

## Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain

To: All interested Agencies, Groups and Individuals (FEMA, U.S. EPA Region 6, U.S. Army Corps of Engineers, and Harris County Flood Control District) and the Public at Large

This is to give notice that the **City of Houston Housing and Community Development Department (City), as Responsible Entity under Part 58**, has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and Wetlands Protection, to determine the potential effect that its activity in the floodplain will have on the human environment for the Multifamily Disaster Recovery project, 2100 Memorial. The activity is funded under the Community Development Block Grant Disaster Recovery 2017, **HUD Grant #B-17-MC-48-0001**.

The proposed project is located at 2100 Memorial Drive in Houston, Harris County, TX. This project, which takes place on an approximately 1.56-acre site (68,000 square foot) site located in the 100-year floodplain, proposes to use the funding to reconstruct an existing senior-living apartment building in order to successfully mitigate potential flooding onsite. In the wake of Hurricane Harvey, 2100 Memorial, a 197-unit independent living senior community, suffered devastating loss from 5' of flood water and wind driven rain from the storm. This project includes the full demolition of the existing 13-story building and full reconstruction of all 197 units over a one-story podium to elevate all inhabitable floors above the floodplain. Reconstruction will also include the construction of a water detention vault to meet current rainwater and flood mitigation standards.

**Background:** This site is already owned by a public agency, with land use restriction in place, and has been in active use since 1969. Originally used as a hotel, it was established as a Houston Housing Authority (HHA) affordable housing apartment complex in 1984. It sustained major damage during Hurricane Harvey that severely impacted its livability for residents and other building occupants. HHA and The City of Houston Housing & Community Development Dept. (HCDD), working with Columbia Residential are trying to replace and improve housing that already exists on this site, and improve the site's flood resiliency and lessen the impact of rain events.

The current building includes: no storm water or flood mitigation vaults; a below-grade parking deck that would be illegal under current building code for a floodplain; and is not accessible by vehicle during floods, as the only entrances are within the 100-year floodplain (FEMA FIRM #48201C0670M, eff. 6/9/2014). The proposed plan would address all issues while also preserving housing on the site.

The City has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

### **Alternative 1 - Rehabilitating the existing building:**

1. This alternative was physically and financially questionable in as far as meeting HUD access requirements outside of the 100-year floodplain and impossible to do without losing units since the first floor of the building would have to be eliminated to move the building amenities out of the flood zone.

2. This alternative would not be able to address city stormwater and flood mitigation requirements. There would be no planned stormwater detention, no above-ground parking and no flow-through parking deck. The project as proposed will be putting an approximately 100,000 cubic feet vault (2.293664 acre-feet; 748,051.95 US liquid gallons) under the building, improving Buffalo Bayou flow by eliminating below-grade parking and designing a flow-through parking deck (and reducing the amount of building space in the flood plain).

#### **Alternative 2 - Selling the property:**

1. The site is under a land use restriction, minimizing its market value, and the floodplain issues further diminish the market value – Columbia and HHA would not be able to use proceeds to purchase a comparable property for new construction given these impairments to the site's market value. Moving the Land Use Restriction Agreement (LURA) to a new site would require approval by Texas Department of Housing and Community Affairs (TDHCA).
2. The location is in a highly desirable community, close to Downtown, with strong access to the Buffalo Bayou Park, and with unimpeded skyline views. For affordable housing, this is an irreplaceable asset. Any site that HHA could acquire based on the limitations on sales proceeds discussed above would almost certainly be inferior and would diminish the quality of life for low income residents – a quality of life that previously existed on this site before Hurricane Harvey.
3. A sale would not functionally improve any flood-related matters, as the property would probably still be redeveloped.
4. A sale would further increase the time needed to replace the 197 units that are currently onsite, as HHA would need to find a new site it could afford after selling the property, at a time when these units have been effectively rendered unavailable and unmarketable since Hurricane Harvey in August 2017.
5. This is a very important site for Houston's affordable housing advocates. Because any other site purchased would likely be substantially inferior, selling the property would be viewed by the residents, the media, and Houston area housing advocates as a betrayal of low-income residents.

#### **Alternative 3 - Demolish the building with no replacement:**

This would leave HHA with zero assets to turn into new housing. While this could potentially operate as greenspace, and provide benefits to the floodplain and surrounding area in that manner, it appears that this is not the sole or even the best possible alternative given: 1) the need for affordable housing, not by itself decisive but coupled with 2) the fact that the development will be replaced by a mitigated structure that a) aims to meet the needs of the area by minimizing floodplain occupation and b) provides a benefit to the floodplain in the form of the proposed underground water drainage that would not be present with simple greenspace.

#### **Alternative 4 - Selecting another site:**

In addition to neglecting the unique existing needs of 2100 Memorial, which is the first and foremost problem, selecting another site would pose difficulties for the project due to the possibility of environmental

conditions on a new site, including most notably excess noise over 75 dB, contamination, and potential historical conditions, not to mention the fact that if HHA properties for reconstruction were considered, there are likely to be few if any other options. This project has a very specific site-focused need it is trying to alleviate, and it is part of the duty HHA has to ensure quality affordable housing to its residents.

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

There is a need for quality affordable housing in Houston, and a specific need for multifamily apartment units for seniors provided by the HHA project at 2100 Memorial, which should be protected and maintained. No action would mean forgoing not only HUD's mission of providing and promoting affordable housing for vulnerable populations (in this case seniors), but, unless an alternate source of funding was found (unlikely, especially given the large amount of federal funds being considered), it would mean not allowing HHA to complete its duty to maintain its public housing stock and protect its residents and their need for safe, decent housing and shelter. Based on these factors and HHA's and HCDD's commitment to the local community not to permanently displace these residents, we saw no practicable alternative to the proposed redevelopment at the existing site.

#### **Fund the development as proposed:**

Reconstruction of the development at the subject property is the preferred option. This plan includes the full demolition of the existing 13 story building and full reconstruction of all 197 units over a one-story podium to elevate all inhabitable floors 2' above the 500-year floodplain and allow for a pass-through of floodwaters below habitable space. Reconstruction will also include the construction of a water detention vault to meet current rainwater and flood mitigation standards. Residents will also be informed of emergency protocols. Steps have been taken to minimize risks to human life and property via construction methods, flood insurance, and areawide emergency alert systems. Furthermore, in addition to flood insurance requirements, residents will be encouraged to purchase personal property insurance. Until an approved Letter of Map Revision (LOMR) has been received from FEMA which effectively removes the building from the floodplain, the property owner will maintain flood insurance for the building.

**The "Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain" for this project ran on December 18, 2019 in the Houston Chronicle.** The City has reevaluated the alternatives to reconstruction in the 100-year floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

This notice is required by Section 2(a)(4) of Executive Order 11988 for the Protection of Floodplains and is implemented by HUD regulations found at 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The 8-Step Decision Making Process includes public notices and the examination of practicable alternatives to building in the floodplain and/or wetland. Additional project information, including maps of floodplains and wetlands for the project area, is contained in the Environmental Review Record (ERR) on file at the City of Houston Housing and Community Development Department, 2100 Travis Street, 9<sup>th</sup> Floor, Houston, TX 77002, and may be examined or copied weekdays 8 AM to 5 PM.

Written comments must be received by the City at the following address on or before **May 22, 2020**: HCDD at 2100 Travis Street, 9<sup>th</sup> Floor, Houston, TX 77002, Attention: HCDD Environmental Team or via e-mail at [hcdenvironmental@houstontx.gov](mailto:hcdenvironmental@houstontx.gov). A full description of the project may also be reviewed from 8 AM to 5 PM at the address provided above or electronically upon request via e-mail at the aforementioned address.

City of Houston: Sylvester Turner, Mayor

HCDD: Tom McCasland, Director

**Date: May 15, 2020**