

## Final Notice and Public Explanation of a Proposed Activity in a Federal Flood Risk Management Standard Designated Floodplain

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

This is to give notice that The City of Houston Housing and Community Development Department (HCD), as Responsible Entity under 24 CFR Part 58, has conducted an evaluation as required by Executive Order 11988, as amended by Executive Order 13690, in accordance with HUD regulations at 24 CFR 55.20 in Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded under **HOME Multifamily New Construction, HUD Grant No. M-21-MC-48-0206**. The proposed project is located at **800 Highway 6 South, Houston, Harris County, Texas 77079** and is located in the Federal Flood Risk Management Standard (FFRMS) floodplain, as described in HUD's Final Rule effective May 23, 2024. The extent of the FFRMS floodplain was determined using the 0.2 percent floodplain approach after determining Climate Informed Science Approach (CISA) data was not available at this location. The proposed activity entails acquisition of approximately 3.47 acres of vacant land and the new construction of a 101-unit apartment complex for low- to moderate-income individuals and families known as The Rushmore (see Project Description).

**Project Description:** The Rushmore will consist of 101 new construction units in a NGBS green certified multifamily rental community within one four-story building with such amenities including a state-of-the-art fitness center, community room with a kitchen, working space, 24/7 security, and a dedicated management and leasing team. The Rushmore will serve working families, most of whom will qualify for below market rate rents. The community will consist of one-, two-, and three-bedroom units with sixteen (16) units reserved as market rate units.

**The floodplain type located on the project site is entirely 0.2 percent (500-year) floodplain without floodway, 1 percent (100-year) floodplain, or wetlands present on the property. An estimated 0.68 acres (29,700 square feet) of the site's 3.47 acres is 0.2 percent (500-year) floodplain. The floodplain is located primarily on the southeastern portion of the site and along the eastern and southern borders of the sites. Existing natural and beneficial functions (e.g. floodwater storage and conveyance, groundwater discharge or recharge, erosion control, water quality maintenance, and habitat for flora and fauna) is relatively limited due to the small amount of floodplain in question and history of previous development on site. Furthermore, since the site was previously developed, intrinsic values (e.g. recreational, educational, scientific, historic, and cultural) of the floodplain potentially adversely affected by the activity is limited.**

HCD has considered the following alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial functions and intrinsic values of the existing floodplain: This particular site was initially selected over other sites considered based on the availability for purchase, price of land, zoning status, area of opportunity and preference low-income housing tax credit, financing eligibility, local affordability, and the characteristics of floodplain size and type on the lot. Alternatives to building on the site considered include: **(1) Selecting a lot of similar size and development status outside of the floodplain.** Alternative sites were not chosen based on lack of low-income housing credit within the City of Houston. The Rushmore site was selected through the Notice of Funding Availability, and it has been under consideration for low-income housing tax credits by Texas Department of Housing and Community Affairs (TDHCA) and other funding sources since 2021. Selecting a new site would pose

practical challenges, especially given the limited number of other sites statewide, the fact that only one other site was selected for TDHCA funding consideration, and the fact that no other site was in Houston. **(2) Designing the building's footprint to be outside of the floodplain on the same site.** While this option has an intuitive appeal, it is not practical given the need for horizontal space and the fact it would a) require unusually high vertical construction, b) would limit the amount of available parking, c) make for an unevenly shaped site for development, where construction of the lot and the building would be difficult if not impracticable since the southeastern portion of the site would be restricted, and d) mitigation options are practical and cost-effective. **(3) Build without consideration of the FFRMS floodplain.** This option would render the site ineligible for HUD funding due to the new FFRMS rule, and the project would suffer from lack of sufficient funding and no longer benefit the targeted population. **(4) No action alternative.** The No Action Alternative, which entails building no project at all, is contrary to the mission and spirit of HUD to provide quality affordable housing to those who need it. It would fail to offer the attempted efforts to ensure floodplain avoidance (a 100% floodplain-free building footprint), and it would fail to offer affordable housing.

With all alternatives considered, the option was chosen to continue the project as designed with the following mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial functions and intrinsic values of the existing floodplain: **(1) Elevation.** The building is to be elevated 2 feet above the base flood elevation (BFE) of 80.20 feet. The building's finish floor elevation and all exits and entrances are to be set at 82.20 feet. **(2) Floodplain mitigation design and preservation.** Impact to the floodplain will be minimized via drainage to the east and west of the site and by balancing the cut/fill volumes in the floodplain. This is done by lowering the grades in the landscaping areas in the rest of floodplain to minimize the impact from the development. In addition, all plants are specific to this planting zone and used throughout the City of Houston. They should meet or exceed the HUD's request for native plantings and meet the city of Houston's minimum requirements. **(3) Protecting lives and property.** In addition to the above, storm inlets are strategically placed in affected drive aisles to ensure effective storm drainage and protect ingress and egress. Emergency plans have been implemented to protect life during emergencies, including flooding. **(4) Adherence to federal and local floodplain guidelines.** All design plans will adhere to all HUD and City of Houston floodplain guidelines (Chapter 19), defaulting to the most conservative option when appropriate. This includes a required detention pond to be built along the western edge of the property.

HCD has reevaluated alternatives to building in the floodplain and has determined that it has no practicable alternative to floodplain development. Environmental files documenting compliance with Executive Order 11988, as amended by Executive Order 13690, 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 floodplain 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 floodplain 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 floodplain, it must inform those who may be put at greater or continued risk.

Written comments must be received by HCD at the following address on or before **September 18, 2024**:  
**City of Houston Housing & Community Development Dept., 2100 Travis St., Houston, TX 77004.**  
**Attention: HCD Environmental Team.** A full description of the project may also be reviewed from 8:00 AM  
– 5:00 PM at the address listed above or upon request to [hcdenvironmental@houstontx.gov](mailto:hcdenvironmental@houstontx.gov). Comments or  
questions may also be submitted via email at the same email address or (832) 394-6319.

Date: **September 10, 2024.**