

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

July 29, 2013
City of Houston
Housing and Community Development Department (HCDD)
601 Sawyer, 4th Floor
Houston, TX 77007
(713) 868-8324

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

REQUEST FOR RELEASE OF FUNDS

On or about Wednesday, August 14, 2013 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:

Community Development Block Grant (CDBG) funds authorized by Title I of the Housing and Community Development Act of 1974 (P.L. 93-383, as amended),

to undertake a project known as:

Project Title: DeLuxe Theater Renovation

Location: 3301, 3303, and 3305 Lyons, Houston, Harris County, Texas 77020

Purpose of project: This project entails the renovation of the DeLuxe Theater, an historic African American theater in Houston's Fifth Ward, dating from the 1940s.

The scope of work will renovate and convert the abandoned theater and adjoining furniture store to accommodate an approximately 6,500 sq ft theater for the performing arts at TSU, which includes a lobby and seating for 125 patrons and approximately 2,000 sq ft of storage space for the theater function, approximately 2,500 sq ft of shelled space with finished walls, lighting and HVAC space for future retail development by the Fifth Ward Corporation, and an approximately 500 sq ft covered plaza. The project will also restore the theater marquis fronting Lyons Avenue and provide surface parking for approximately 45 vehicles. The new scope of work also includes site work, paving, storm water drainage, and structural stabilization. The design will incorporate LEED credits to achieve a Certified Level.

Exterior noise levels were calculated to be an estimated 70.7 dB.

Noise mitigation measures for theaters have been specifically written into the design plans for this project. Because the project is the renovation of a historical building, the Texas Historical Commission has approved the site plans for this project on the grounds that these site plans do not change.

Grant No.: B-12-MC-48-0018

Total Federal Funding: \$1,060,073.70

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, 601 Sawyer, 4th Floor, Houston, Texas 77007. All comments received by the close of business on Tuesday, August 13, 2013 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 Annise Parker, in her 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 Thursday, August 29, 2013 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.

Annise Parker, Mayor
City of Houston