

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 & Community Development Dept. (HCDD)**, 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, to determine the potential effect that its activity in the floodplain will have on the human environment for the Multifamily Disaster Recover 2017 project, West Little York Apartments, under **B-17-DM-48-0001**.

The West Little York Apartments will include new construction of a 150-unit multifamily complex on an undeveloped 6.67-acre property located at 7925 West Little York Road in Houston, Harris County, Texas. The complex will consist of four three-story residential buildings and an amenity center with a pool and parking around the perimeter. Total impacts include 5.8 acres of the 100-year floodplain and 0.87 acres of the 500-year floodplain. No wetland areas will be impacted since none were identified on the property according to an onsite Wetland Determination report. Natural and beneficial functions of the floodplain include floodwater storage and attenuation. There is minimal potential for historic or cultural resources due to a lack of historic sites in the vicinity and confirmation with the state historic preservation officer. No suitable habitat for federal or state-listed species is present on the property. Since the property is heavily forested, timber and wildlife resources are present.

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

List (i) ALL of the reasons why the action must take place in a floodplain,

The following site selection criteria must be considered when evaluating practicable alternatives:

- a) Size of the developable space of the property should be at least 5 acres in size.
- b) Although the City of Houston does not have zoning requirements, the property should be located in an area suitable for multifamily residential development.
- c) An acceptable property will not be adjacent to undesirable features on adjacent properties, including blighted structures, pipelines, and railroads.
- d) New site selection should include proximity to commercial amenities and access to public transportation.
- e) The location must be at a minimum of 1-2 miles from an existing or proposed affordable housing development in order to prevent a concentration of similar properties.

As demonstrated below, meeting these criteria rendered the selected site (in floodplain) the only one practicable as far as development.

(ii) alternatives considered and reasons for non-selection,

- 1) *No-Action Alternative:* West Little York Apartments would not be constructed using CDBG-DR funding. This alternative was rejected since it would fail to address the demand for affordable housing, one of the primary purposes for the funding.
- 2) *Construct the development on a property outside of the floodplain:* After an extensive search for multi-family properties meeting all the search criteria, it was found that there are no other available properties for this program. In addition, the project was recently awarded 9% Housing Tax Credits from the Texas Department of Housing and Community Affairs (TDHCA). The award is contingent that the development be constructed on the undeveloped tract as originally proposed. Since the feasibility of the project is dependent on the receipt of these credits and moving the property to a different location would result in losing them, this alternative has been rejected.
- 3) *Modify the site plan to minimize floodplain impacts:* Modifications considered included: elevating the buildings with piers. Elevated buildings would require excessive costs for supportive pilings, floodproofing for portions below the floodplain elevation, and ramps for ADA access. The addition of ramps will present unnecessary burden to certain residents. Due to these reasons, this alternative was rejected.

Fund the development as proposed: Constructing the development at the subject property is the preferred option. The current plans will include raising the existing ground elevation by up to 4.7 feet of fill in order to raise the new building to the required elevation. Impacts to filling the floodplain will be mitigated by a 1:1 ratio of excavated material in an onsite detention pond, resulting in a no-net impact per the City of Houston floodplain management requirements. Steps have been taken to minimize risks to human life and property via construction methods, flood insurance, and areawide emergency alert systems. 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 to protect against flood damage.

The “Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain” for this project ran on January 21, 2020 in the Houston Chronicle. HCDD has reevaluated the alternatives to building in the 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 about floodplains can facilitate and enhance Federal efforts to reduce the risks 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, is implemented by HUD Regulations found at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management. The 8-Step Decision Making Process includes public notices

and the examination of practicable alternatives to building in the floodplain. Additional project information, including maps of floodplains for the project area, is contained in the Environmental Review Record (ERR) on file at the City of Houston Housing & Community Development Department, 2100 Travis, 9th Floor, Houston, Harris County, Texas 77002, and may be examined or copied weekdays 8am to 5pm.

Written comments must be received by the HCDD at the following address on or before **April 9, 2020**, 2100 Travis, 9th Floor, Houston, Harris County, Texas, 77002 or by email to hcdenvironmental@houstontx.gov. Attention: HCDD Environmental Team. A full description of the project may also be reviewed from **8:00 AM to 5:00 PM** at the address provided above. Comments may also be submitted via phone at (832) 394-6018 or (832) 394-6183.

Date of Publication: April 2, 2020