

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

*September 10, 2021
City of Houston,
Housing and Community Development Department (HCDD)
2100 Travis St., 9th floor
Houston, TX 77002
(832) 394-6183/(832)394-6056*

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the *City of Houston, HCDD.*

REQUEST FOR RELEASE OF FUNDS

On or about September 28, 2021 the City of Houston's Housing and Community Development Department will submit a request to the Texas General Land Office (GLO), who is acting in the role of the U.S. Department of Housing and Urban Development (HUD) for the release of federal Community Development Block Grant Disaster Recovery (DR-17) (CDBG-DR) Harvey Buyout (HB) Program funds authorized by the Supplemental Appropriations for Disaster Relief Requirements of 2017, Public Law 115-56 and, Additional Supplemental Appropriations for Disaster Relief Requirements Act of 2018, Public Law 115-123 through activities authorized under Title I of the Housing and Community Development Act of 1974 as amended related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization and mitigation to undertake a project known as Biscayne Apartments/Imperial Valley Flood Detention/Green Space Project.

Project Location: 17030-17050 Imperial Valley Dr., Houston, TX 77060 (29.947110, -95.395904)

Project description: This property, approximately 19.8 acres of land at 17030 and 17050 Imperial Valley Dr. has been identified for purchase through the Harvey Buyout (HB) Program for use as a greenspace and an approximately 188 ac-ft detention to improve overall drainage, and to assist local drainage projects in the area.

The layout for the proposed detention pond was created based on the parcel boundaries. The bottom and top elevations of the basins are set to 63 and 79 feet, respectively, according to the 2001 LiDAR (to ensure consistency with the LiDAR used to develop the hydraulic modeling). The top of bank elevation was estimated based on the existing 2001 LiDAR terrain surface near the basin's perimeter. The bottom elevation of the basin was estimated at 1-foot higher than the flowline elevation near the southeastern corner of the basins to accommodate for a sufficient outfall slope into Greens Bayou. A 50-foot maintenance berm was included surrounding the perimeter of the parcels, as was as a 30-foot berm along a 12.75" diameter in-service crude oil transmission pipeline that runs through the middle of the parcels. The 30-foot berm for the pipeline was assumed based on its easement width. The resulting basin layout yielded two separate cells within the footprint of the detention basin each containing 4H:1V side slopes and a

flat bottom.

The detention will be designed in accordance with the City and County's design criteria. It will connect to Greens Bayou in the following ways:

- A culvert will be installed for low level flows to allow for water to drain to the bayou
- An overflow spillway will be installed for high level flows/overflows of the detention to the Bayou during high rainfall events
- A dual spillway will be considered to allow for bayou flow to enter detention during high flows, if needed to benefit downstream properties.

This design will follow the detention basin on the confluence of Vogel Creek & White Oak Bayou. The design will be finalized once H&H modeling is conducted to determine the appropriate location of the outfall structures.

This project consists of real estate acquisition, demolition of existing structures and construction of a detention and greenspace. The subject property is currently developed as an apartment complex with a relatively small number of residents. All tenants will be given notice to vacate the property and a relocation plan in accordance with the Uniform Relocation Act (URA) will be implemented. The relocation assistance that will be offered to tenants is moving assistance and rental assistance.

No materials will be brought in for the project development and all excavated material and debris during demolition and construction will be disposed of off-site according to all applicable laws and regulations.

This project entails Option Agreement for Purchase and Sale of Real Property between AMG City view, LLC (Seller) and the City of Houston (City) for the purchase of 17030 and 17050 Imperial Valley (Property). The Property comprises approximately 19.8 acres of land, including 417,463 sq. ft of improvements. The Purchase Price is \$37,781,336.00. The City and the County, under an interlocal agreement, will each contribute \$18,890,668.00 towards the Project. The County's share will be received and administered by the City, while the City holds title. The Interlocal Agreement will allow the City to close on the Property on behalf of both entities and receive funds from the County to complete the acquisition, relocation of current tenants, and demolition (the Project). When these activities are completed, the City will transfer the Property to the County for installation of flood mitigation measures and long-term maintenance of the site.

Upon approval of the Texas General Land Office and the U.S. Department of Housing and Urban Development the City will close on the Property and acquire title. Once the City has relocated all of the tenants and completed demolition, the City will transfer title to the Property to the County to be maintained in perpetuity for a use that is compatible with open space, recreational, or floodplain and wetlands management practices. Open greenspace will reduce the amount of water running off into streets or storm sewers and will reduce the impact of future flooding in the area.

A restrictive covenant will be placed on this property to guarantee that property must be dedicated and maintained as greenspace or detention in perpetuity.

The acquisition of Property is an eligible Property under HCDD Disaster Recovery (DR17) Harvey Buyout (HB) Program. The Property was selected based on the following parameters:

- Located in a Floodway and/or Floodplain.
- Affected by the 2017 Flood Events.
- Repetitive flood loss from the years 2015-2017 and
- Adjacent to an ongoing HPW mitigation project, which supports the overall program to reduce the risk of future flooding.

HCDD in collaboration with Houston Public Works (HPW) intends to convert this site into greenspace and detention area, which would help reduce the risk for future flooding.

The Seller understands that there is no obligation to sell the Property under the HB Program, but the Seller does so voluntarily, and that power of eminent domain will not be used to acquire the Property. The purchase of the Property is subject to environmental clearance from the U.S. Department of Housing and Urban Development and other approvals from the program guidelines from the Texas General Land Office.

The Property shall be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or floodplain and wetlands management practices. Also, no new structure will be erected on property acquired.

This project proposes to use the following funding, including:

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|-----------------------------|---|
| \$18,890,668.00..... | City of Houston – CDBG-DR17 |
| \$18,890,668.00..... | Harris County Flood Control District – Bond Funds |
| \$37,781,336.00..... | TOTAL |

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). The ERR will be made available to the public for review either electronically or by U.S. mail. Please submit your request by U.S. mail to P.O. Box 1562, Houston, TX 77251-1562 or 2100 Travis St., 9th Floor, Houston, TX 77002 or by email to hcdenvironmental@houstontx.gov.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the City of Houston, Housing and Community Development Department, ATTN: Environmental Review Officer, 2100 Travis, 9th Floor, Houston, Texas 77002 or by email to hcdenvironmental@houstontx.gov. All comments received by the close of business on September 27, 2021 will be considered by the City of Houston prior to authorizing submission of

a request for release of funds. Commenters should specify which part of this Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The City of Houston certifies to GLO, acting in the role of HUD, that Sylvester Turner, in his 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. GLO'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

GLO, acting in the role of HUD, will accept objections to its release of funds and the City of Houston certification for a period of fifteen days following the anticipated submission date or its actual 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 of the City of Houston; (b) the City of Houston 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 development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by GLO, acting in the role of 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, Sec. 58.76) and shall be addressed to Texas General Land Office, P.O. Box 12873, Austin, Texas 78711-2873. Potential objectors should contact GLO to verify the actual last day of the objection period.

*Sylvester Turner, Mayor
City of Houston*
