

**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND INTENT TO
REQUEST RELEASE OF FUNDS**

July 2, 2015

City of Houston
Housing and Community Development Department (HCDD)
601 Sawyer, 4th Floor
Houston, TX 77007
(832) 394-6183

This Notice shall satisfy the above-cited two separate but related procedural notification requirements.

REQUEST FOR RELEASE OF FUNDS

On or about **Monday, July 20, 2015** the City of Houston's Housing and Community Development Department will submit a request to the U.S. Department of Housing and Urban Development for the release of the following funds:

HOME Investment Partnerships Program funds authorized by Title II of the Cranston-Gonzalez National Affordable Housing Act (NAHA), in accordance with Section 288 (42 U.S.C. 4852), to undertake a project known as:

Project Title: Fenix Estates

Location: The project area is a ±3.97 acre tract of land, located northwest of the intersection of Cullen Boulevard and Interstate Highway 45 (Gulf Freeway). Addresses include 2100 and 2121 Hussion Street, 3802 Winchester Street, 3737 Gulf Freeway, and 3915 Tharp Street and the northern portion of 3815 Gulf Freeway. Hussion Street is on the west and Coyle Street is on the north.

Purpose of project: The Fenix Estates project is designed to provide a multifamily complex with 40 units out of 200 units set aside for permanent supportive housing for the homeless. The complex will also include, approximately 15,000 square feet of supportive services space for case managers, health providers and other social service providers.

The Fenix Estates project entails the new construction of a 200 unit multifamily affordable rental housing complex on a ±3.97 acre tract of land. The new complex will include 137 efficiency (380 sq ft) and 63 one bedroom (550 sq ft) units and approximately 15,000 square feet of supportive services space. Two existing structures will be demolished. They are 12,543 square feet and 1,147 square feet, respectively.

SKA Consulting, an environmental testing company, has performed an Affected Properties Assessment Report (APAR) for this property and the 1.92 acre tract to the south due to an affected groundwater plume underneath the western portion of the site. The property has been enrolled in the Voluntary Cleanup Program (VCP). The APAR has been submitted to the TCEQ, and the issuance of a Final Certificate of Completion that documents that the property meets residential usage standards for development is expected. This project is conditioned on the successful issuance of this Certificate and the site's documented compliance with residential usage standards for development. The only mitigation related to contamination that will be required is language in the contract stating that no groundwater at the site may be used. Failure to meet these requirements subjects the project to potential HUD liability, including but not limited to payback of the federal funds.

Noise levels at the site were measured at a maximum of 74.3208 decibels (dB) and a minimum of 71.0483 dB due to proximity to the Gulf Freeway. This is in the Normally Unacceptable range of sound under 24 CFR

51, so language will need to be added to the contract requiring that interior noise levels are under 45 dB. Failure to meet these requirements subjects the project to potential HUD liability, including but not limited to payback of the federal funds.

Grant No. & Amount: M-14-MC-48-0206.....\$3,500,000.00

This project will also utilize other funding, including the following federal funding from Harris County: approximately \$1,921,531.86 of CDBG, \$19,345,440.00 of CDBG-DR, and \$1,670,000.00 of HOME.

FINDING OF NO SIGNIFICANT IMPACT

The City of Houston has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the above address and is available for public examination or copying weekdays 8 A.M. to 5 P.M.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the City of Houston, Housing and Community Development Department, ATTN: Environmental Review Officer, 601 Sawyer, 4th Floor, Houston, Texas 77007. All comments received by the close of business on **Friday, July 17, 2015** will be considered by the City of Houston prior to authorizing submission of a request for release of funds. Commentors should specify which part of this Notice they are addressing.

RELEASE OF FUNDS

The City of Houston certifies to HUD that Annise Parker, in her capacity as Mayor, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the City of Houston to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will consider objections to its release of funds and the City of Houston certification received by the close of business on **Tuesday, August 4, 2015** or a period of fifteen days from its receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer or other officer of the City of Houston approved by HUD; (b) the City of Houston, as Responsible Entity, has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to: U.S. Department of Housing and Urban Development, 1301 Fannin Street, Suite 2200, Houston, Texas 77002. Potential objectors should contact HUD to verify the actual last day of the objection period.

Annise Parker, Mayor
City of Houston