

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

May 16, 2019

City of Houston
Housing and Community Development Department (HCDD)
2100 Travis, 9th Floor
Houston, TX 77002
(832) 394-6018

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

REQUEST FOR RELEASE OF FUNDS

On or about **Monday, June 3, 2019** 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: Green Oaks Apartments

**Location: 1455 & 1475 Gears Rd.—8.671 Acres of Land @ SE Corner of Gears Rd. & Greens Pkwy. South of Trickey Rd. (HCAD listing is RES E GREENS CROSSING SEC 1, #115026000005—this includes RES E2, #1150260000020)
Houston, Harris County, Texas 77067**

Purpose of project: The Housing and Community Development Department (HCDD) requests Council approval of an ordinance authorizing a \$6,273,113.00 HOME Investment Partnership loan, between AMTEX Multi-Housing, LLC for the new construction of an affordable housing community designed for individuals and families.

Located in Tax Reinvestment Zone 11, Green Oaks Apartments is a 177-unit affordable rental housing community containing a mix of one, two, and three-bedroom units. The development will maintain designations for a variety of income levels, targeted to be affordable for families earning between 50 and 60 percent of the Area Median Income (AMI).

Development site for Green Oaks Apartments meets the requirements of TDHCA to be classified as a High Opportunity Area, located within one mile of convenient services including a grocery store and a pharmacy, schools, banks, restaurants, and other retail stores appropriate for residents. The subject site is also located within ¼ mile of a public transportation stop.

This project will include any needed acquisition.

Federal funds are conditioned on the following measures:

Contamination and Toxic Substances: It appears that the installation of a 10-mil polyethylene or polyolefin vapor barrier should prevent vapor intrusion from the subsurface into above grade structures. With proper installation per applicable standards, and proper standard of care is practiced to maintain the integrity of the barrier, the proposed vapor barrier should prevent vapor encroachment into the facility.

Installation of the aforementioned barrier will be required as a condition of receiving HUD federal funds.

If any unforeseen conditions are discovered upon construction, work must cease and any and all appropriate testing and mitigation must take place before work can resume.

Flood Insurance and Floodplain Management: Flood insurance is not required, and is recommended only for any structure constructed in the 500-year floodplain.

Floodplain mitigation is not mandated, but any and all mitigation possible is recommended for any properties in the 500-year floodplain. Please note that the absence of HUD mandates does not preclude the possibility of other requirements, particularly at the local level.

Historical: While no historic resources were discovered, the following measures must be undertaken in the unforeseen event that any such resources are discovered.

Above-Ground Resources

- No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties.

Archeology Comments

- No historic properties present or affected. However, if buried cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains.
- THC/SHPO concurs with information provided
- Draft report acceptable. Please submit another copy as a final report along with shapefiles showing the area where the archeological work was conducted. Shapefiles should be submitted electronically to Archeological_projects@thc.texas.gov.

Draft report refers to archaeological report submitted to Texas Historical Commission.

Please note that if any of the above resources or cultural materials are tribal, the appropriate American Indian/Native American tribe must be consulted as well.

Noise Abatement and Control: Maximum noise level at Green Oaks site closest possible point to Gears Road and Greens Parkway is estimated at 74.7818 decibels (dB). Northwesternmost building closest to streets based on site plans presented is estimated at 71.7325 dB. These noise

levels are in the Normally Unacceptable Noise Zone (NUNZ) per HUD.

Since this project is residential, the FONSI, Request for Release of Funds, and Authority to Use Grant Funds (AUGF) will contain mitigation requirements (interior noise levels under 45 dB as determined by architect or acoustical engineer), as a condition of receiving federal funds.

Language will need to be added to the contract requiring that interior noise levels are under 45 dB, as determined by an architect or acoustical engineer. Failure to meet these requirements subjects the project to potential HUD liability, including but not limited to payback of the federal funds.

The noise measurements performed by the architect/acoustical engineer shall include the use of HUD's Sound Transmission Classification Assessment Tool (STraCAT) web-based tool to determine noise levels and appropriate measures for mitigation. More information on the STraCAT tool can be found at: <https://www.hudexchange.info/stracat/> (link to tool); https://www.hud.gov/sites/documents/ENV_USERGUIDE_STRACAT.PDF (user guide).

Grant No. & Amount:	M-17-MC-48-0206.....\$364,523.83
	M-18-MC-48-0206.....\$5,911,737.17

This project will also utilize other funding, including an expected \$8,820,343.00 4% Housing Tax Credit Syndication Proceeds (National Equity Fund), \$16,103,055.00 Permanent Loan (BBVA Compass), and \$2,779,007.00 In Kind Equity/Deferred Developer Fee. Total budget is anticipated to be \$33,975,518.00.

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, 2100 Travis, 9th Floor, Houston, Texas 77002. All comments received by the close of business on **Friday, May 31, 2019** 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 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. 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, June 18, 2019** 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.

Sylvester Turner, Mayor
City of Houston