future site rehabilitation strategy will require a development plan, a stormwater management plan, and a soil management plan to manage excavated material on the Subject Property.</p>		properly certified Radon Professional.	
Noise Abatement and Control	<p>The subject property is located within fifteen (15) miles of the Sarasota - Bradenton International Airport (2.8 miles) and the Airport Manatee (13.7 miles); and within 1,000 feet of 53rd Avenue East and 9th Street East. There are no active railway lines within 3,000 feet of the subject property. Five (5) different noise assessment locations (NALs) were evaluated to better define noise levels at the property. The projected DNL values for all noise sources for the building range from 62 dB (NAL #2) to 72 dB (NAL #4). Pursuant to 24 CFR 51.101(a)(3), the composite DNL between 65 and 75 dB is "normally unacceptable". The requirements set out in Section 51.104(a) are designated to</p>	N/A	<p>The developer is required to adhere to the actions identified Noise Analysis for construction and materials methods that will achieve HUD required that interior levels do not exceed the established 45 dB level.</p>	

	<p>ensure that interior levels do not exceed the established 45 dB level.</p> <p>The following is a summary of the projected DNL values for all noise sources for each of the NALs associated with the building, the acceptability categories and the minimum amount the combined wall, window and door STC ratings required to reduce the interior noise levels, accounting for the 3 dB margin of error as stipulated in the HUD Noise Guidelines.</p> <p>NAL #1 - 66 dB - Normally unacceptable - at least 25 dB worth of attenuation required</p> <p>NAL #2 - 62 dB - Acceptable - no additional attenuation required</p> <p>NAL #3 - 63 dB - Acceptable - no additional attenuation required</p> <p>NAL #4 - 72 dB - Normally unacceptable - at least 30 dB worth of attenuation required</p> <p>Section 51.104(a) also addresses exterior amenity noise levels. D3G calculated the noise value for the pool area, denoted as NAL #5. The requirements set out in Section 51.104(a) are designated to ensure that noise levels in the exterior amenity areas do not exceed the established 65 dB level. The calculated projected exterior noise value for the pool area is 65 dB, which is considered to be "acceptable".</p>			
Historic Preservation	As required by the Florida Department of State, Division	N/A	The developer is required to	

	<p>of Historical Resources, due to ground disturbing activities, the following special condition regarding unexpected discoveries should be included during project activities: * If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.</p>		<p>communicate any discoveries of prehistoric or historic artifacts to Manatee County Community Development Division to carry out the required steps determined by the Florida Department of State, Division of Historical Resources.</p>	
--	---	--	---	--

**Project Mitigation Plan**

The Mitigation measures and conditions will be incorporated into the project Subrecipient/Developers Agreement. Manatee County Community Development Division will conduct on-site visits at a minimum every two months to verify that the project is following all requirements of the federal funding. Our office will also closely coordinate with other County Departments, FDEP, and the developer to ensure all permits, local, state, and federal requirements are being followed. The final payment will only be issued once the Mitigation Plan has been completed, FDEP issues the No Further Action with Conditions and permits have been approved.

**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

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

### Screen Summary

#### Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.

#### Supporting documentation

[Airport Hazard.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)	

**1. Is the project located in a CBRS Unit?**

☒ No

Document and upload map and documentation below.

Yes

### Compliance Determination

This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.

### Supporting documentation

[Coastal Barrier.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:**

[FEMA Flood Map.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

**4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?**



Yes

✓ No

### **Screen Summary**

#### **Compliance Determination**

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. 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):

### Screen Summary

#### **Compliance Determination**

The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act.

#### **Supporting documentation**

[Air Quality.pdf](#)

23094-Bright-Com-Trust--  
-9th-St-Apt-Rental-Dev

Bradenton, FL

900000010472938

**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

**1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?**

☒ Yes

No

**2. Does this project include new construction, conversion, major rehabilitation, or substantial improvement activities?**

☒ Yes

No

**3. Has this project been determined to be consistent with the State Coastal Management Program?**

☒ Yes, without mitigation

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

Yes, with mitigation

No, project must be canceled.

**Screen Summary**

**Compliance Determination**

This project is located in a Coastal Zone, but it has been determined to be consistent with the State Coastal Management Program. The project is in compliance with the Coastal Zone Management Act.

**Supporting documentation**

[CoastalPlanningAreaLetter.pdf](#)  
[Coastal Planning Area.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)
Reference		
<a href="https://www.onecpd.info/environmental-review/site-contamination">https://www.onecpd.info/environmental-review/site-contamination</a>		

**1. How was site contamination evaluated?\* Select all that apply.**

ASTM Phase I ESA

ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening.

None of the above

\* HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site.

For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD's toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances\* (excluding radon) 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?)**

Provide a map or other documentation of absence or presence of contamination\*\* and explain evaluation of site contamination in the Screen Summary at the bottom of this screen.

No

Explain:

✓ Yes

\* This question covers the presence of radioactive substances excluding radon. Radon is addressed in the Radon Exempt Question.

\*\* Utilize EPA's Enviromapper, NEPAAssist, or state/tribal databases to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Additional supporting documentation may include other inspections and reports.

**3. Evaluate the building(s) for radon. Do all buildings meet any of the exemptions\* from having to consider radon in the contamination analysis listed in CPD Notice [CPD-23-103](#)?**

Yes

Explain:

✓ No

\* Notes:

- Buildings with no enclosed areas having ground contact.
- Buildings containing crawlspaces, utility tunnels, or parking garages would not be exempt, however buildings built on piers would be exempt, provided that there is open air between the lowest floor of the building and the ground.
- Buildings that are not residential and will not be occupied for more than 4 hours per day.
- Buildings with existing radon mitigation systems - document radon levels are below 4 pCi/L with test results dated within two years of submitting the application for HUD assistance and document the system includes an ongoing maintenance plan that includes periodic testing to ensure the system continues to meet the current EPA recommended levels. If the project does not require an application, document test results dated within two years of the date the environmental review is certified. Refer to program office guidance to ensure compliance with program requirements.
- Buildings tested within five years of the submission of application for HUD assistance: test results document indoor radon levels are below current the EPA's recommended action levels of 4.0 pCi/L. For buildings with test data older than five years, any new environmental review must include a consideration of radon using one of the methods in Section A below.

**4. Is the proposed project new construction or substantial rehabilitation where testing will**

**be conducted but cannot yet occur because building construction has not been completed?**

✓ Yes

Compliance with this section is conditioned on post-construction testing being conducted, followed by mitigation, if needed. Radon test results, along with any needed mitigation plan, must be uploaded to the mitigation section within this screen.

No

## **8. Mitigation**

Document the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental impacts cannot be mitigated, then HUD assistance may not be used for the project at this site.

For instances where radon mitigation is required (i.e. where test results demonstrated radon levels at 4.0 pCi/L and above), then you must include a radon mitigation plan\*.

**Can all adverse environmental impacts be mitigated?**

No, all adverse environmental impacts cannot feasibly be mitigated.  
Project cannot proceed at this location.

✓ Yes, all adverse environmental impacts can be eliminated through mitigation, and/or consideration of radon and radon mitigation, if needed, will occur following construction.  
Provide all mitigation requirements\*\* and documents in the Screen Summary at the bottom of this screen.

\* Refer to CPD Notice [CPD-23-103](#) for additional information on radon mitigation plans.

\*\* Mitigation requirements include all clean-up requirements required by applicable federal, state, tribal, or local law. Additionally, please upload, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

**9. Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls\*, or use of institutional controls\*\*.**

From 2015 to 2023, several environmental inspections of the Subject Property



were conducted. In a Phase II Environmental Site Assessment ("ESA") Report conducted by Langan Engineering and Environmental Services, Inc. ("Langan") dated September 14, 2022, Langan identified buried debris throughout the eastern two-thirds of the Subject Property. The buried debris encountered in the southern and southeast portions of the Subject Property included a higher density of automobile parts (e.g., engine parts, mufflers, metal sheeting, hub caps, and tires). Buried debris was not encountered in the northwestern portion of the Subject Property, as this area was historically occupied by residential structures. In 2022 and 2023, soil, groundwater, surface water, and sediment samples were collected on the Subject Property. The results of the soil samples collected in the southern and southeastern portions of the Subject Property confirmed the presence of arsenic, benzo(a)pyrene ("BaP"), BaP toxicity equivalents ("BaP TEQ"), and total recoverable petroleum hydrocarbons ("TRPH") at concentrations exceeding their respective state Soil Cleanup Target Levels ("SCTLs")<sup>1</sup>. Moreover, the results of the groundwater samples collected in the southern and southeastern portions of the Subject Property detected heavy metals (aluminum, iron, and/or arsenic) while samples collected in the northeastern portion of the Subject Property detected polycyclic aromatic hydrocarbon compounds, all above their respective Groundwater Cleanup Target Levels ("GCTLs")<sup>2</sup>. Additionally, Langan collected surface water and sediment samples from the drainage ditch that enters the Subject Property along its southern boundary. Surface water samples collected at the Subject Property included aluminum and iron above their respective Surface Water Cleanup Target Levels<sup>3</sup>. Sediment samples collected at the Subject Property included BaP, BaP TEQ, and TRPH above the direct exposure residential SCTLs. However, samples collected at locations adjacent to the southern-adjointing auto salvage yard property suggest that offsite sources of contamination are affecting downstream surface water and sediment on the Subject Property. Site rehabilitation is currently ongoing. A Brownfields Site Rehabilitation Agreement ("BSRA") was entered into between the Subject Property's previous owner, Contemporary Housing Alternatives of Florida, Inc., and FDEP on December 14, 2021. The BSRA was assigned to and assumed by Carr Landing Bradenton, LLC on December 12, 2022. A BSRA is an agreement executed with FDEP to govern the cleanup process and incentivize property owners and future project developers to move forward with site rehabilitation for contaminated properties. The current rehabilitation strategy is to construct above the buried debris and install engineering controls ("ECs") to prevent exposure to contaminated soil and to achieve a No Further Action with Controls ("NFAC") Risk Management Option ("RMO") Level II conditional closure. Specifically, the proposed ECs would be to install an impermeable cap (e.g., the concrete building slab) and a permeable cap in landscaped areas (e.g., two feet of clean fill from a quarry), provided any remaining contaminated soil below two feet depth in landscaped areas meets

the state's leachability criteria. Additionally, any future site rehabilitation strategy will require a development plan, a stormwater management plan, and a soil management plan to manage excavated material on the Subject Property.

If a remediation plan or clean-up program was necessary, which standard does it follow?

Complete removal

Risk-based corrective action (RBCA)

Other

\* Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, caps, covers, dikes, trenches, leachate collection systems, radon mitigation systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, slurry walls and ground water pumping systems.

\*\* Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

### **Screen Summary**

#### **Compliance Determination**

Site contamination was evaluated as follows: ASTM Phase I ESA, ASTM Phase II ESA, Remediation or clean-up plan. On-site or nearby toxic, hazardous, or radioactive substances were found that could affect the health and safety of project occupants or conflict with the intended use of the property. Radon analysis indicated elevated levels of radon or consideration of radon will occur following construction. Adverse environmental impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements.

#### **Supporting documentation**

[ContaminationToxicSummary.pdf](#)

23094-Bright-Com-Trust--  
-9th-St-Apt-Rental-Dev

Bradenton, FL

900000010472938

**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

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

**2. Are federally listed species or designated critical habitats present in the action area?**

No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

- ✓ Yes, there are federally listed species or designated critical habitats present in the action area.

**3. What effects, if any, will your project have on federally listed species or designated critical habitat?**

No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat. in the action area.

- ✓ May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

**4. Informal Consultation is required**

Section 7 of ESA (16 USC. 1536) mandates consultation to resolve potential impacts to endangered and threatened species and critical habitats. If a HUD-assisted project may affect any federally listed endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

**Did the Service(s) concur with the finding that the project is Not Likely to Adversely Affect?**

- ✓ Yes, the Service(s) concurred with the finding.

Based on the response, the review is in compliance with this section. Document and upload the following below:

- (1) A biological evaluation or equivalent document
- (2) Concurrence(s) from FWS and/or NMFS
- (3) Any other documentation of informal consultation

Exception: If finding was made based on procedures provided by a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office, provide whatever documentation is mandated by that agreement.

No, the Service(s) did not concur with the finding.

**6. 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.**

✓ Mitigation as follows will be implemented:

Manatee County and Dominion Due Diligence Group (D3G) obtained an Official Species List for the subject property using the USFWS Information for Planning and Consultation (IPaC) website accessed at <https://ecos.fws.gov/ipac/>. According to the Official Species List, nine (9) federally-listed species have the potential to be present within the project area. \* Eastern Black Rail \* Everglade Snail Kite \* Wood Stork \* American Crocodile \* Eastern Indigo Snake \* Green Sea Turtle \* Monarch Butterfly \* Pygmy Fringe-tree \* Florida Perforate Cladonia Based on an analysis of the habitat requirements of these species and the physical characteristics of the subject property, no suitable habitat is believed to be present for the nine (9) identified species, as detailed in the attached Species Conclusion Table. In addition, no critical habitats were identified within the project area. Due to its wide habitat range, implementing standard protection measures for the Eastern Indigo Snake is always recommended for new construction projects. At least thirty (30) days prior to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via email that the Plan will be implemented as designed, which includes the following: 1. Use of the approved posters and pamphlets outlining the Plan 2. Verbal education instructions to the construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated 3. Observance of the Standard Protection Measures for the Eastern Indigo Snake are required to be observed until the completion of construction activities.

No mitigation is necessary.

**Screen Summary**

**Compliance Determination**

This project May Affect, but is Not Likely to Adversely Affect, listed species, and informal consultation was conducted. With mitigation, identified in the mitigation section of this review, the project will be in compliance with the Endangered Species Act.

**Supporting documentation**

[Endangered Species5-27-2025.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**

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**

[Explosives and Hazards.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.)	<a href="#">7 CFR Part 658</a>

**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

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

According to the U.S. Census Bureau Urbanized Area Map, accessed at <http://tigerweb.geo.census.gov/tigerweb/>, the subject property is located within an urbanized area; therefore the subject property is already in an area committed to urban development and is exempt from compliance with the Farmland Protection Policy Act.

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

### Screen Summary

#### **Compliance Determination**

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**

[Farmland.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 * Executive Order 13690 * 42 USC 4001-4128 * 42 USC 5154a * only applies to screen 2047 and not 2046	24 CFR 55

**1. Does this project meet an exemption at 24 CFR 55.12 from compliance with HUD's floodplain management regulations in Part 55?**

Yes

(a) HUD-assisted activities described in 24 CFR 58.34 and 58.35(b).

(b) HUD-assisted activities described in 24 CFR 50.19, except as otherwise indicated in § 50.19.

(c) The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, where a permanent covenant or comparable restriction is place on the property's continued use for flood control, wetland projection, open space, or park land, but only if:

(1) The property is cleared of all existing buildings and walled structures; and

(2) The property is cleared of related improvements except those which:

(i) Are directly related to flood control, wetland protection, open space, or park land (including playgrounds and recreation areas);

(ii) Do not modify existing wetland areas or involve fill, paving, or other ground disturbance beyond minimal trails or paths; and

(iii) Are designed to be compatible with the beneficial floodplain or wetland function of the property.

(d) An action involving a repossession, receivership, foreclosure, or similar acquisition of property to protect or enforce HUD's financial interests under previously approved loans, grants, mortgage insurance,

or other HUD assistance.

(e) Policy-level actions described at 24 CFR 50.16 that do not involve site-based decisions.

(f) A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland.

(g) HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in the FFRMS floodplain (not including the floodway, LiMWA, or coastal high hazard area) but only if: (1) The proposed project site does not include any existing or proposed buildings or improvements that modify or occupy the FFRMS floodplain except de minimis improvements such as recreation areas and trails; and (2) the proposed project will not result in any new construction in or modifications of a wetland .

(h) Issuance or use of Housing Vouchers, or other forms of rental subsidy where HUD, the awarding community, or the public housing agency that administers the contract awards rental subsidies that are not project-based (i.e., do not involve site-specific subsidies).

(i) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

Describe:

✓ No

**2. Does the project include a Critical Action? Examples of Critical Actions include projects involving hospitals, fire and police stations, nursing homes, hazardous chemical storage, storage of valuable records, and utility plants.**

Yes

Describe:

✓ No

**3. Determine the extent of the FFRMS floodplain and provide mapping documentation in support of that determination**

The extent of the FFRMS floodplain can be determined using a Climate Informed Science Approach (CISA), 0.2 percent flood approach (0.2 PFA), or freeboard value approach (FVA). For projects in areas without available CISA data or without FEMA Flood Insurance Rate Maps (FIRMs), Flood Insurance Studies (FISs) or Advisory Base Flood Elevations (ABFEs), use the best available information<sup>1</sup> to determine flood elevation. Include documentation and an explanation of why this is the best available information<sup>2</sup> for the site. Note that newly constructed and substantially improved<sup>3</sup> structures must be elevated to the FFRMS floodplain regardless of the approach chosen to determine the floodplain.

Select one of the following three options:

CISA for non-critical actions. If using a local tool , data, or resources, ensure that the FFRMS elevation is higher than would have been determined using the 0.2 PFA or the FVA.

- ✓ 0.2-PFA. Where FEMA has defined the 0.2-percent-annual-chance floodplain, the FFRMS floodplain is the area that FEMA has designated as within the 0.2-percent-annual-chance floodplain.

FVA. If neither CISA nor 0.2-PFA is available, for non-critical actions, the FFRMS floodplain is the area that results from adding two feet to the base flood elevation as established by the effective FIRM or FIS or — if available — a FEMA-provided preliminary or pending FIRM or FIS or advisory base flood elevations, whether regulatory or informational in nature. However, an interim or preliminary FEMA map cannot be used if it is lower than the current FIRM or FIS.

<sup>1</sup> Sources which merit investigation include the files and studies of other federal agencies, such as the U. S. Army Corps of Engineers, the Tennessee Valley Authority, the Soil Conservation Service and the U. S. Geological Survey. These agencies have prepared flood hazard studies for several thousand localities and, through their technical assistance programs, hydrologic studies, soil surveys, and other investigations have collected or developed other floodplain information for numerous sites and areas. States and communities are also sources of information on past flood 'experiences within their boundaries and are particularly knowledgeable about areas subject to high-risk flood hazards such as alluvial fans, high velocity flows, mudflows and mudslides, ice jams, subsidence and liquefaction.

<sup>2</sup> If you are using best available information, select the FVA option below and provide supporting documentation in the screen summary. Contact your [local environmental officer](#) with additional compliance questions.

<sup>3</sup> Substantial improvement means any repair or improvement of a structure which costs at least 50 percent of the market value of the structure before repair or improvement or results in an increase of more than 20 percent of the number of dwelling units. The full definition can be found at [24 CFR 55.2\(b\)\(12\)](#).

5. Does your project occur in the FFRMS floodplain?

☒ Yes

No

6. Is your project located in any of the floodplain categories below?

Select all that apply:

☒ Floodway.

Do the floodway exemptions at 55.8 or 55.21 apply?

☒ Yes

No

Coastal High Hazard Area (V Zone) or Limit of Moderate Wave Action (LiMWA).

Yes

No

None of the above.

7. Does the 8-Step Process apply? Select one of the following options:

8-Step Process is inapplicable per 55.13.

(a) HUD's mortgage insurance actions and other financial assistance for the purchasing, mortgaging, or refinancing of existing one- to four-family properties in communities that are in the Regular Program of the NFIP and in good standing ( i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24), where the action is not a critical action and the property is not located in a floodway, coastal high hazard area, or LiMWA;

(b) Financial assistance for minor repairs or improvements on one- to four-family properties that do not meet the thresholds for "substantial improvement" under § 55.2(b)(12);



(c) HUD or a recipient's actions involving the disposition of individual HUD or recipient held, one- to four-family properties;

(d) HUD guarantees under the Loan Guarantee Recovery Fund Program (24 CFR part 573), where any new construction or rehabilitation financed by the existing loan or mortgage has been completed prior to the filing of an application under the program, and the refinancing will not allow further construction or rehabilitation, nor result in any physical impacts or changes except for routine maintenance;

(e) The approval of financial assistance to lease units within an existing structure located within the floodplain, but only if;

(1) The structure is located outside the floodway or coastal high hazard area, and is in a community that is in the Regular Program of the NFIP and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24); and

(2) The project is not a critical action; and.

(3) The entire structure is or will be fully insured or insured to the maximum extent available under the NFIP for at least the term of the lease.

(f) Special projects for the purpose of improving efficiency of utilities or installing renewable energy that involve the repair, rehabilitation, modernization, weatherization, or improvement of existing structures or infrastructure, do not meet the thresholds for "substantial improvement" under § 55.2(b)(12), and do not include the installation of equipment below the FFRMS floodplain elevation;

5-Step Process is applicable per 55.14.

(a) HUD actions involving the disposition of HUD-acquired multifamily housing projects or "bulk sales" of HUD-acquired one- to four-family properties in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24).

(b) HUD's actions under the National Housing Act (12 U.S.C. 1701) for the purchase or refinancing of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, and intermediate care facilities, in communities that are in

good standing under the NFIP.

(c) HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, intermediate care facilities, and one- to four-family properties, in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and are in good standing, provided that the number of units is not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the thresholds for "substantial improvement" under § 55.2(b)(10), and the footprint of the structure and paved areas is not increased by more than 20 percent.

(d) HUD's (or the recipient's) actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures, in communities that are in the Regular Program of the NFIP and are in good standing, provided that the action does not meet the thresholds for "substantial improvement" under § 55.2(b)(10) and that the footprint of the structure and paved areas is not increased by more than 20 percent.

(e) HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, or replacement of existing nonstructural improvements including streets, curbs and gutters, where any increase of the total impervious surface area of the facility is de minimis. This provision does not include critical actions, levee systems, chemical storage facilities (including any tanks), wastewater facilities, or sewer lagoons.

✓ 8-Step Process applies.

## 8. Mitigation

For the project to comply with this section, all adverse impacts must be mitigated. Explain in detail the measures that must be implemented to mitigate the impact or effect, including the timeline for implementation. Note: newly constructed and substantially improved structures within the FFRMS floodplain must be elevated to the FFRMS floodplain elevation or floodproofed, if applicable.

Explain:

According to FEMA Flood Insurance Rate Map (FIRM) #12081C-0308E, dated March 17, 2014, the majority of the subject property is located in Unshaded Zone X, designated as an area outside the 100 and 500-year floodplain; however, according to the 500-Year Floodplain Exhibit prepared by Kimley and Horn dated February 2025, the southern portion of the subject property is located in Shaded Zone X, designated as an area within the 500-year floodplain associated with Bowlees Creek. According to the FEMA Flood Map Service Center accessed at <https://msc.fema.gov/portal/home>, there are no preliminary or pending FIRMs for the subject property. With the 500-year floodplain mapped/defined, that is the extent of the Federal Flood Risk Management Standard (FFRMS) floodplain for this project under the 0.2% Annual Chance Flood Approach (0.2PFA). According to the 500-Year Floodplain Exhibit prepared by Kimley and Horn, grading associated with the lined wet detention pond are proposed within the 500-year floodplain. Since the project involves new construction in the FFRMS floodplain, it is subject to the 8-Step Process outlined in 24 CFR 55.20. Since the proposed development directly impacts the identified FFRMS floodplain areas, compliance with Executive Order 11988, "Floodplain Management," is required by implementing procedures contained in 24 CFR Part 55.20 (8-Step Process). This 8-Step Process is intended to address the requirements of Executive Order (EO) 11988, Floodplain Management, as well as the requirements of Federal Register 24 CFR Parts 50 and 55. Any mitigation measures which may be necessary will be identified during the completion of the 8-Step Process. Although portions of the site are in the FFRMS floodplain, the following actions will be taken to offset and reduce floodplain impacts: Provide stormwater runoff mitigation through the construction of a stormwater management facility designed to be in compliance with all local, state, and federal requirements through innovative stormwater designs; and provide mitigation of potential flooding impacts to lives and property through constructing the proposed residential building outside of the onsite FFRMS floodplain with both residential and non-residential spaces still constructed above the FFRMS floodplain elevation.

Which of the following if any mitigation/minimization measures have been identified for this project in the 8-Step or 5-Step Process?

Buyout and demolition or other supported clearance of floodplain structures.

Insurance purchased in excess of statutory requirement under the Flood Disaster Protection Act of 1973.

Permeable surfaces.

Natural landscape enhancements that maintain or restore natural hydrology.

Planting or restoring native plant species.

Bioswales.

- ✓ Stormwater capture and reuse.

Green or vegetative roofs with drainage provisions.

Natural Resources Conservation Service conservation easements or similar easements.

- ✓ Floodproofing of structures as allowable (e.g. non-residential floors) .
- ✓ Elevating structures (including freeboard above the required base flood elevations) .

Levee or structural protection from flooding.

Channelizing or redefining the floodway or floodplain through a Letter of Map Revision (LOMR).

#### **Screen Summary**

##### **Compliance Determination**

This project is located in the FFRMS floodplain. The 8-Step or 5-Step Process is required. With the 8-Step or 5-Step Process the project will be in compliance with Executive Orders 11988 and 13690.

##### **Supporting documentation**

[Ninth Street Apartments EightStep Process FNL.pdf](#)

##### **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" <a href="https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf">https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf</a>

### ***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:**

Manatee County, as the Responsible Entity, submitted a consultation request to the appropriate State Historic Preservation Officer (SHPO). According to a response dated November 14, 2024, the Florida SHPO confirmed that there will be no historic properties affected by the proposed undertaking. Should any prehistoric or historic artifacts be encountered, all work will be halted and the Florida SHPO contacted. In addition, Seminole and Miccosukee Tribes have also been consulted and no response have been received.

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

### **Screen Summary**

#### **Compliance Determination**

Based on the project description the project has No Potential to Cause Effects. The project is in compliance with Section 106.

**Supporting documentation**

[Historical Overlay.pdf](#)  
[Seminole Tribe Consultation Letter.pdf](#)  
[Miccosukee Tribe Consultation Letter.pdf](#)  
[SHPOResp2024-5981\\_HUD\\_NE\\_10thLane.pdf](#)  
[SHPOHistoricalRequest.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))

- ✓ 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))

**Is your project in a largely undeveloped area?**

- ✓ No

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

Yes

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.

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

6. **HUD strongly encourages mitigation be used to eliminate adverse noise impacts. 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.**



✓ Mitigation as follows will be implemented:

The subject property is located within fifteen (15) miles of the Sarasota - Bradenton International Airport (2.8 miles) and the Airport Manatee (13.7 miles); and within 1,000 feet of 53rd Avenue East and 9th Street East. There are no active railway lines within 3,000 feet of the subject property. Five (5) different noise assessment locations (NALs) were evaluated to better define noise levels at the property. The projected DNL values for all noise sources for the building range from 62 dB (NAL #2) to 72 dB (NAL #4). Pursuant to 24 CFR 51.101(a)(3), the composite DNL between 65 and 75 dB is "normally unacceptable". The requirements set out in Section 51.104(a) are designated to ensure that interior levels do not exceed the established 45 dB level. The following is a summary of the projected DNL values for all noise sources for each of the NALs associated with the building, the acceptability categories and the minimum amount the combined wall, window and door STC ratings required to reduce the interior noise levels, accounting for the 3 dB margin of error as stipulated in the HUD Noise Guidelines. NAL #1 - 66 dB - Normally unacceptable - at least 25 dB worth of attenuation required NAL #2 - 62 dB - Acceptable - no additional attenuation required NAL #3 - 63 dB - Acceptable - no additional attenuation required NAL #4 - 72 dB - Normally unacceptable - at least 30 dB worth of attenuation required Section 51.104(a) also addresses exterior amenity noise levels. D3G calculated the noise value for the pool area, denoted as NAL #5. The requirements set out in Section 51.104(a) are designated to ensure that noise levels in the exterior amenity areas do not exceed the established 65 dB level. The calculated projected exterior noise value for the pool area is 65 dB, which is considered to be "acceptable".

Based on the response, the review is in compliance with this section. Document and upload drawings, specifications, and other materials as needed to describe the project's noise mitigation measures below.

No mitigation is necessary.

#### **Screen Summary**

#### **Compliance Determination**

A Noise Assessment was conducted. The noise level was normally unacceptable: 72.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation with mitigation.

23094-Bright-Com-Trust--  
-9th-St-Apt-Rental-Dev

Bradenton, FL

900000010472938

**Supporting documentation**

[NoiseAnalysis.pdf](#)

**Are formal compliance steps or mitigation required?**

☒ Yes

☐ No

### Sole Source Aquifers

General requirements	Legislation	Regulation
<b>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.</b>	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

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

### Screen Summary

#### Compliance Determination

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.

23094-Bright-Com-Trust--  
-9th-St-Apt-Rental-Dev

Bradenton, FL

900000010472938

**Supporting documentation**

[Sole Source AquiferMap.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**

[Wetlands Protection.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. The project is in compliance with the Wild and Scenic Rivers Act.

#### Supporting documentation

[ScenicRiver.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

Are formal compliance steps or mitigation required?

Yes

✓ No