



Environmental Assessment

Determinations and Compliance Findings for HUD-assisted Projects

24 CFR Part 58

Project Information

Project Name: PR-SIH-00010C - Reencontrando El Sendero Transitional Residency Improvement

Responsible Entity: Puerto Rico Department of Housing

Grant Recipient (if different than Responsible Entity): Lucha Contra El SIDA, Inc.

State/Local Identifier: Puerto Rico / San Juan

Preparer: Miguel San Miguel

Certifying Officer Name and Title: Sally Acevedo Cosme, Pedro De Leon Rodriguez, Maria T. Torres-Bregon, Ivelisse Lorenzo, Angel Gabriel Lopez Guzman, Santa Ramirez.

Consultant (if applicable): Cemi Engineering, PSC.

Direct Comments to: msanmiguel@cemidg.com

Project Location: 501 Calle Italia, Hato Rey, San Juan, Puerto Rico ; Parcel 063-053-240-01-001 and coordinates 18.418849, -66.049241

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

The Improvements to Reencontrando El Sendero is a Transitional Residency Rehabilitation project of one (two stories) building. The building has the capacity to provide transitional accommodations to 25 men, including common areas and biopsychosocial services. The building and facilities are currently in full operation. The proposed project consists of three improvements to the building: 1) a Hybrid Photovoltaic Power system to be located on the existing roof of the building to reduce energy costs and provide supplemental electricity in the event of power loss; 2) An underground 6,000 gallons capacity water cistern and pump system will be installed to provide supplemental drinking water in the event of water loss; and 3) a new elevator will be installed in an existing elevator shaft of the building to provide access to all levels of the building.

There is only one building in the project, where the construction and installations will occur.



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There will be an approximate excavation of 24 m³ for the underground cistern and the construction of a pump room. The building already has an elevator shaft, so no excavation nor construction is required for the elevator installation.

All solar panels will be affixed to the existing concrete roof. The water cistern and pump room are to be built in an independent structure in the existing parking area.

For construction activities, the new and increased construction area will be that of the pump room of about 9 m². (The cistern will be under the existing parking area)

Ground disturbance will be necessary for the cistern (24m³) plus another 4 m³ for electrical and water underground infrastructure. The proposed location of the cistern, elevator, and solar panels (at this early stage of studies and conceptual design) is included.

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

The program "Reencontrando El Sendero", located at "Urbanización Floral Park" in Hato Rey, offers biopsychosocial services and transitional housing to men without home and with different health conditions. This installation counts with 25 beds and other installations to offer high quality emotional support services. The services in the program follow a design based on proven principles of rehabilitation through the application of an evaluative therapeutic process with a scientific foundation. The program is designed to meet the need of a population of homeless people who, lacking a fixed roof, are exposed to different risk behaviors and vulnerabilities. This multiplicity of risk factors and potentially chronic health conditions makes it extremely necessary to continue providing professional services oriented to this population and strengthened by almost two decades of experience.

The services the program offers are:

- Temporary housing for a period of up to 24 months
- Social work services and case management
- Nursing services
- Primary medical services
- Psychological services
- Counseling services
- Transportation services for medical appointments and social appointments
- Nutritional services (breakfast, lunch and dinner daily)
- Workshops for the development of self-sufficiency



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

The existing structure is in good conditions. Currently it lacks any emergency services such as solar energy or potable water cistern. Additionally, it does not have an elevator to provide access to people with impediments.

Funding Information

Grant Number	HUD Program	Funding Amount
B-18-DP-72-0001	CBDG-DR, Puerto Rico Social Interest Housing Program	\$429,419.00

Estimated Total HUD Funded Amount:

\$429,419.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

\$429,419.00

Compliance with 24 CFR 58.5 and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
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STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.6		
<p>Airport Hazards</p> <p>24 CFR Part 51 Subpart D</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project is not located within a RPZ nor APZ. The project is located 10599 feet from the nearest RPZ. See map and table attached.</p>
<p>Coastal Barrier Resources</p> <p>Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Project is not located in a CBRS and is located 23,778.9 feet from nearest CBRS. See map and table attached.</p>
<p>Flood Insurance</p> <p>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>This project does not require flood insurance or is excepted from flood insurance Map Number 72000C0370J. See map and table attached.</p>
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.5		
<p>Clean Air</p> <p>Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project does not include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units.</p>
<p>Coastal Zone Management</p> <p>Coastal Zone Management Act, sections 307(c) & (d)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Project is in an Urban area, closest CZM is 3,519.6 feet. See map and table attached.</p>
<p>Contamination and Toxic Substances</p> <p>24 CFR Part 58.5(i)(2)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>There are no on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants nor conflict with the intended use of the property. In addition, the intended project will not impact the environment. See map and table attached.</p>
<p>Endangered Species</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>No, the project will have No Effect due to the nature of the activities involved in the project. See map and table attached.</p>



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<p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>		
<p>Explosive and Flammable Hazards 24 CFR Part 51 Subpart C</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project does not include a hazardous facility nor development, construction, or rehabilitation that will increase residential densities, or conversion.</p>
<p>Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project does not include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use. See map and table attached.</p>
<p>Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project does not occur in a floodplain. See map and table attached.</p>
<p>Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>SHPO consultation determined that the project will have no adverse effect upon historic properties. See attached SHPO consultation.</p>
<p>Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project does not involve new construction nor rehabilitation of residential units.</p>
<p>Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project is not located on a sole source aquifer (SSA).</p>



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<p>Wetlands Protection</p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project is not near a wetland as defined in E.O. 11990. See map and table attached.</p>
<p>Wild and Scenic Rivers</p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project is not within proximity of a Wild and Scenic River, Study River, or Nationwide Rivers Inventory River. The closest Wild River is located at 18.8 miles. See map and table attached.</p>
<p>ENVIRONMENTAL JUSTICE</p>		
<p>Environmental Justice</p> <p>Executive Order 12898</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>There were no adverse environmental impacts identified in any other compliance review portion of this project's total environmental review.</p>

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

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

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



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Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The building is in use and there will be no change in land use nor zoning.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	According to a study done by UPR-Mayagüez and NEHRP (National Earthquake Hazards Reduction Program), the soil type in the project is Type D (Rigid soil). See map and table attached. Existing drainage is adequate and superficial to the street gutter (-5%). There are no mountains and low possible landslides near the project. Source from landslide data from USGS. Soil is not at risk of landslide, see attached map.
Hazards and Nuisances including Site Safety and Noise	3	Minor noise nuisance is expected during the excavation which will be controlled by working between 9:00am and 4:00pm.
Energy Consumption	1	A PV power system is being installed as part of the project to reduce fossil fuel consumption from the grid.

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	The project's scope of work will not affect employment nor income patterns.
Demographic Character Changes, Displacement	2	No demographic character changes nor displacement will occur.



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Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	The project's scope of work will not affect educational and cultural facilities.
Commercial Facilities	2	The project's scope of work will not affect commercial facilities.
Health Care and Social Services	1	The project's scope of work includes an elevator to provide access to the health care and social services that the facility at hand provides.
Solid Waste Disposal / Recycling	2	The project's scope of work will not affect solid waste disposal or recycling.
Wastewater / Sanitary Sewers	2	The project's scope of work will not affect wastewater or sanitary sewers.
Water Supply	1	The project's scope of work includes a 6,000 gallon drinking water system to provide water in case of another emergency such as Hurricane Maria.
Public Safety - Police, Fire and Emergency Medical	2	The project's scope of work will not affect public safety – Police, fire and emergency medical.
Parks, Open Space and Recreation	2	The project's scope of work will not affect parks, open space and recreation.
Transportation and Accessibility	2	The project's scope of work will not affect transportation and accessibility.



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Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	There's no unique natural feature nor natural water resource in the project.
Vegetation, Wildlife	2	There's no vegetation nor wildlife in the project (urban area).
Other Factors	2	No other natural features are present in the project.

Additional Studies Performed:

Field Inspection (Date and completed by): Eng. Miguel San Miguel (Lic. 11838) and Eng. Jose L. Marrero (Lic. 14670) to be completed on June 21, 2022

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]: All waterwork is within the building (beyond the water meter and the water meter will remain without changes). The electrical meter will remain without change and PREPA/LUMA will be informed of the new PV system. Department of labor and DRNA will be consulted.

FAA, National Plan for Integrated Airport Systems:

www.faa.gov/airports/planning_capacity/npas/reports/NPIAS-Report-2017-2021-Appendix-B-Part6.pdf

John H. Chafee Coastal Barrier Resources System, Puerto Rico map.

www.fws.gov/CBRA/Maps/Locator/PR.pdf

National Park Service, National Registry of Natural Landmarks.

www.nature.nps.gov/nnl/docs/NNLRegistry.pdf



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US Fish and Wildlife Service, Wild and Scenic Rivers – correspondence to Agency on October 16, 2018

National Wild and Scenic Rivers System: www.rivers.gov/puerto-rico.php

Puerto Rico Community Development Block Grant Disaster Recovery Action Plan, July 2018. www.cdbg-dr.pr.gov/en/action-plan/

Programmatic Agreement among the Federal Emergency Management Agency, the Puerto Rico State Historic Preservation Office and the Central Office for Recovery, Reconstruction and Resilience – amended to include the Puerto Rico Department of Housing. (Appendix F)

Sierra Research for Office of Mobile Sources. US Environmental Protection Agency.

Report No. SR93-03-02, Evaluation of Methodologies to Estimate Nonroad Mobile Source Usage, March 19, 1993: <http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=9100UR51.txt> US Environmental Protection Agency, National Ambient Air Quality Standards,

Nonattainment Areas for Criteria Pollutants (Green Book):

www3.epa.gov/airquality/greenbook/anayo_pr.html

US EPA, Environmental Topics, Air Topics: www.epa.gov/environmental-topics/air-topics

US Fish and Wildlife Service, Environmental Conservation Online System:

<https://ecos.fws.gov/ecp0/reports/species-listed-by-state-report?state=PR&status=listed>

Federal Emergency Management Agency, Flood Mapping Service:

<https://msc.fema.gov/portal/home> (compilation of numerous maps)

Puerto Rico Planning Board, Communication regarding Floodplain Management, November 29, 2018.

US Fish and Wildlife Service, National Wetlands Inventory:

www.fws.gov/wetlands/data/mapper.html (compilation of numerous maps)

US Army Corps of Engineers, Jacksonville District, Antilles Section, Communication regarding Wetlands Management, November 13, 2018.

Puerto Rico Coastal Zone Management Program Plan, September 2009.

Puerto Rico Planning Board, Communication regarding Coastal Zone Management,



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November 16, 2018 (No response).

US EPA, Sole Source Aquifers. Esri HERE, Garmin, NOAA, USGS, EPA.

US Fish and Wildlife Service, Caribbean Ecological Services Field Office. E-mail communication regarding October 23, 2018 letter on Threatened and Endangered Species and Critical Habitats.

NOAA Fisheries / National Marine Fisheries Service, NEPA Coordinator Southeast Regional Office. Communication on October 16, 2018 regarding designated critical habitat. (No response).

US Geological Survey, Data Release of May Showing Concentration of Landslides Caused by Hurricane Maria, <https://doi:10.5066/F7JD4VRF>

Landslide Survey, Data by US Landslide Inventory

<https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=ae120962f459434b8c904b456c82669d>

List of Permits Obtained: Categorical exclusion has been obtained from OGPE. Construction permit will be submitted.

Public Outreach [24 CFR 58.43]: The project will publish the FONSI/NOI-RROF in compliance with the NEPA regulations for HUD.

Cumulative Impact Analysis [24 CFR 58.32]: None.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]: None necessary.

No Action Alternative [24 CFR 58.40(e)]: No alternatives are proposed. If the project does not go ahead, emergency services will not be provided to the residents.

Summary of Findings and Conclusions: The proposed activity has been found to not have any adverse effects on the environment nor is there the requirement for further consultation with any agency. There are no environmental review topics addressed that result in the need for formal compliance steps or the requirement for mitigation.



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

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

Law, Authority, or Factor	Mitigation Measure
Noise pollution during construction	Limit the hours of noise
Reglamento Conjunto (DRNA)	Control of erosion and sedimentation plan

Determination:

Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.27]

The project will not result in a significant impact on the quality of the human environment.

Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27]

The project may significantly affect the quality of the human environment.

Preparer Signature:  Date: 11/10/22

Name/Title/Organization: Miguel San Miguel

President, CEMI Engineering, PSC

Certifying Officer Signature:  Date: Nov. 14, 2022

Name/Title: Ivelisse Lorenzo, Permits and Environmental Compliance Specialist

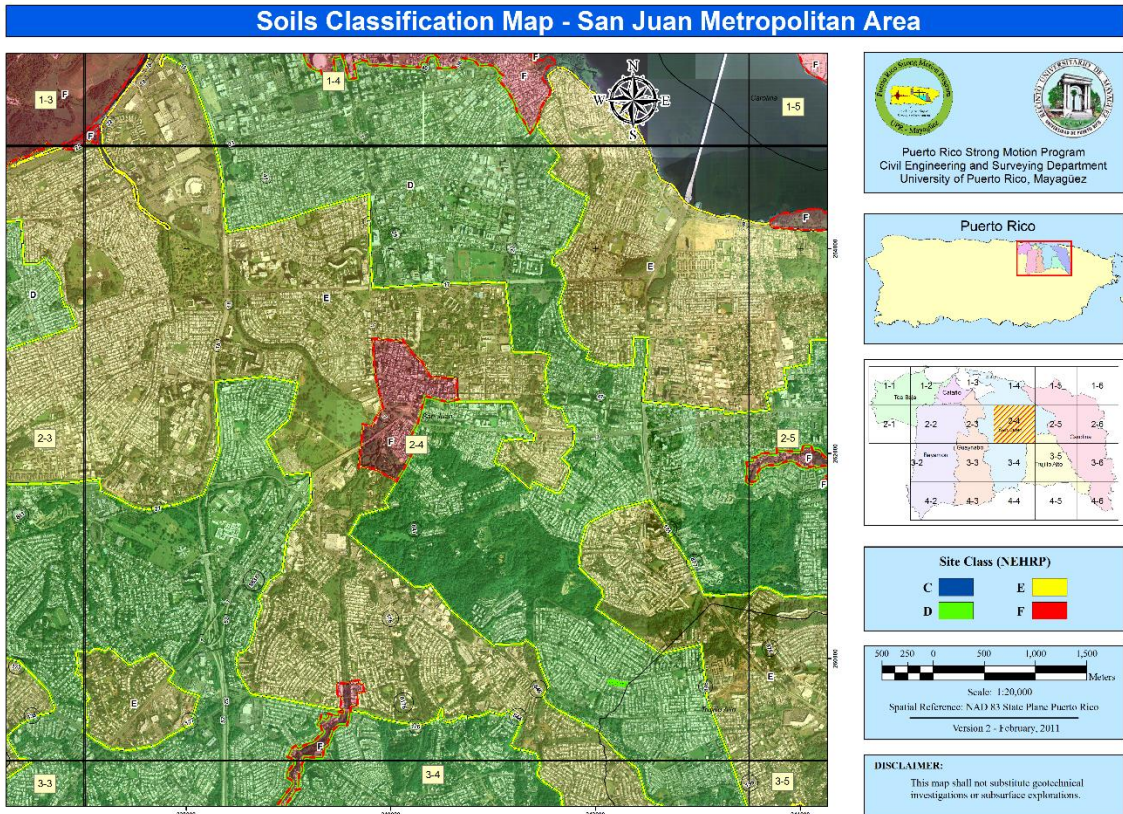


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This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements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

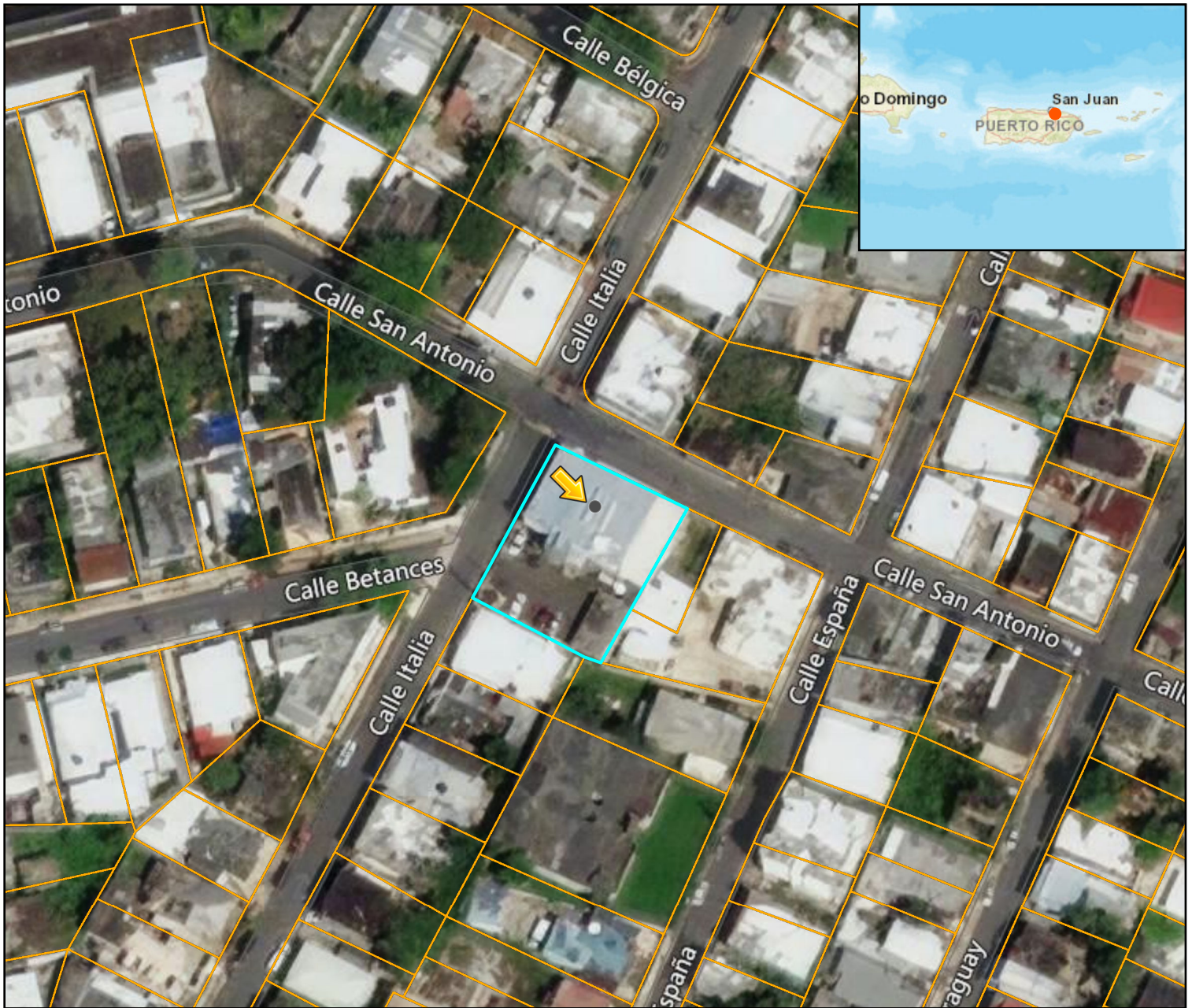
Clasificación de Suelos según NEHRP.

Tipo de Perfil de Suelo	Nombre del Perfil de Suelo	Propiedades promedio de los suelos para los 30m superiores del perfil		
		Velocidad de la Onda de Corte (m/s)	Prueba de Penetración Estándar (N)	Resistencia al Cortante no Drenada (kPa)
S_A	Roca Dura	> 1500		
S_B	Roca	760 to 1500		
S_C	Suelo Bien Denso y Roca Blanda	360 to 760	> 50	> 100
S_D	Perfil de Suelo Rígido	180 to 360	15 to 50	50 to 100
S_E	Perfil de Suelo Rígido	< 180	< 15	< 50
S_F	Suelos que requieren una evaluación específica del lugar			



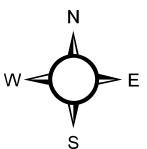
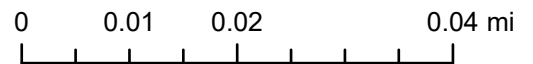


PR-SIH-2021-DR0198C Site Map



Legend

Parcels

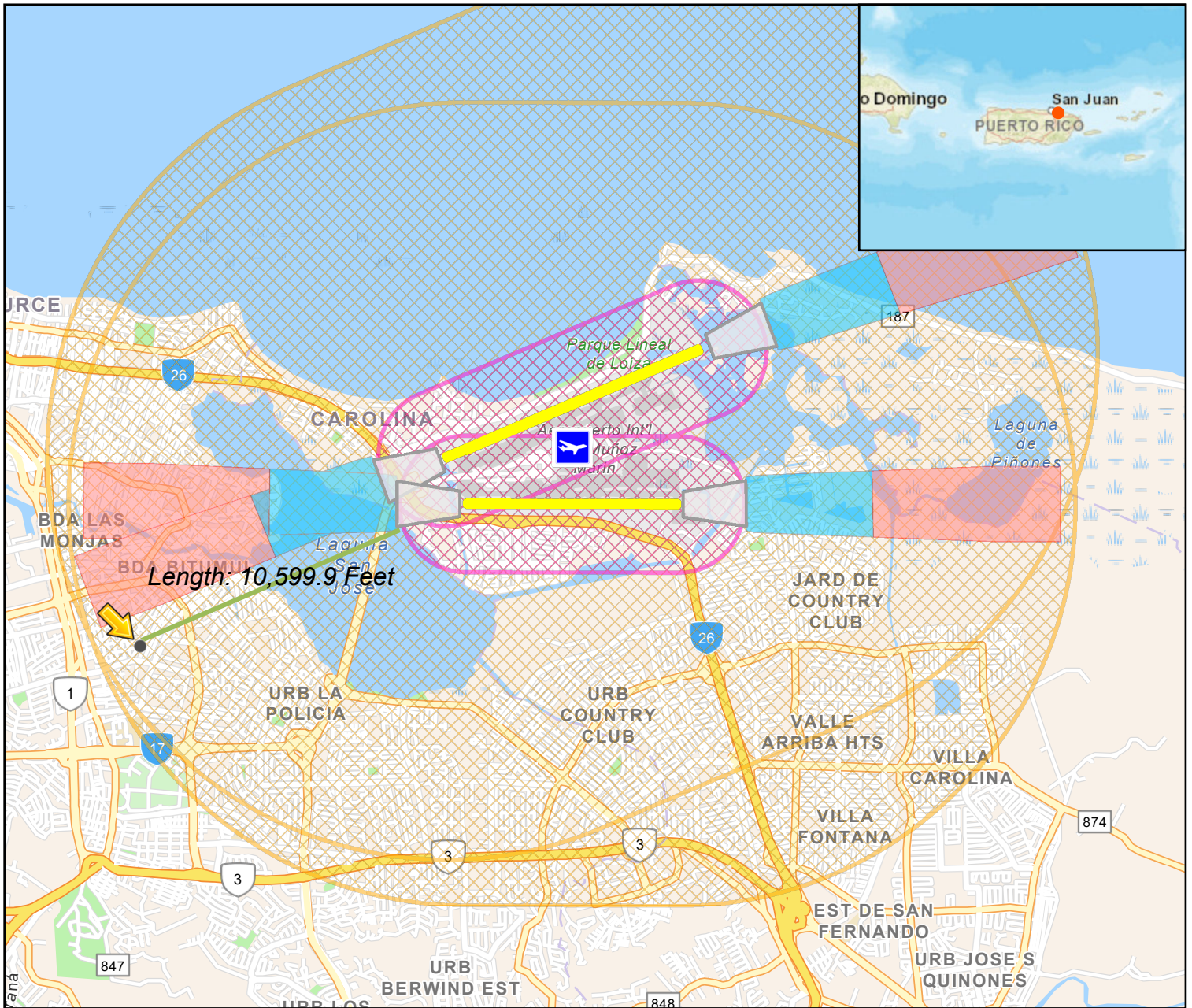


PR Environmental Viewer

ArcGIS

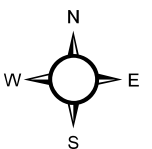
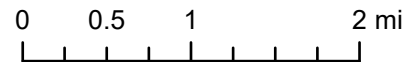


PR-SIH-2021-DR0198C Airports



Legend

- Military Airports 15,000ft Buffer
- Civilian Airports 2,500ft Buffer
- Military Accident Protection Zones APZ 2
- Military Accident Protection Zones APZ 1
- Runway Protection Zones
- Airport Runways
- Major
- Minor Airport

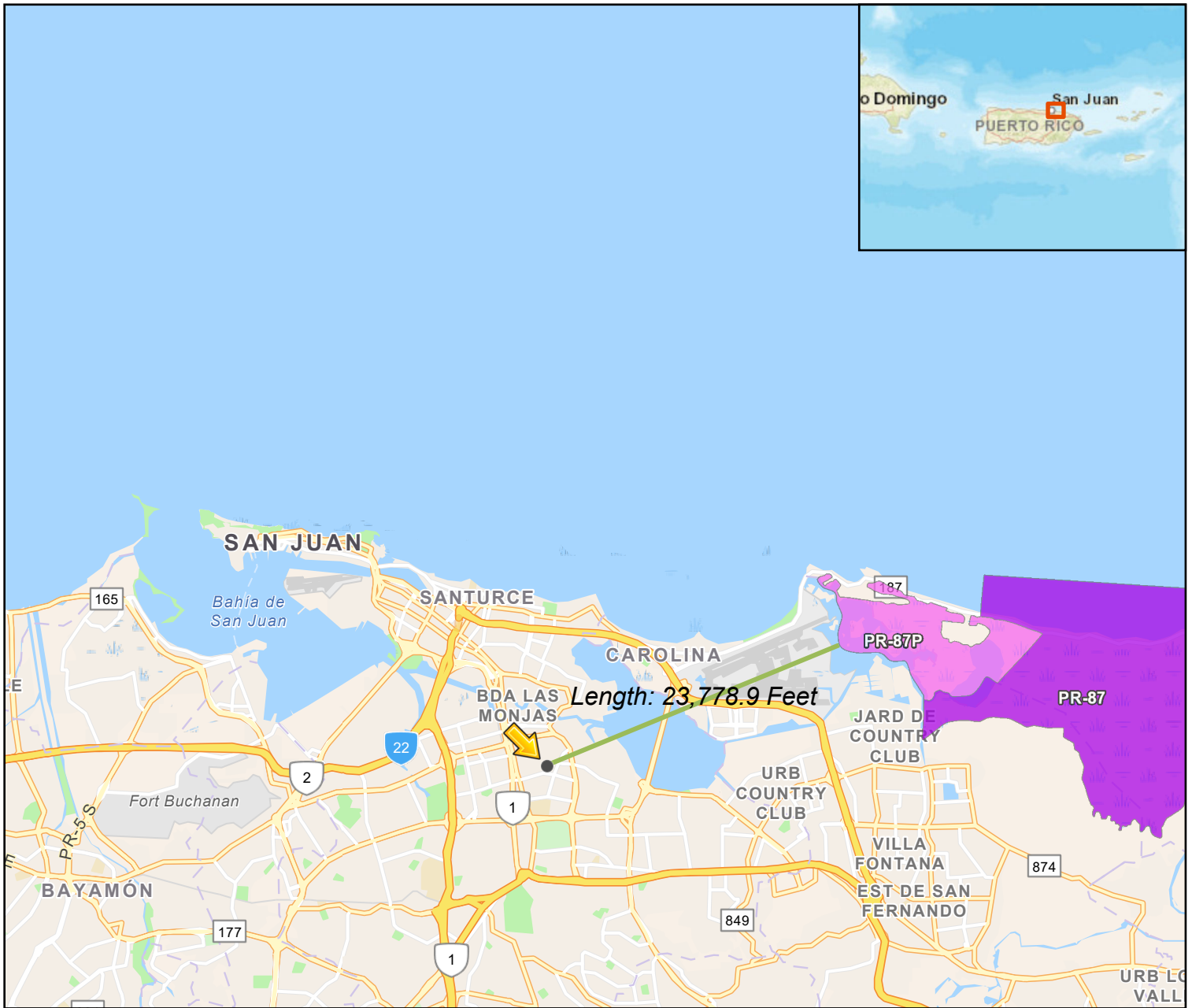


Airport Zones

Major Civil and Military Airports

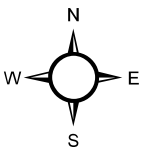
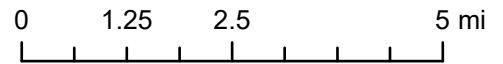


PR-SIH-2021-DR0198C CBRS



Legend

- Otherwise Protected Area
- System Unit



U.S. Fish and Wildlife Service

Coastal Barrier Resources Act Program

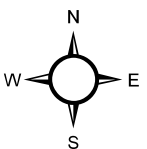
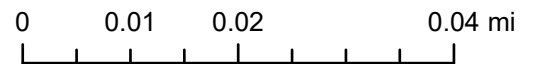


PR-SIH-2021-DR0198C Flood Map



Legend

- Parcels
- 1% Annual Chance Flood Hazard
- Regulatory Floodway
- Special Floodway
- Area of Undetermined Flood Hazard
- 0.2% Annual Chance Flood Hazard
- Future Conditions 1% Annual Chance Flood Hazard
- Area with Reduced Risk Due to Levee
- FEMA Floodzone Panels - Effective

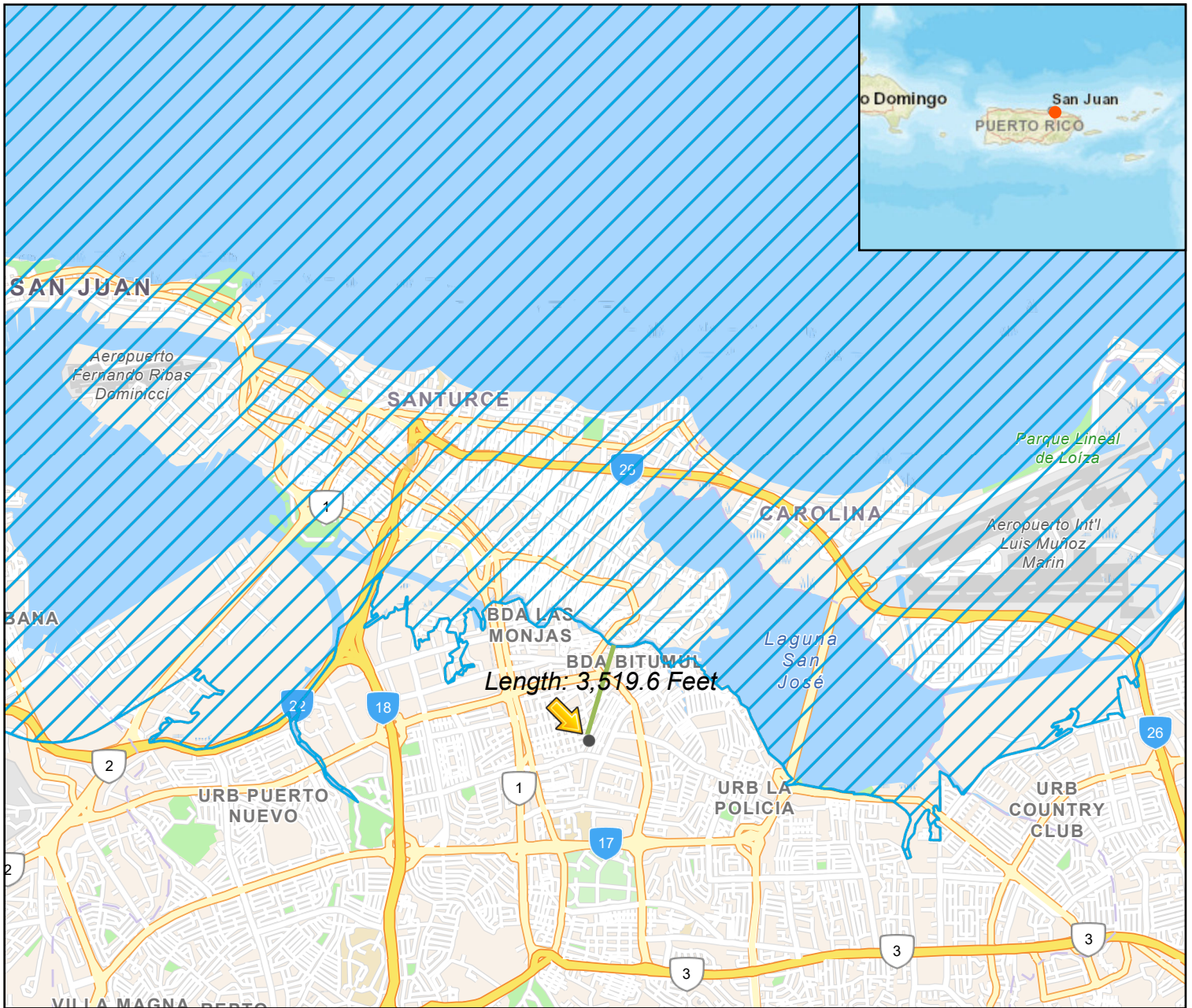


FEMA Map Service

Flood Insurance Rate Maps

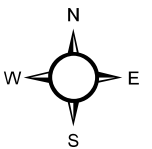
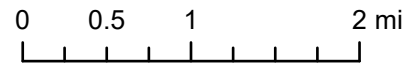


PR-SIH-2021-DR0198C CZM



Legend

 Coastal Zone Management Act Boundary

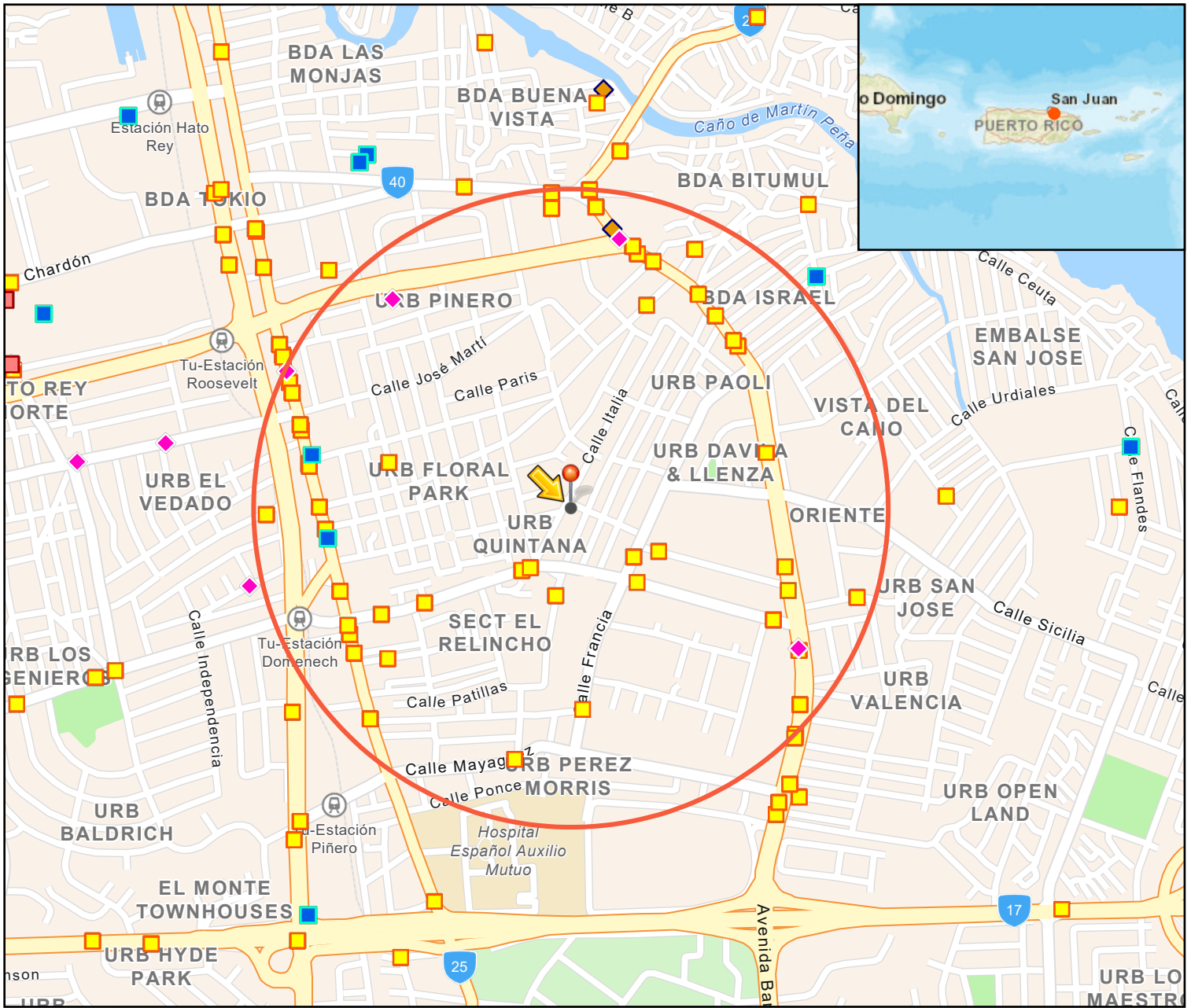


Coastal Zone Management Act

NOAA

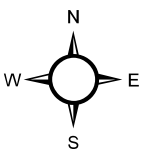
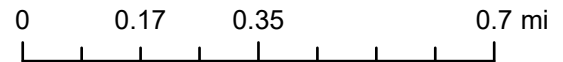


PR-SIH-2021-DR0198C Toxics



Legend

- Toxic Substances Control Act
- ◆ Brownfields
- Hazardous waste
- ◆ Air pollution
- Water dischargers
- Toxic releases
- ◎ Superfund

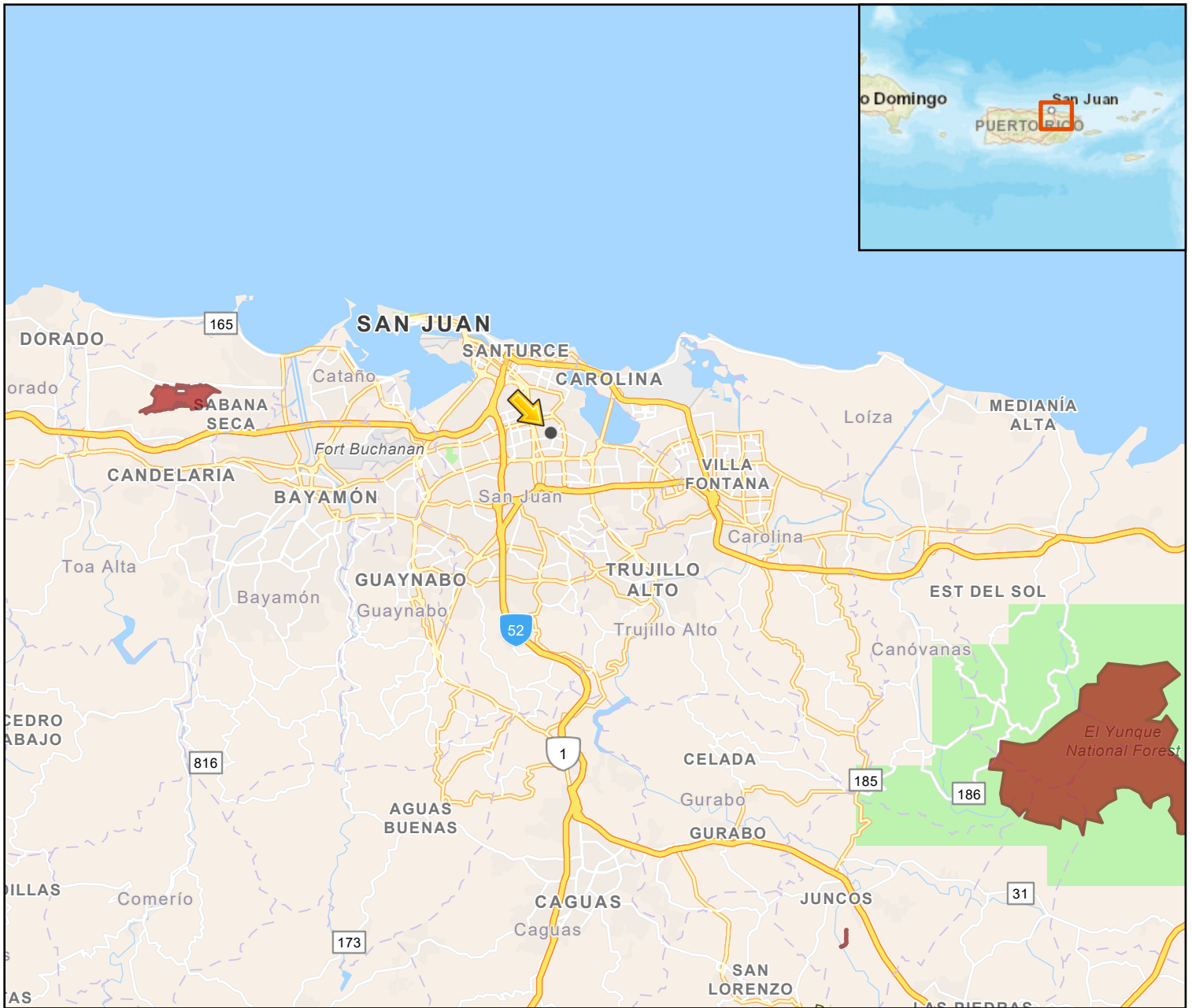


Toxic Sites

EPA

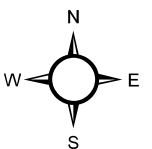
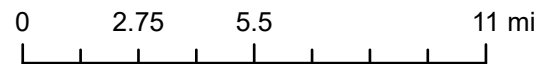


PR-SIH-2021-DR0198C Habitat



Legend

 USFWS Critical Habitat - Polygon Features - Final (agency service)

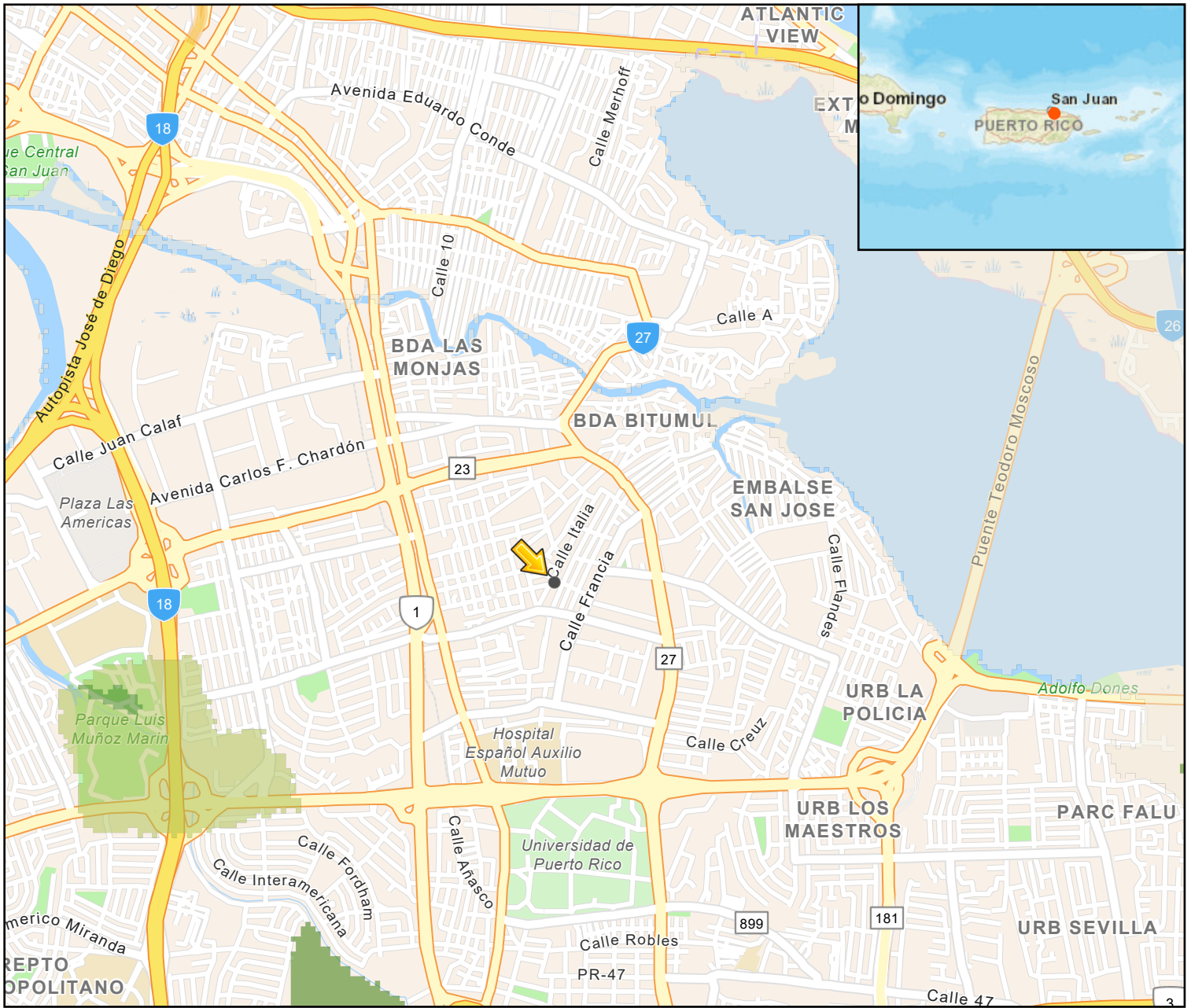


Critical Habitat

USFWS

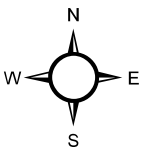
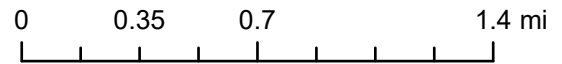


PR-SIH-2021-DR0198C Farmlands



Legend

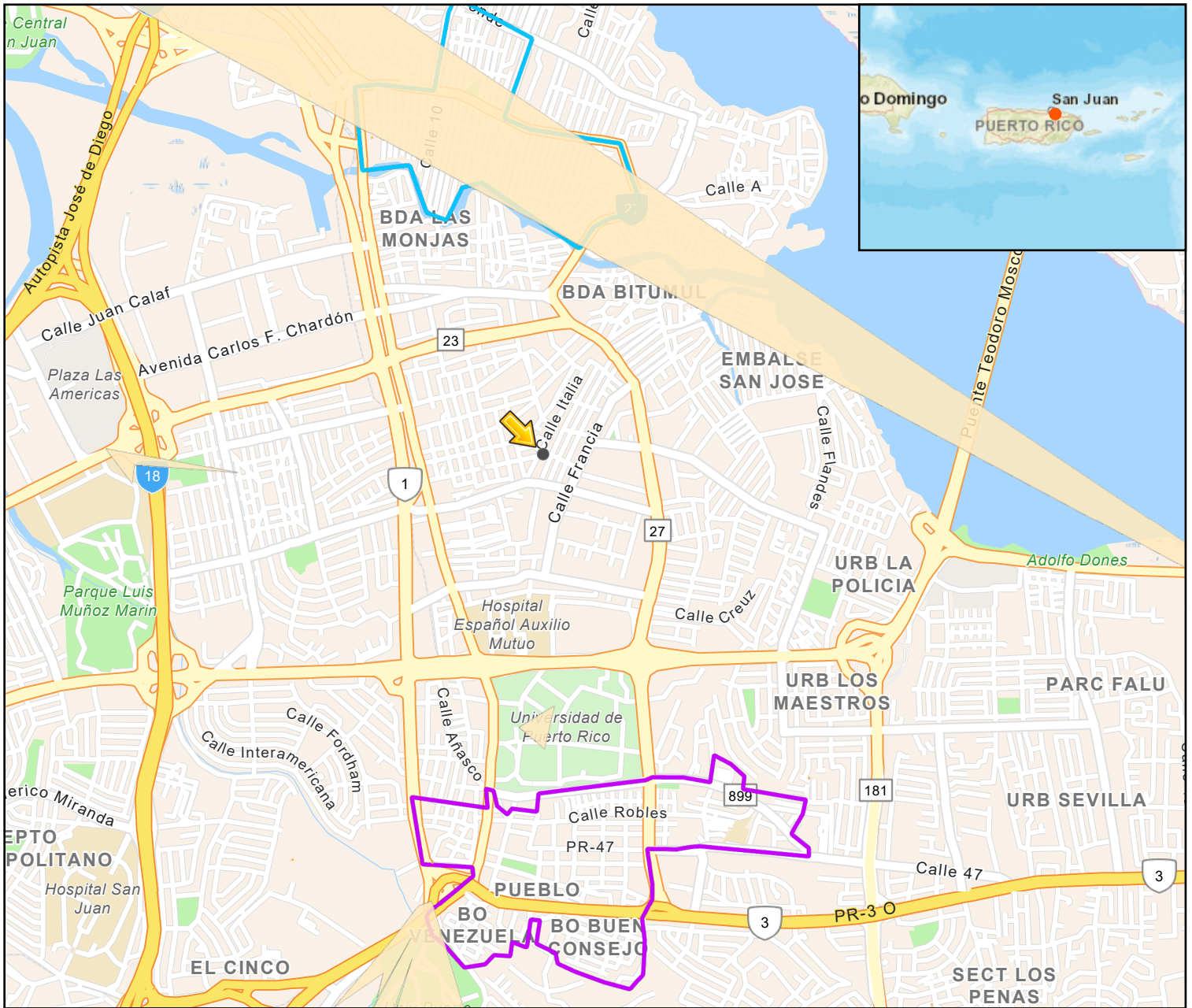
- Prime Farmland
- Farmland of Local Importance
- Farmland of Statewide Importance
- Farmland of Unique Importance
- Not Prime Farmland



USDA
NRCS



PR-SIH-2021-DR0198C Historic



Legend

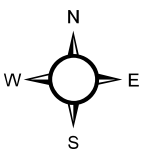
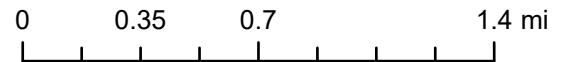
- National Historic Landmark
- National Register of Historic Places
- National Historic Landmark
- National Register of Historic Places
- Historic Districts
- Historic Communities

National Register Of Historic Places Points

National Register of Historic Places Polygons

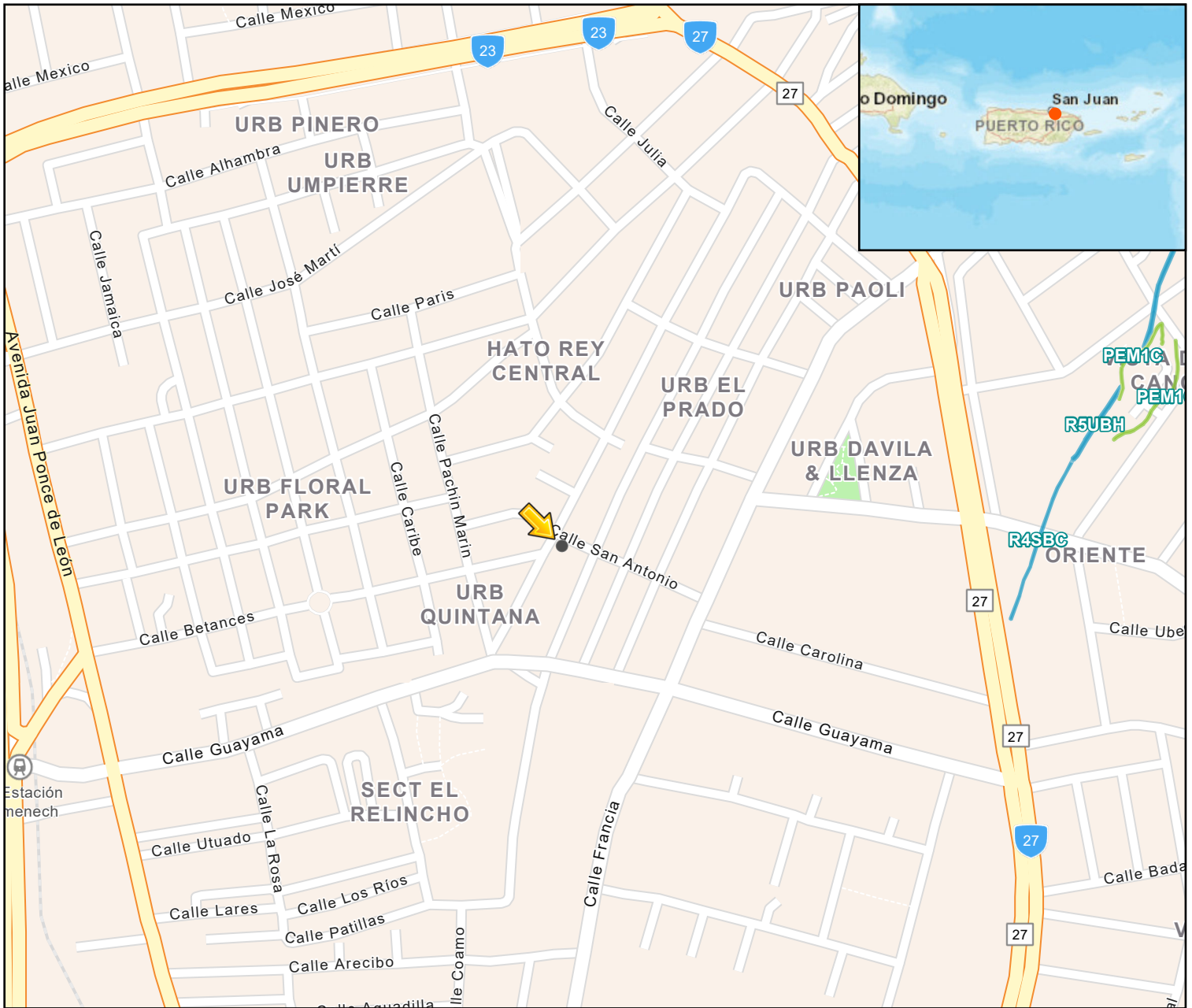
Traditional Urban Centers

SHPO



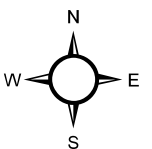
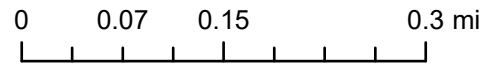


PR-SIH-2021-DR0198C Wetlands



Legend

- Freshwater Emergent Wetland
- Riverine

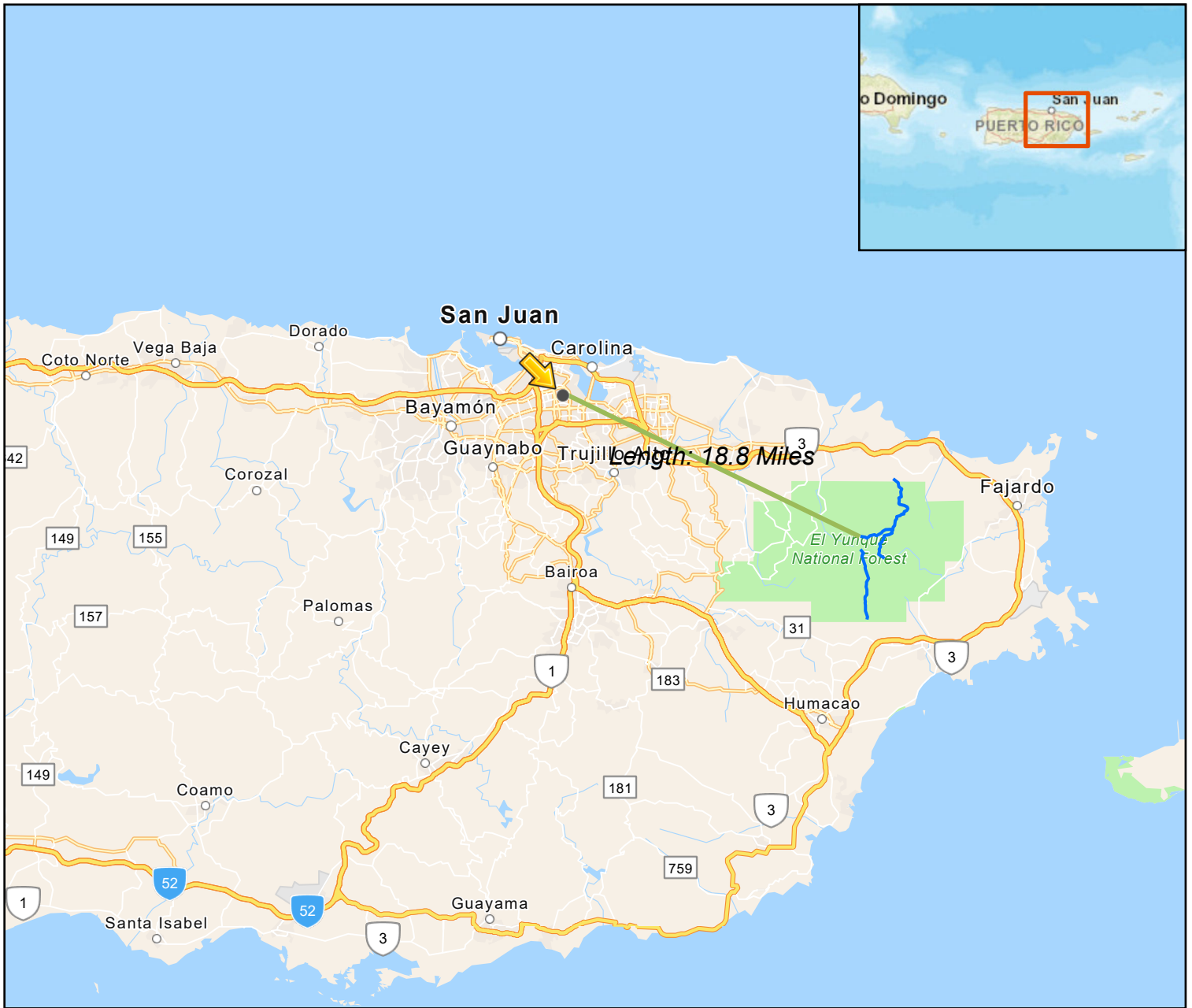


USFWS

National Wetlands Inventory

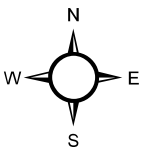
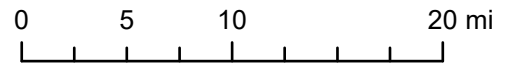


PR-SIH-2021-DR0198C Rivers



Legend

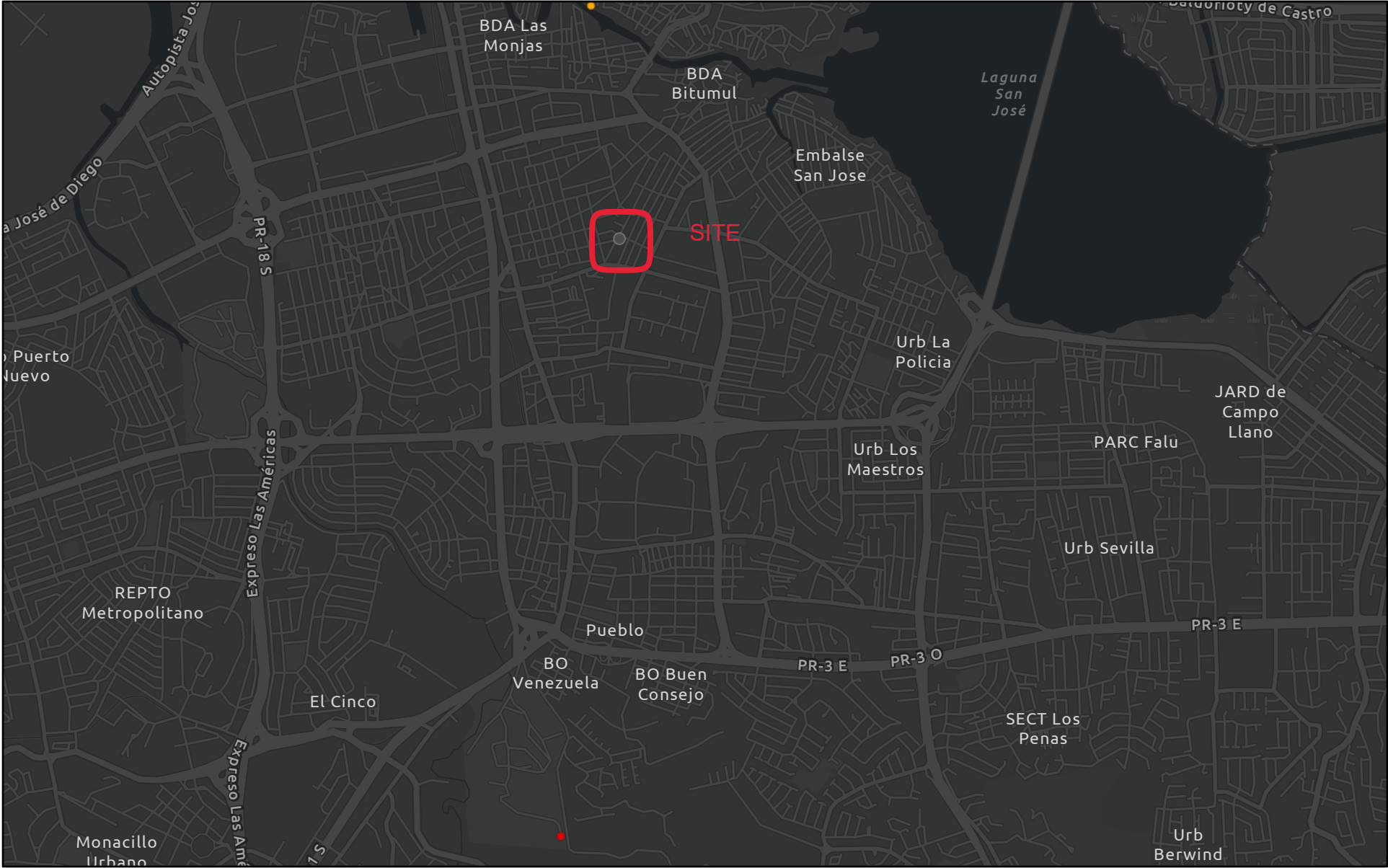
— Wild and Scenic River Lines



National Wild & Scenic River System

National Park Service

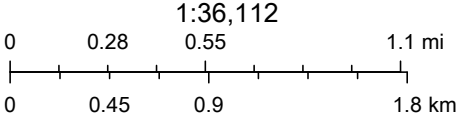
Landslides



10/24/2022, 10:32:56 AM

US_Landslide_point_v2

- High confidence in extent or nature of landslide (8)
- Probable landslide in the area (2)



Esri, HERE, Garmin, Foursquare, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, NPS, US Census Bureau

ArcGIS Web AppBuilder



GOVERNMENT OF PUERTO RICO

STATE HISTORIC PRESERVATION OFFICE

Executive Director | Carlos A. Rubio-Cancela | carubio@prshpo.pr.gov

Tuesday, October 18, 2022

Lauren Bair Poche

HORNE- Architectural Historian Manager
10000 Perkins Rowe, Suite 610 Bldg. G
Baton Rouge, LA 70810

SHPO: 09-21-22-02 REENCONTRANDO EL SENDERO, TRANSITIONAL RESIDENCY IMPROVEMENTS, #501 CALLE ITALIA, HATO REY, SAN JUAN, PUERTO RICO/ PR-SIH-00010C

Dear Ms. Poche,

Our Office has received and reviewed the information submitted for the above referenced project in accordance with 54 USC 306108 (commonly known as Section 106 of the *National Historic Preservation Act, as amended*) and 36 CFR Part 800: *Protection of Historic Properties* from the Advisory Council on Historic Preservation.

After a review of all the documentation, the SHPO concurs with your finding that the proposed project will have **no adverse effect** upon historic properties.

Please note that should the Agency discover other historic properties at any point during project implementation, you should notify the SHPO immediately. If you have any questions concerning our comments, do not hesitate to contact our Office.

Sincerely,

Carlos A. Rubio-Cancela
State Historic Preservation Office

CARC/GMO/MB/MDT



September 22, 2022

Carlos A. Rubio Cancela
Director Ejecutivo
Oficina Estatal de Conservación Histórica
Cuartel de Ballajá (Tercer Piso)

Puerto Rico Disaster Recovery, CDBG-DR Social Interest Housing (SIH) Program

Section 106 NHPA Effect Determination Submittal: Reencantrado El Sendero Transitional Residency Improvements Project, 501 Calle Italia, Hato Rey, San Juan, Puerto Rico (PR-SIH-00010C) – No Adverse Effect

Dear Architect Rubio Cancela,

On February 9, 2018, an allocation of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds was approved by the United States Department of Housing and Urban Development (HUD) under the Federal Register Volume 83, No. 28, 83 FR 5844, to assist the Commonwealth of Puerto Rico in meeting unmet needs in the wake of Hurricanes Irma and Maria. On August 14, 2018, an additional \$8.22 billion recovery allocation was allocated to Puerto Rico under the Federal Register Volume 83, No. 157, 83 FR 40314. With these funding allocations, the Puerto Rico Department of Housing (PRDOH) aims to lead a comprehensive and transparent recovery for the benefit of Puerto Rico residents. To faithfully comply with HUD's environmental requirements, the Puerto Rico Department of Housing contracted Horne Federal, LLC (HORNE) to provide environmental records review services that will support the Department's objectives for Puerto Rico Housing (PRDOH) regarding CDBG-DR.

On behalf of PRDOH, and the subrecipient for this project, Lucha Contra El Sida, we are submitting documentation for improvements to the circa 1955 building located at 501 Calle Italia in Hato Rey within the municipality of San Juan. The full scope of work is described in the submitted documentation, which includes mapping, photographs, and plans. The project location is adjacent to Floral Park which is eligible for listing in the National Register of Historic Places. Based on the provided documentation, the Program requests a concurrence that a determination of *No Adverse Effect* to Historic Properties is appropriate for this undertaking.


Please contact me by email at lauren.poche@horne.com or phone at 225-405-7676, or Ms. Sharon Meléndez Ortiz at sharon.melendez@hornepr.com with any questions or concerns.

Kindest regards,


Lauren Bair Poche

Architectural Historian, Historic Preservation Senior Manager

Enclosures

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM SOCIAL INTEREST HOUSING PROGRAM (SIH) Section 106 NHPA Effect Determination	
Subrecipient: Lucha Contra El SIDA, Inc.	
Program ID Number: PR-SIH-00010C	
Project Name: Reencontrando El Sendero Transitional Residency Improvements	

Project Location: 501 Calle Italia, Hato Rey, Puerto Rico 00917	
Project Coordinates: 18.418849, -66.049241	
TPID (Número de Catastro): 063-053-240-01	
Type of Undertaking: <input checked="" type="checkbox"/> Substantial Repair/Improvements <input type="checkbox"/> New Construction	
Construction Date (AH est.): ca. 1955	Property Size (acres): 0.21


SOI-Qualified Architect/Architectural Historian: Lauren B. Poche, M.A.
Date Reviewed: 9/20/2022
SOI-Qualified Archaeologist: Sharon Meléndez-Ortiz, M.A.
Date Reviewed: 9/21/2022

In compliance with Section 106 of the National Historic Preservation Act (NHPA), the Program is responsible for identifying historic properties listed in the National Register of Historic Places (NRHP) and any properties not listed that would be considered eligible for listing that are located within the geographic area of potential effects (APE) of the proposed project and assessing the potential effects of its undertakings on these historic properties.

Project Description (Undertaking)

The proposed undertaking for this property consists of three improvements to the circa 1955 two-story reinforced concrete building and its property: (1) a Hybrid Photovoltaic Power system to be located on the existing roof of the building to reduce energy costs and provide supplemental electricity in the event of power loss; (2) a new elevator will be installed in an existing elevator shaft of the building to provide access to all levels of the building; and (3) an underground 6,000 gallons capacity water cistern and pump system will be installed underground in the parking lot to provide supplemental drinking water in the event of water loss which will involve the construction of a pump room.

Per the applicant, the solar panels will be affixed to the existing concrete roof (see attached graphic). The building already has an existing elevator shaft, so no excavation or construction is required for the installation of the elevator itself. Soil studies are necessary for the design of the water cistern and pump system and to determine the best location in the parking lot where it will be installed. It is estimated there will be an approximate excavation of 24 cubic meters for the underground cistern and an additional 4 cubic meters for electrical and water underground infrastructure. The estimated depth ranges from 2 to 5 feet. Construction of the pump system room will involve approximately 9 square meters.

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM SOCIAL INTEREST HOUSING PROGRAM (SIH) Section 106 NHPA Effect Determination	
Subrecipient: Lucha Contra El SIDA, Inc.	
Program ID Number: PR-SIH-00010C	
Project Name: Reencontrando El Sendero Transitional Residency Improvements	


The subject building is a two-story reinforced concrete structure, constructed circa 1955; no structure is depicted in this location on topographic maps from 1941 nor 1947 but is present on aerial imagery from 1962. It is situated on the southeast corner of the intersection of Calle Italia and Calle San Antonio. The building abuts the sidewalk with a paved parking lot on the south part of the parcel which is delineated by a concrete wall.

The two-story reinforced concrete building is rectangular in plan and utilitarian. The east elevation of the building is solid concrete with the exception of a narrow band of rejas at the top where a covered terrace is located. A set of stairs is visible, but they give access to another building that is on the southeast corner of the subject building.

The north elevation, facing Calle San Antonio, features narrow, horizontally oriented, glass block windows set high on the ground floor walls for privacy. Several of these windows have had the center six glass blocks removed for window air conditioning units to be installed. Most of the exterior wall is flat, however, the western third of the wall features horizontal concrete projections that are painted an accent color that matches the second story. A moderate concrete eave projects out over the eastern two-thirds of the first story, shielding it from the elements. Above this section is the enclosed terrace on the eastern end of the building and a series of three sets of paired aluminum Miami windows. Wall air conditioning units have been installed in the exterior wall near each set of windows, and the exterior portion of several split AC units are resting on the projecting eave. Here, a deep roof eave projects out over the second story.

The western elevation faces Calle Italia. The second story section above the western third of the building has a textured finish and projects out on the western elevation. The actual exterior wall is set back several feet, framed by projecting concrete walls, with three series of aluminum framed glass awning windows. The first floor, below this, also features narrow, horizontally oriented glass block windows.

The rear elevation faces the enclosed parking lot. It is very similar to the north elevation with some exceptions. There is a rear projection offset slightly west of the center that features the main entrance into the building on its south elevation. The main entrance is a set of metal framed glass doors. There is a solid metal door on the west elevation of this projection which gives access to a utility room. To the east of this projection are two sets of paired aluminum

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM SOCIAL INTEREST HOUSING PROGRAM (SIH) Section 106 NHPA Effect Determination	
Subrecipient: Lucha Contra El SIDA, Inc.	
Program ID Number: PR-SIH-00010C	
Project Name: Reencontrando El Sendero Transitional Residency Improvements	

Miami windows on the upper story and three glass block windows on the lower story. A generator is adjacent to the east elevation of the rear projection.


Area of Potential Effects

As defined in 36 CFR §800.16(d), the area of potential effects (APE) is the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties if any such properties exist. Based on this definition and the nature and scope of the Undertaking, the Program has determined that the Direct APE for this project is defined as the building itself and the area delineated by the parcel boundaries. The Indirect/Visual APE is defined as the viewshed of the proposed project.

Identification of Historic Properties

Existing information on previously identified historic properties has been reviewed to determine if any such properties are located within the APE of this undertaking. The review of this existing information was completed by Program contracted Historic Preservation Specialists meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology and Architectural History (36 CFR Part 61), shows that the project area is not situated within a known eligible nor recorded historic district and has been determined Not Eligible for listing in the National Register of Historic Places (NRHP), neither individually nor as part of a historic district. Buildings along Calle San Antonio, which is along the north side of the subject property, have lost their historic integrity over the years through renovations and material changes.

However, the project is adjacent to the NRHP-eligible Floral Park Historic District which is just to the west and is well known for its excellent examples of Art Deco and Spanish Revival residences. There are no cultural resources reported in the ICP or SHPO files within the project area itself. The closest resource is the NRHP-listed Puente Martín Peña (SJ-41, SJ0200007), located 1.18 mi to the northwest. It is relevant to mention that SHPO included Caño Martín Peña in its inventory of cultural resources. It was given the identification number SJ0200021 and is identified as a natural resource. This recognizes the undisputed historical importance of the caño. Other important properties are the Auxilio Mutuo Hospital, located 0.65 mi to the south, and the University of Puerto Rico at Río Piedras, located about 0.9 mi also to the south. These properties cannot be directly or indirectly affected by the proposed project.


PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM SOCIAL INTEREST HOUSING PROGRAM (SIH) Section 106 NHPA Effect Determination	
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Project Name: Reencontrando El Sendero Transitional Residency Improvements	

Within a radius of about 1 mi around the project area, some 46 archaeological studies have been carried out, 44 of them with negative results. The positive reports involved the Martín Peña Bridge and a historic building that was to be rehabilitated.

The project is located in an urban area of the Hato Rey Centro ward with a flat topography, with an elevation of 5 m above sea level. Caño Martín Peña is located 0.7 mi to the north and Laguna San José is located 1.02 mi to the east. According to the 1978 soil survey conducted by the United States Department of Agriculture in cooperation with the University of Puerto Rico, the area's soils were not surveyed. This is because the area has been urbanized since the early 20th century. However, it is known that geologically the project is located in the Hato Rey Formation, an area characterized by being over-consolidated.

The area occupied by Floral Park was part of an *hato ganadero* (cattle ranch) from the beginning of the colonization of the Island until the 19th century. Its privileged location between San Juan and Río Piedras and at the side of the *Carretera Central* led to the construction of *quintas veraniegas* (summer cottages) since the end of the 19th century, especially on both sides of the highway. The presence of the trolley, as well as the installation of infrastructure from the early 20th century, promoted the construction of the Floral Park development by Palmira McCormick and Rafael Schuck as early as 1926. At this time there were also three racetracks to the north, east and west of the development, with Quintana being the closest to the project area.

The area is still predominately residential, established in the first half of the twentieth century, as the infrastructure for both this section of Hato Rey Central and Floral Park are in place with buildings depicted along the roadways on the San Juan, PR 1941 topographic map. While the lots to the east and south of the project area have buildings depicted on them, the project area does not have a structure depicted in 1941 nor 1947. The 1952 edition of the topographic map no longer depicts individual residential structures in the area but simply shows it as developed. The subject property does appear to be present in the first aerial imagery that includes this location, from 1962. The greater Hato Rey area has been thoroughly developed by this time. Most of the buildings present at that time are still extant, however, the buildings to the east on the project area block, facing Calle San Antonio that were present in the 1960s, were demolished between 1977 and 1983. The lot immediately east of the project area was vacant in 1983, and the modern building on the corner of Calle San Antonio and Calle España was present by that time.


PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM SOCIAL INTEREST HOUSING PROGRAM (SIH) Section 106 NHPA Effect Determination	
Subrecipient: Lucha Contra El SIDA, Inc.	
Program ID Number: PR-SIH-00010C	
Project Name: Reencontrando El Sendero Transitional Residency Improvements	

Determination

The following historic properties have been identified within the APE:

- Direct Effect:
 - No historic properties are present within the Direct APE.
- Indirect Effect:
 - NRHP-eligible Floral Park Historic District.

Based on the results of our historic property identification efforts, the Program has determined that project actions will not affect the NRHP-eligible Floral Park Historic District, which is within the indirect Area of Potential Effect. The solar panel system will be installed on the roof of the building and will not be visible from the public right of way. The elevator will be installed in an existing elevator shaft, inside the building. The project area has been disturbed by the construction of the existing structure and its parking lot. The cartographic sources reviewed do not suggest any previous occupation of the area. Despite the undisputed historical richness of the area where it is located, it is understood that the potential for archaeological resources with integrity within the direct APE is low.

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM SOCIAL INTEREST HOUSING PROGRAM (SIH) Section 106 NHPA Effect Determination	 GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING
Subrecipient: Lucha Contra El SIDA, Inc.	
Program ID Number: PR-SIH-00010C	
Project Name: Reencontrando El Sendero Transitional Residency Improvements	

Recommendation

The Puerto Rico Department of Housing requests that the Puerto Rico SHPO concur that the following determination is appropriate for the undertaking (Choose One):

- No Historic Properties Affected
- No Adverse Effect
 Condition (if applicable): n/a
- Adverse Effect
 Proposed Resolution (if applicable)

This Section is to be Completed by SHPO Staff Only

The Puerto Rico State Historic Preservation Office has reviewed the above information and: <input type="checkbox"/> Concurs with the information provided. <input type="checkbox"/> Does not concur with the information provided.	
Comments: 	
Carlos Rubio-Cancela State Historic Preservation Officer	Date:

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM
SOCIAL INTEREST HOUSING PROGRAM (SIH)
Section 106 NHPA Effect Determination



Subrecipient: Lucha Contra El SIDA, Inc.

Program ID Number: PR-SIH-00010C

Project Name: Reencontrando El Sendero Transitional Residency Improvements

Proposed Solar Panel Installation Layout



PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM

SOCIAL INTEREST HOUSING PROGRAM (SIH)

Section 106 NHPA Effect Determination



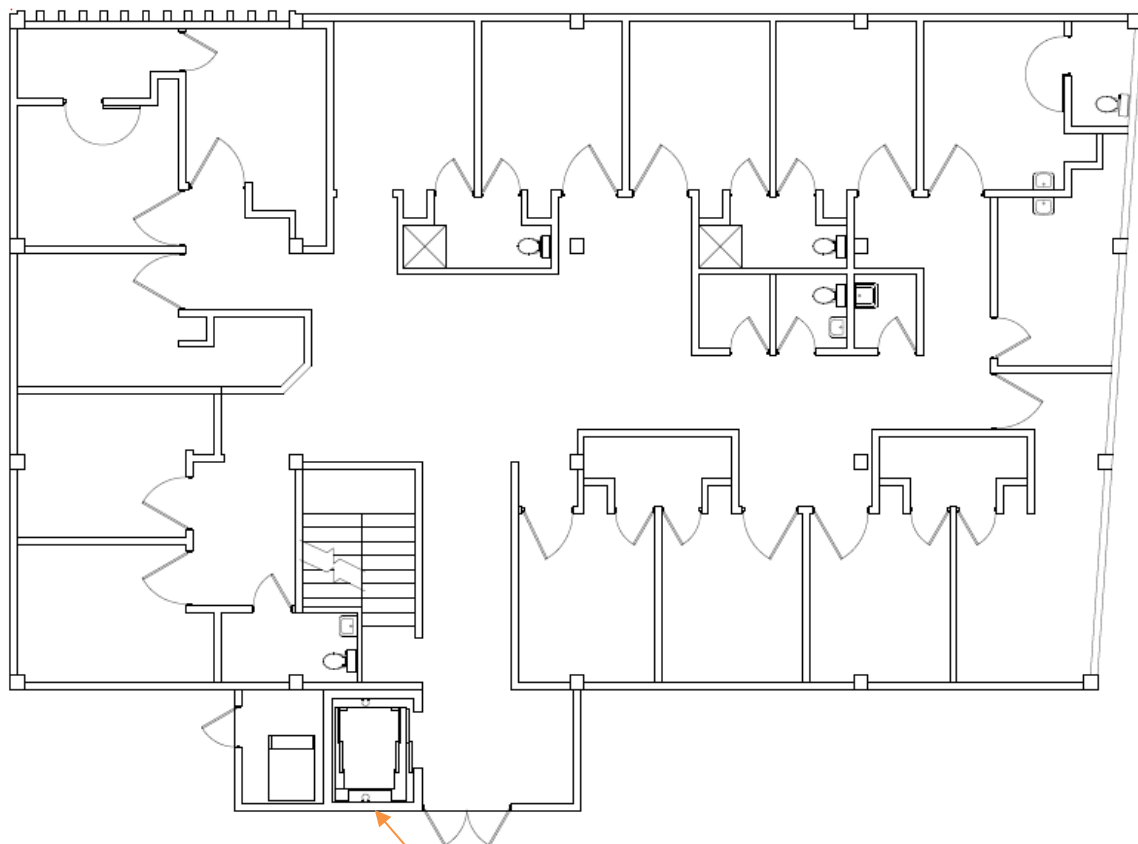
GOVERNMENT OF PUERTO RICO
DEPARTMENT OF HOUSING

Subrecipient: Lucha Contra El SIDA, Inc.

Program ID Number: PR-SIH-00010C

Project Name: Reencontrando El Sendero Transitional Residency Improvements

First Floor Plan



EXISTING CONDITION FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

Elevator Shaft

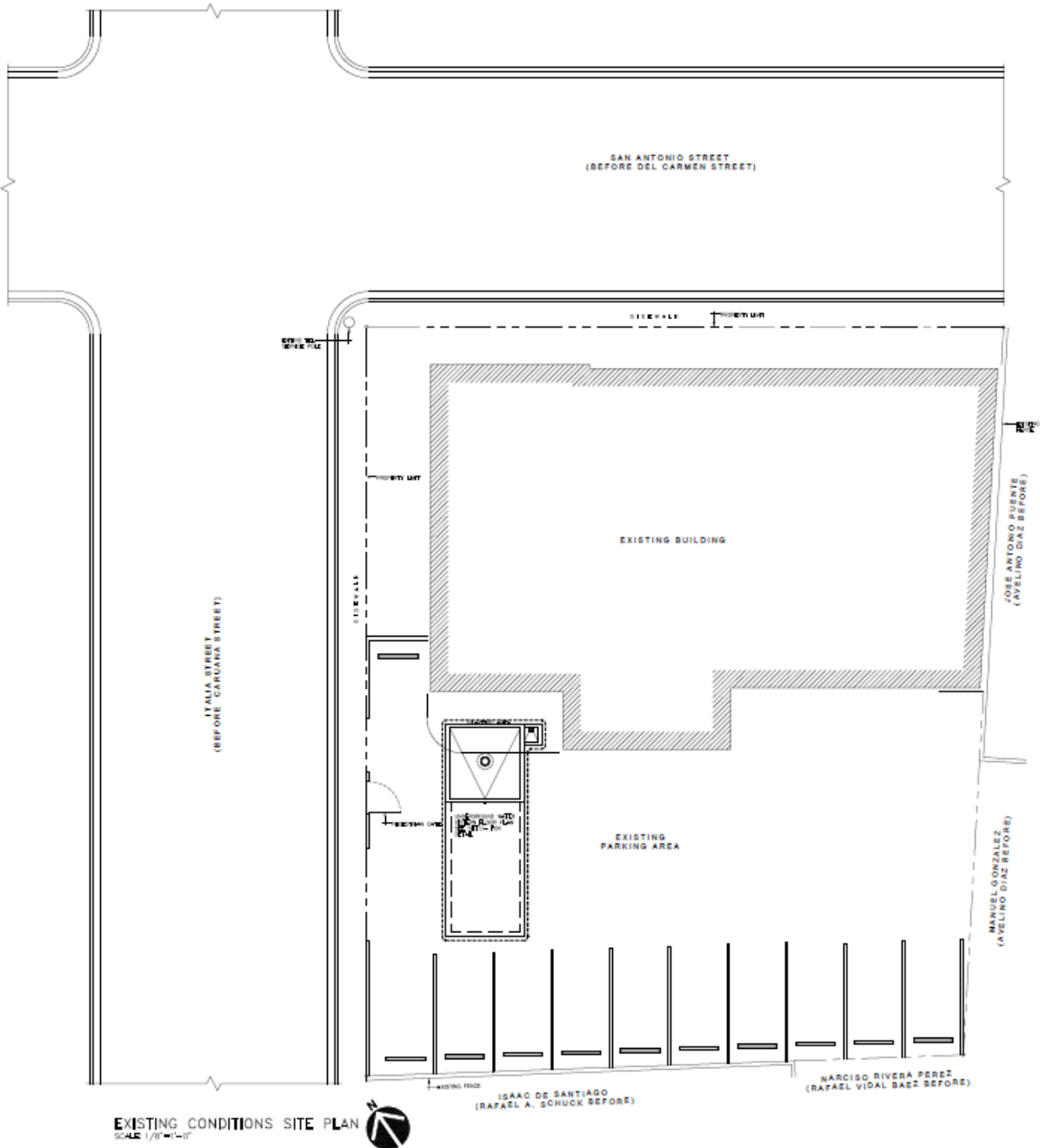


Subrecipient: Lucha Contra El SIDA, Inc.

Program ID Number: PR-SIH-00010C

Project Name: Reencontrando El Sendero Transitional Residency Improvements

Site Plan with Proposed Cistern Location – To Be Confirmed in Soil Study



**PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM
SOCIAL INTEREST HOUSING PROGRAM (SIH)
Section 106 NHPA Effect Determination**



GOVERNMENT OF PUERTO RICO
DEPARTMENT OF HOUSING

Subrecipient: Lucha Contra El SIDA, Inc.

Program ID Number: PR-SIH-00010C

Project Name: Reencontrando El Sendero Transitional Residency Improvements

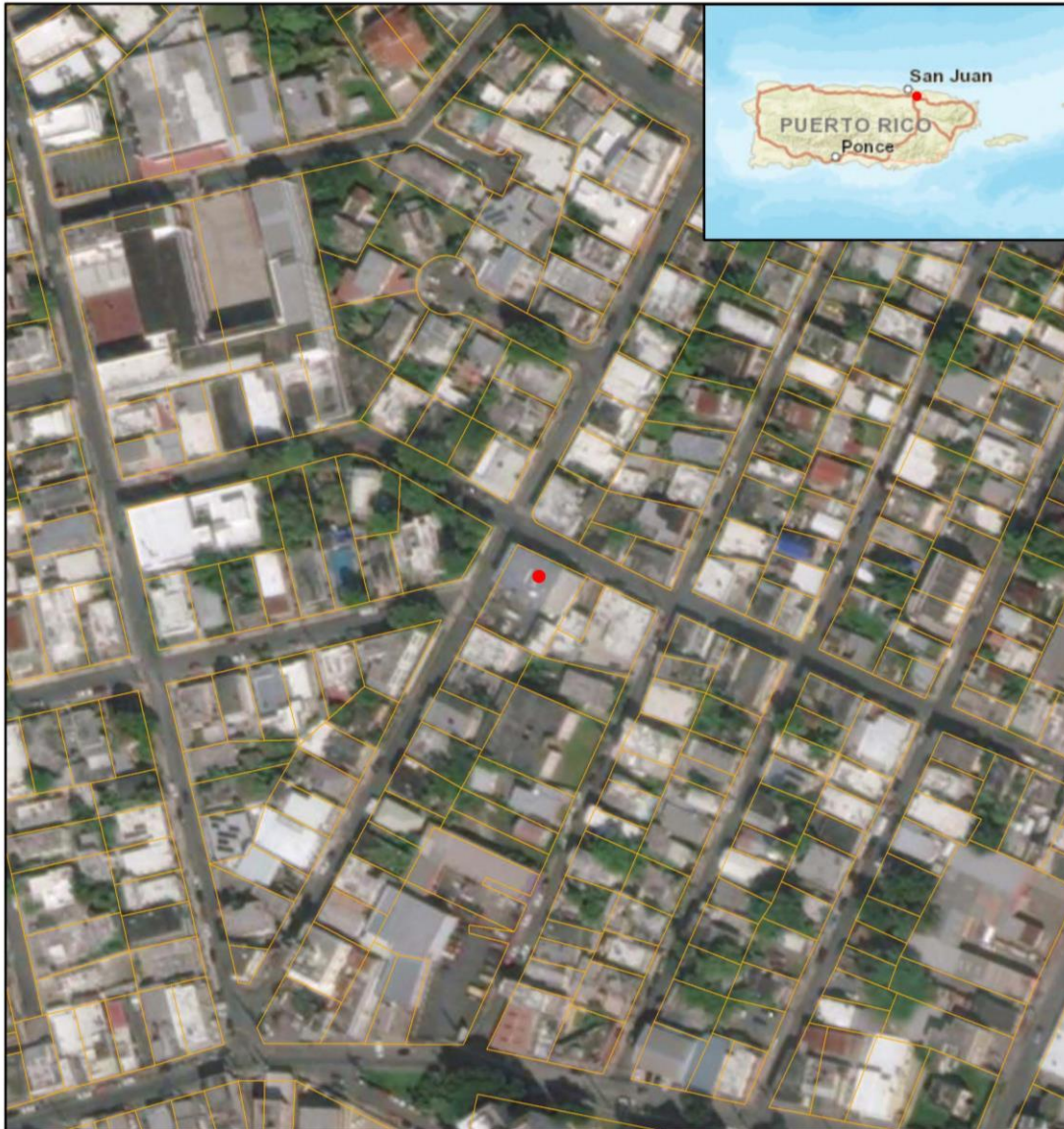
**Project Location - Aerial Base
Puerto Rico Department of Housing
Social Interest Housing Program**

Latitude: 18.4188
Longitude: -66.0492

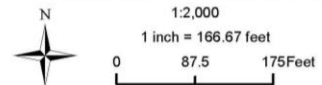


Application ID#: PR-SIH-00010C

Address: 501 Calle Italia, Hato Rey, San Juan, PR



- Project Location
- Parcels



Sources: Esri Imagery Basemap service.

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM

SOCIAL INTEREST HOUSING PROGRAM (SIH)

Section 106 NHPA Effect Determination



GOVERNMENT OF PUERTO RICO
DEPARTMENT OF HOUSING

Subrecipient: Lucha Contra El SIDA, Inc.

Program ID Number: PR-SIH-00010C

Project Name: Reencontrando El Sendero Transitional Residency Improvements

Project Location - Topographic Base

**Puerto Rico Department of Housing
Social Interest Housing Program**

Application ID#: PR-SIH-00010C

Address: 501 Calle Italia, Hato Rey, San Juan, PR

Latitude: 18.4188
Longitude: -66.0492



PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM
SOCIAL INTEREST HOUSING PROGRAM (SIH)
Section 106 NHPA Effect Determination



GOVERNMENT OF PUERTO RICO
DEPARTMENT OF HOUSING

Subrecipient: Lucha Contra El SIDA, Inc.

Program ID Number: PR-SIH-00010C

Project Name: Reencontrando El Sendero Transitional Residency Improvements

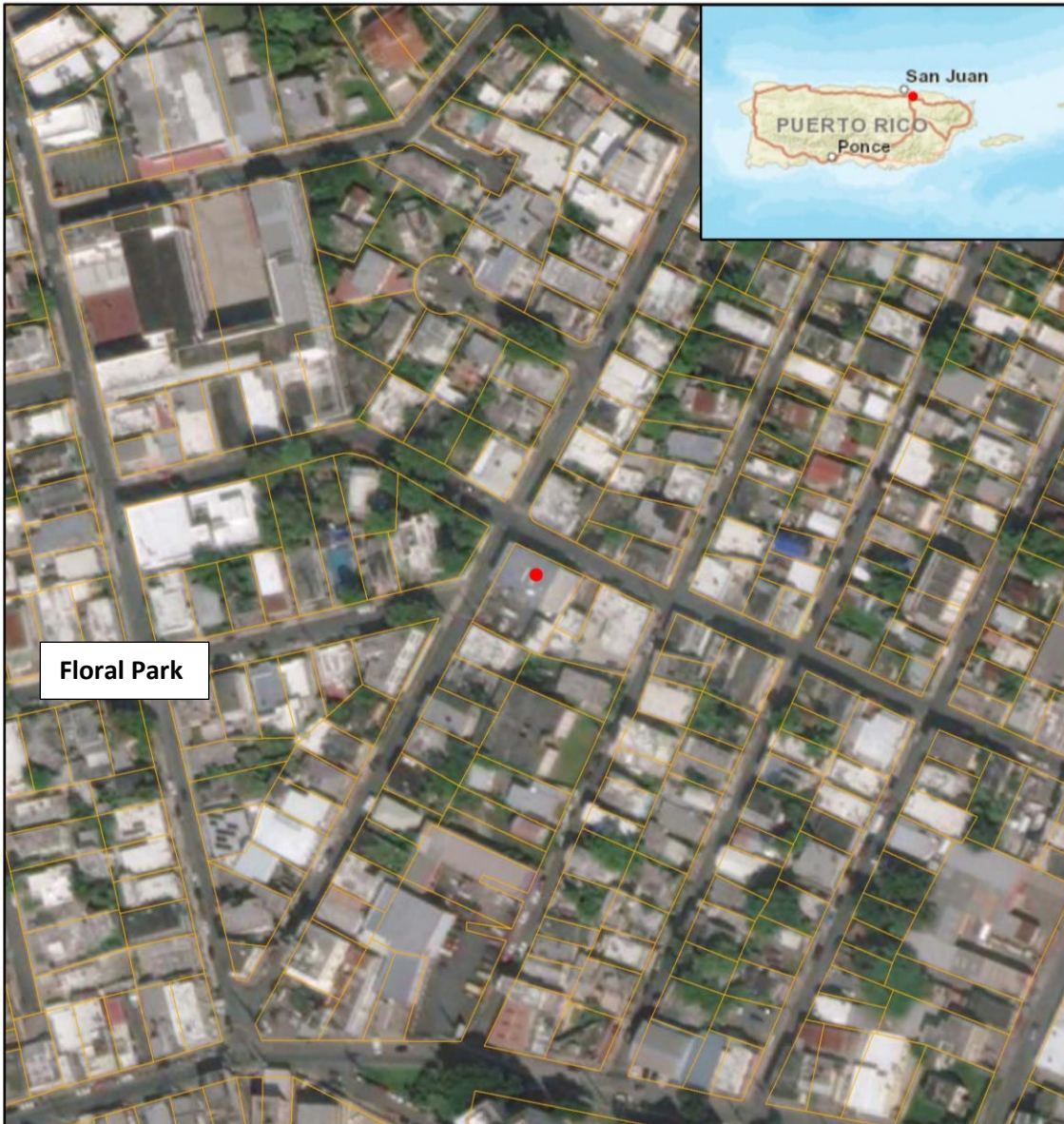
Historic Properties - Aerial Base
Puerto Rico Department of Housing
Social Interest Housing Program

Latitude: 18.4188
Longitude: -66.0492

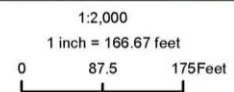


Application ID#: PR-SIH-00010C

Address: 501 Calle Italia, Hato Rey, San Juan, PR



- Project Location
- Parcels



Sources: Esri Imagery Basemap service.

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM
SOCIAL INTEREST HOUSING PROGRAM (SIH)
Section 106 NHPA Effect Determination



GOVERNMENT OF PUERTO RICO
DEPARTMENT OF HOUSING

Subrecipient: Lucha Contra El SIDA, Inc.

Program ID Number: PR-SIH-00010C

Project Name: Reencontrando El Sendero Transitional Residency Improvements

Historic Properties - Topographic Base
Puerto Rico Department of Housing
Social Interest Housing Program

Latitude: 18.4188
Longitude: -66.0492

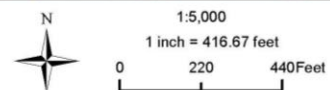


Application ID#: PR-SIH-00010C

Address: 501 Calle Italia, Hato Rey, San Juan, PR



- Project Location
- Parcels



Sources: Esri Imagery Basemap service.

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM
SOCIAL INTEREST HOUSING PROGRAM (SIH)
Section 106 NHPA Effect Determination



Subrecipient: Lucha Contra El SIDA, Inc.

Program ID Number: PR-SIH-00010C

Project Name: Reencontrando El Sendero Transitional Residency Improvements



Photo #: 1

Date: July 29, 2022

Description (include direction): Primary, south-facing elevation of the subject property with the parking lot in the foreground. Facing north-northeast.

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM
SOCIAL INTEREST HOUSING PROGRAM (SIH)
Section 106 NHPA Effect Determination



Subrecipient: Lucha Contra El SIDA, Inc.

Program ID Number: PR-SIH-00010C

Project Name: Reencontrando El Sendero Transitional Residency Improvements



Photo #: 2

Description (include direction): Oblique featuring the east (right) and north (rear) elevations of the subject property, facing west.

Date: July 29, 2022

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM
SOCIAL INTEREST HOUSING PROGRAM (SIH)
Section 106 NHPA Effect Determination



Subrecipient: Lucha Contra El SIDA, Inc.

Program ID Number: PR-SIH-00010C

Project Name: Reencontrando El Sendero Transitional Residency Improvements



Photo #: 3

Description (include direction): Rear (north) elevation of the subject property, facing south-southwest. Note Calle San Antonio in the foreground.

Date: July 29, 2022

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM
SOCIAL INTEREST HOUSING PROGRAM (SIH)
Section 106 NHPA Effect Determination



Subrecipient: Lucha Contra El SIDA, Inc.

Program ID Number: PR-SIH-00010C

Project Name: Reencontrando El Sendero Transitional Residency Improvements



Photo #: 4

Date: July 29, 2022

Description (include direction): Left (west) elevation of the subject property, facing east-southeast. Note Calle San Antonio to the left and Calle Italia in the foreground.



13 de enero de 2020

Arq. Carlos A. Rubio Cancela
Director Ejecutivo
Oficina Estatal de Conservación Histórica
Cuartel de Ballajá (Tercer Piso)
Calle Norzagaray, Esquina Beneficiencia
San Juan, Puerto Rico

Re: Autorización para Someter Documentos

Estimado Arq. Rubio Cancela:

El Departamento de Vivienda y Desarrollo Urbano (HUD, por sus siglas en inglés) de los Estados Unidos aprobó una asignación de fondos tipo Subvención en Bloque para el Desarrollo Comunitario (CDBG-DR, por sus siglas en inglés) el 9 de febrero de 2018. El objetivo de esta asignación es atender necesidades insatisfechas a consecuencia del paso de los huracanes Irma y María ocurrido en septiembre de 2017.

Para cumplir con los requisitos ambientales que establece HUD, el Departamento de Vivienda de Puerto Rico contrató a Horne Federal, LLC para proporcionar servicios de revisión de registros ambientales, entre otros, que respaldarán los objetivos de la agencia para el Programa CDBG-DR.

En el ánimo de agilizar los procesos se autoriza a Horne Federal, LLC, a presentar ante la Oficina Estatal de Preservación Histórica, documentación de los casos relacionada al Programa CDBG-DR en representación del Departamento de Vivienda.

Cordialmente,



Dennis G. González Ramos, PE MEM
Subsecretario
Programa CDBG-DR



Certificación de Cumplimiento Ambiental por Exclusión Categórica

Proyecto de Modernización de Reencontrando el Sendero

Fecha de Expedición:

29/SEP/2022

Datos de Localización

De conformidad con las disposiciones contenidas en las leyes y los reglamentos vigentes, se expide la presente Certificación de Exclusión Categórica para la acción(es) antes descrita(s):

Dirección Física:

Dirección: HATO REY CALLE ITALIA SAN JUAN

Municipio: San Juan

Estado: Puerto Rico

Código Postal: 00917

Dueño:

Lucha, Inc.

Sometido por:

Miguel San Miguel

Calificación

Distrito(s) de Calificación: C-1

Distrito en el Mapa de Inundabilidad: X

Tipo de Suelo: SNS

Número(s) de Catastro:

063-053-240-01

Datos de determinación

Exclusión Categórica

Números de exclusión categórica aplicables de acuerdo a la OA-2021-02 del DRNA :

11

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Condiciones Generales

De acuerdo con la solicitud de esta Determinación, se certificó cumplimiento con los siguientes requisitos, cuyo incumplimiento podrá repercutir en la revocación de esta Determinación:

1. Las actividades de uso o de construcciones livianas de nuevas estructuras no están ubicadas o desarrolladas en:

- a. Areas especiales de riesgo de inundaciones, derrumbes o marejadas.
- b. Areas en las que la Junta de Calidad Ambiental (JCA) u otras agencias gubernamentales estatales o federales hayan determinado que existe un grado de contaminación que excede el permitido por los reglamentos vigentes.
- c. Areas ecológicamente sensitivas o protegidas, según establecido por el Departamento de Recursos Naturales y Ambientales (DRNA), en las que existan especies únicas de fauna o flora o que estén en peligro de extinción o en las que puedan afectarse ecológicamente sistemas naturales o artificiales, ya sea en forma directa o indirecta.
- d. Areas en las que existan problemas de infraestructura o de deficiencias en los sistemas de servicios de suministro de agua potable, disposición de las aguas sanitarias, suministro de energía eléctrica o capacidad vial para el manejo adecuado del tránsito de vehículos de motor.
- e. Areas que constituyan yacimientos minerales, conocidos o potenciales.
- f. Areas en las que existen yacimientos arqueológicos o de valor cultural, según determinado por el Instituto de Cultura Puertorriqueña (ICP).
- g. Areas de topografía escarpada, en cuencas hidrográficas donde se puedan afectar fuentes de abasto de





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agua potable.

h. Cualquier otra acción que la JCA haya establecido mediante Resolución.

2. No descargarán contaminantes a cuerpos de agua, ni generará desperdicios peligrosos o emisiones al aire que excedan dos (2) toneladas al año de contaminantes de aire criterio, o cinco (5) toneladas de cualquier combinación de contaminantes criterios, ni emitirá al aire contaminantes peligrosos o tóxicos u olores objetables.

3. La disposición o descarga de las aguas usadas se realizará mediante acometidas a un sistema sanitario existente, lo cual requerirá la obtención del endoso de la AAA previo a la solicitud de permisos de construcción.

4. Que existe la infraestructura necesaria (agua potable y alcantarillado sanitario suministrado por la AAA, energía eléctrica, alcantarillado pluvial, vías de acceso) para servir a la operación del proyecto o actividad propuesta, con excepción de los proyectos agrícolas que se ubican por regla general en las áreas rurales, así como las residencias unifamiliares asociadas en las que las instalaciones de esa naturaleza son limitadas.

5. La operación de la actividad no afectará áreas residenciales o zonas de tranquilidad por contaminación sónica según establecido por el Reglamento para el Control de la Contaminación por Ruido.

6. Que el desarrollo de la instalación comercial, industrial, de servicio, institucional y de desarrollo de terrenos para uso turístico y proyectos recreativos no excede de cinco mil (5,000) pies cuadrados de construcción en área total de ocupación y área bruta de piso y que cumple con las condiciones de ubicación y operación establecidas por la OGP e u otra agencia con jurisdicción, según sean aplicables.

7. El uso de edificios o estructuras existentes para facilidades comerciales, almacenes y usos industriales o de servicios no excederán de cien mil (100,000) pies cuadrados en área total de ocupación y área bruta de piso. Dicha operación deberá cumplir con las condiciones de ubicación y operación establecidas por la OGP e u otra agencia con jurisdicción, según sean aplicables, y las establecidas para las exclusiones categóricas en este Reglamento.

8. Para la ejecución o desarrollo de las acciones aprobadas como exclusiones categóricas, se requerirá la obtención de los permisos aplicables de las agencias gubernamentales para las etapas de construcción y operación.

9. La acción no ha sido fragmentada o segmentada para fines de la evaluación y será determinación de la agencia proponente si la misma satisface o no los requisitos para ser considerada y ejecutada bajo una exclusión categórica.

10. Que ha cumplido con el requisito de publicación de un Aviso Público de conformidad con la Regla 122 del Reglamento de Evaluación y Trámite de Documentos Ambientales de la JCA, en el caso que la acción propuesta esté relacionada al uso u otorgamiento de fondos federales que requieran un proceso de evaluación parecido al de NEPA (NEPA-Like Process).

1. Las acciones de construcción de nuevas estructuras, además del cumplimiento con los requisitos establecidos en la Parte III, Inciso A, Sub incisos 1 al 8, sólo se aprobará la acción mediante Exclusión Categórica si la misma cumple con lo siguiente:

1. No descargará contaminantes a cuerpos de agua que requieran la aplicación de un nuevo permiso federal de descarga bajo el programa conocido como el National Permit Discharge Elimination System (NPDES), o de una modificación al existente ni generará desperdicios peligrosos. En el caso de los edificios o estructuras existentes que formen parte de un Parque Industrial propiedad de la Compañía de Fomento Industrial, la acción propuesta no estará sujeta a esta restricción. La acción propuesta no generará emisiones de contaminantes al aire que excedan dos (2) toneladas al año de cada contaminante atmosférico criterio o cinco (5) toneladas de cualquier combinación de contaminantes atmosféricos criterios, ni emitirá al aire contaminantes peligrosos o tóxicos u olores objetables. Una vez alcanzados estos límites de emisión mediante una o varias solicitudes presentadas a través de esta Orden Administrativa, en un periodo de cinco (5) años de haberse alcanzado dichos límites no podrá presentarse una nueva solicitud de exclusión categórica para añadir o modificar fuentes adicionales que conlleven aumentar los límites de emisión de una





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fuelle existente. En el caso de los edificios o estructuras existentes que formen parte de un Parque Industrial propiedad de la Compañía de Fomento Industrial, la acción propuesta no generará emisiones de contaminantes al aire que excedan diez (10) toneladas al año de cada contaminante atmosférico criterio o cero punto veinticinco (0.25) toneladas de cualquier contaminante atmosférico peligroso (HAP, por sus siglas en inglés) o una (1) tonelada de cualquier combinación de contaminantes atmosféricos peligrosos. Una vez alcanzados estos límites de emisión mediante una o varias solicitudes presentadas a través de esta Orden Administrativa, en un periodo de cinco (5) años de haberse alcanzado dichos límites no podrá presentarse una nueva solicitud de exclusión categórica para añadir o modificar fuentes adicionales que conlleven aumentar los límites de emisión de una fuente existente.

2. No se fragmentará o segmentará la acción propuesta en diferentes etapas con el fin de evadir los requerimientos de un documento ambiental.
3. En el caso de que la acción propuesta esté afectada por el uso u otorgamiento de fondos federales que requieran un proceso de evaluación parecido al de NEPA (NEPA-Like Process), el proponente deberá asegurarse que ha cumplido con los requisitos del reglamento de documentos ambientales del DRNA.
4. La acción cumple con los niveles de ruido y emisión de luz artificial, según establecido por los respectivos reglamentos promulgados por el DRNA o cualquier legislación aplicable.
5. No se realizará actividad alguna dentro de un cuerpo de agua, a menos que sea una obra de dragado de mantenimiento, mitigación, investigación, medición, monitoreo o remediación ambiental.
6. La acción propuesta ubica en un área donde no existen problemas de infraestructura relacionada con los servicios de energía eléctrica, agua potable, alcantarillado sanitario, alcantarillado pluvial y la capacidad vial para los accesos.
7. La acción propuesta deberá cumplir con cada uno de los requisitos específicos que le son de aplicabilidad.

Aviso

Si luego de haberse aquí dado cumplimiento con el Artículo 4(B) de la Ley Núm. 416 surgieran variaciones sustanciales en la acción propuesta que requieran la evaluación a los impactos ambientales, habrá que presentar el correspondiente documento ambiental, de conformidad con la Ley sobre Política Pública Ambiental.

Condiciones Especiales

Firma / Sellos

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Arq. María R. Cintrón Flores
Secretaria Auxiliar

