

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

To: All interested Agencies include all Federal, State, and Local, Groups and Individuals

This is to give notice that City of Charlotte, Housing and Neighborhood Service under 24 CFR Part 58 has conducted an evaluation as required under Executive Order 11990, 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 Grant. The proposed project(s) is located at 6010 Calle Lumina Way in Charlotte, Mecklenburg County and is in a Federal Flood Risk Management Standard (FFRMS) Wetland. The proposed project location is 6010 Calle Lumina Way in Charlotte, Mecklenburg County. The extent of the FFRMS wetland was determined that total disturbance of the proposed activity will be approximately 9.8 acres while the remainder of the site will remain wooded. Additionally, the proposed activities will have permanent impacts on approximately 0.014 acres of wetlands. These impacts will involve the discharge of clean fill for grading and the establishment of a playground area (WL 1000) and the discharge of clean fill for a parking lot (WL 1100). The affected wetland areas are small and of low quality that offers limited floodwater storage, minimal groundwater recharge, and scant habitat for plant and animal life. The wetland areas contain a mix of native and invasive herbaceous species, woody vines, and small saplings. It is assessed as having minimal to no educational, recreational, scientific, historic, or cultural value.

City of Charlotte, Housing and Neighborhood Services 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/wetland. The project site does not fall within a floodplain or flood-prone area. The wetlands impacted are non-tidal and associated with a low-quality, intermittent stream. They are not associated with a flood hazard area. Alternatives considered include (a) the subject project as proposed, (b) a smaller project on the same parcel to avoid wetland impacts, and (c) a no action alternative. The no-action alternative would result in no affordable housing project being built on the subject site. The smaller development would avoid the wetlands, but appreciably reduce the number of affordable housing structures, units, and associated ancillary development features. Given the lack of affordable housing within the Charlotte market and the stated objective of maximizing affordable housing options, the subject project and site remain the most viable option.

The Sycamore Station II project site selection criteria are:

- (a) The project cannot cause current residents to become displaced.
- (b) The project must be within city limits of the City of Charlotte for bond proceeds (funds) to be used.
- (c) The project must contain at least 168 units to meet community needs.

The developer, Winterwood Development LLC considered alternative actions:

Project as Proposed.

This site meets the requirements of the City's funding and bond, does not displace residents, supports 168 units of affordable housing, and does not impact a floodplain or flood hazard area. Two small non-tidal, non-flood area, freshwater wetlands are proposed for impact. These wetlands

are of low-quality and associated with an intermittent stream corridor. Impacts to the wetlands occur from grading associated with nearby building construction and a parking area. Although one wetland will be impacted by grading, the area will remain a natural or grass area and allow for a natural soak after rain events. The other wetland area will be covered by a parking area, but stormwater will move water from the parking area to an underground stormwater management system before being discharged near a natural stream system. All stormwater treatment will meet or exceed the stormwater management requirements for Mecklenburg County and the North Carolina Department of Environmental Quality (NCDEQ). Stormwater management plans will be prepared in accordance with a stormwater drainage masterplan by a professional engineering firm licensed by the State of North Carolina prior to any development. The stormwater drainage masterplan will address the hydrological characteristics of the entire site, as well as adjacent drainage patterns of relative importance. The plan will address predevelopment conditions and post-development stormwater management for flood control and sediment reduction. This plan will also address storm water quality to enhance water quality and protect any surrounding freshwater wetlands. The proposed project also will include natural areas nearer the wetlands that extend off-site and within the existing and proposed new parking spaces that will allow a natural soak into the ground. Lastly, the wetlands will be fully mitigated using the North Carolina Division of Mitigation Services in-lieu fee program.

Reduced Project to Avoid Wetland Impacts.

Winterwood Development LLC considered a reduction in the number of buildings and affordable housing units at the subject site to avoid impacts to the non-tidal, non-flood area, freshwater wetlands. Please note that no flood plain or flood hazard areas exist on the subject site, and none would be impacted by any proposed project on this site. However, a reduced project would require fewer buildings, and fewer affordable housing units, as well as parking areas and other ancillary structures. However, a reduced project would not satisfy the number of affordable housing units to meet community needs. Furthermore, the costs of building a reduced project would increase compared to the proposed project because access and ancillary support structures would still be required for the remaining buildings and units, ultimately making the site prohibitively expensive to develop.

A No Action Alternative.

A no action alternative was considered and rejected because it would not satisfy a community in dire need of affordable housing. A no action alternative would not have impacts to the non-tidal, non-flood area, freshwater wetlands. But it also would not produce any affordable housing options for the community. Please note that no flood plain or flood hazard areas exist on the subject site, and none would be impacted by any proposed project on this site. The current level of affordable housing in Charlotte does not equip the city to help those seeking affordable housing options. A no action alternative would only make the situation more dire. No floodplains or flood hazard areas will be impacted by this project. Mitigation measures will ensure that any impact to aquatic resources, including the minor wetlands, will be compensated to achieve no net loss.

Preserving Lives: No additional emergency broadcast systems are required with the subject project because there are no floodplains or flood hazard areas on the subject site. No early warning system is required should flooding conditions occur because there are no floodplains for flood hazard areas on the subject site. No additional emergency evacuation and relocation plans are required with the subject project because no floodplains or flood hazard areas occur on the subject site.

Preserving Property: Flood insurance is not required for the subject property. All buildings and associated structures for the subject property are not built in a floodplain or flood hazard area.

Preserving Natural Values and Minimizing Impacts: The construction of the proposed project will have minimal effects on aquatic resources. There is no floodplain or flood hazard area on the project site. Nevertheless, non-impacted areas and aquatic features are preserved with a natural buffer to the greatest extent possible to provide surficial hydrologic flow and allow for a natural soak during rain events and to further minimize effects of the project. Additionally, wetland impacts will be mitigated for a “no net loss” through a compensatory mitigation program.

Reevaluate the Alternatives.

Upon reevaluation, the project as proposed remains the most practicable solution, given that it is not located within a floodplain or flood hazard area. No additional floodproofing or similar mitigation measures are necessary for this development. Furthermore, there is considerable support for the subject project at this location.

The reduced project and no action alternative are problematic in that they do not build an adequate number of affordable housing units on the infill parcel and do not satisfy the need to provide affordable housing, respectively.

Determination of No Practicable Alternative

The decision to proceed with the project has been made. Public notice has been issued via the local newspaper. Documentation of the notice and postmarking is attached for your review.

It is our determination that there is no practicable alternative for the subject project and that the subject project is not located in a floodplain or flood hazard area. This is due to: 1) the need to provide housing and services to homeless families; 2) the bond requirements to construct within city limits; 3) the desire to not displace residents; 4) the need to construct an economically feasible project; and 5) the ability to mitigate impacts on human health, public property, and non-flood area wetlands.

A final notice was published detailing the project, a list of alternatives considered, and all mitigation measures taken to minimize adverse impacts and preserve natural and beneficial wetland values. No concerns were expressed by the public concerning this notice; no public comments were received. The project is in compliance with state and local wetland protection procedures.

City of Charlotte, Housing and Neighborhood Services has reevaluated alternatives to building in the wetland and has determined that it has no practicable alternative to wetland development. Environmental files documenting compliance with Executive Order 11990, 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 wetland 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 wetland 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 wetland, it must inform those who may be put at greater or continued risk.

Written comments must be received by the City of Charlotte, Housing and Neighborhood Services at the following address on or before January 14, 2025, at 600 East Trade Street, Charlotte, NC 28202 and 980-301-3995, Attention: Rebecca A Hefner, Director. A full description of the project may also be reviewed from 8AM – 5PM at same address stated above. Comments may also be submitted via email to Attention: Pamela Alexander at email: pam.alexander@charlottenc.gov.

Date: January 6, 2025