

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

To: All interested Agencies (FEMA, U.S. EPA Region 6, U.S. Army Corps of Engineers, Harris County Flood Control District, and City of Houston Floodplain Administrator, Texas General Land Office, Texas Water Development Board, Texas Floodplain Management Association), Groups and Individuals (Super Neighborhood)

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 and Wetlands Protection. The activity is funded under the **Multifamily Disaster Recovery 2017, grant number B-17-DM-48-0001**. The proposed project is located at **1433 Dian St. and 1800 West 15th St. in Houston, Harris County, Texas, 77008**.

The Dian Street Villas will include acquisition and demolition of the existing structures on site, and new construction of a 108-unit multifamily apartment complex on an undeveloped approximately 2.05-acre property located at 1433 Dian St. and 1800 West 15th St. The proposed unit design includes a mix of studio, one, two, and three-bedroom units that will be affordable to tenants at 30%, 50%, and 60% of area median income ("AMI"). This site is currently occupied by a vacant warehouse, a and storage building with parking lots.

The subject property is partially located within the 100-year floodplain (Zone AE – 1% annual chance flood hazard area) as well as the 500-year floodplain (Zone X – 0.2% annual chance flood hazard area). Estimated floodplain impacts include: approximately 0.82 acres of the 100-year floodplain and approximately 0.92 acres of the 500-year floodplain. The rest of the area, approximately 0.31 acres, is outside the floodplain area (Zone X unshaded). No wetland features are located on site, including the areas within the 100-year and 500-year floodplain.

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 resource

These siting criteria are designed to exclude from further evaluation alternatives which would clearly not be practicable due to unavailability to applicant, or as a result of logistical challenges that do not advance the purpose or need for the project. The primary siting criteria include the following:

- a) Although the City of Houston does not have zoning requirements, the property should be located in an area suitable for multifamily residential development.
- b) An acceptable property will not be adjacent to undesirable features on adjacent properties, including blighted structures, pipelines, and railroads.
- c) New site selection should include proximity to commercial amenities and access to public transportation.
- d) 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.

(ii) alternatives considered and reasons for non-selection

1. *No-Action Alternative*: Under this alternative, Dian Street Villas would not be constructed using CDBG-DR funding. This alternative would fail to meet one of the primary purposes for the funding. HUD allocated the CDBG-DR funds in response to Hurricane Harvey and according to the State of Texas Plan for Disaster Recovery, a portion of the funds are to be used to restore, rebuild, or replace rental stock damaged or destroyed by the storm. Harris County was identified as one of the impacted areas and is eligible to receive aid under the Affordable Rental Program. Therefore, this option has been rejected.
2. *Construct the proposed development on a property outside of the floodplain*: The development team conducted a thorough search that led to Dian Street Villas and other alternate sites being placed under contract in the timeframe required to meet application submittal deadlines for a Support Resolution, response to the NOFA for the CDBG-DR funds, as well as an allocation of Housing Tax Credits. The selection criteria and processes for receiving a Support Resolution, a CDBG-DR award recommendation, and a Housing Tax Credit allocation are independent and extremely competitive processes established by the Housing and Community Development Department (HCDD) and the Texas Department of Housing and Community Affairs (TDHCA). Numerous applicants submitted multiple applications for a limited number of Support Resolutions, CDBG-DR awards and housing tax credit allocations. The alternate sites were not selected by HCDD to receive Support Resolutions, on the grounds that the alternate sites were not competitive tax credit applications. After an extensive search for land meeting all the search criteria, it was found that there are likely to be few if any other options for this project. 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. 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 on the development being constructed on the undeveloped tract, as originally proposed. Since the feasibility of the project is dependent on the receipt of these credits, and since moving the property to a different location would result in losing them, this alternative has been rejected.

Construct the development as proposed (option selected): Constructing the development at the subject property as proposed is the preferred option. The current plans will include raising the existing ground elevation with fill material in order to raise the new buildings to the required elevation. The residential units are being built on an elevated concrete podium. The finished floors of the residential units will be 10' to 12' above the 500-year base flood elevation, as required by applicable rules governing floodplain development, including those of the City of Houston. Impacts to filling the floodplain will be mitigated by a 1:1 ratio of excavated material on the proposed project site, resulting in a no-net impact per City of Houston floodplain management requirements. Steps have been taken to minimize risks to human life and property via measures including 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 October 5, 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 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.

Written comments must be received by the **HCDD** at the following address on or before **January 27, 2021**. **2100 Travis, 9th Floor, Houston, Harris County, Texas**, 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, or alternately, via electronic means by e-mail at hcdenvironmental@houstontx.gov. Comments may also be submitted via phone at (832) 394-6018, (832) 394-6183 or via email at hcdenvironmental@houstontx.gov

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