



June 26, 2024

Ms. Teresa Morales
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

Re: Hollister Apartments, Request for Waiver of Undesirable Site Feature

Dear Ms. Morales,

I am writing on behalf of the owner of Hollister Apartments to request a waiver of an undesirable site feature for the site. Hollister Apartments is an existing market-rate development in Dickinson, Texas, Galveston County. The development is in the floodplain, and the Developer – Lone Star Capital - has proposed to provide mitigation for the site to ensure compliance with TDHCA guidelines and the safety of tenants.

The Development

The proposed Development is the **rehabilitation of an existing market rate apartment complex**. This existing development is located in the floodplain and does not have ongoing federal funding assistance. Once renovated this development will offer 156 1-, 2-, and 3- bedroom affordable units.

Hollister is located within Flood Zone AE, known as the 100-year floodplain. The entire site is located within this Flood Zone, including the street that provides access to the Development Site (see attached map). In fact, the entire City has a low elevation – between 10 and 14 feet, per estimates online. The site meets all other requirements of the QAP for Neighborhood Risk Factors and Undesirable Site Features.

The Rule

Under the 2024 Qualified Allocation Plan (“QAP”), §11.101(a)(1) states the following regarding development within the 100-year floodplain:

All Developments located within a 100-year floodplain must state in the Tenant Rights and Resource Guide that part or all of the Development Site is located in a floodplain, and that it is encouraged that they consider getting appropriate insurance or take necessary precautions. However, where existing and ongoing federal assistance is not applicable such Rehabilitation (excluding Reconstruction) Developments will be allowed in the 100-year floodplain provided the local government has undertaken and can substantiate sufficient mitigation efforts and such documentation is submitted in the Application or the existing structures meet the requirements that are applicable for New Construction or Reconstruction Developments, as certified to by a Third Party engineer.

Waivers

We are requesting a waiver of this rule, in compliance with Section 10 TAC § 11.207 of the Uniform Multifamily Rules, which provides, in part, as follows:

The Applicant must submit plans for mitigation or alternative solutions with the waiver request. Any such request for waiver submitted by an Applicant must be specific to an actual proposed Development.

(1) A waiver request made at or prior to pre-application or Application must establish that the need for the waiver is not within the control of the Applicant or is due to an overwhelming need.

(2) The waiver request must establish how, by granting the waiver, it better serves the policies and purposes articulated in Tex. Gov't Code, §§2306.001, 2306.002, 2306.359, and 2306.6701, (which are general in nature and apply to the role of the Department and its programs, including the Housing Tax Credit program) than not granting the waiver.

Request

The Applicant is requesting a waiver of 10 TAC § 11.101(a)(1) of the Uniform Multifamily Rules, disallowing a rehabilitation development in the floodplain. The developer proposes to provide flood mitigation for the property.

Unique Facts and Circumstances

Hollister Apartments is an existing development in the floodplain. Hollister is market-rate and does not have ongoing federal assistance that would qualify the site. The town in which Hollister is located, Dickinson, is also wholly within the floodplain. The vast majority of the town of Dickinson is not in a FEMA floodplain. As a result, the municipality has not undertaken mitigation that would specifically and positively impact the Hollister development.

The renovation work planned for this development will include extensive mitigation to protect the property. These mitigation efforts include the installation of Flood Logs and Horizontal Flood Passive Barriers to protect the site. It also includes the use of berms and swales to direct flood waters away from buildings, and as the implementation of French drains and perimeter drains to handle excess flood waters.

Lone Star Capital is proposing to renovate the apartments and finance the renovation with Bonds and 4% Tax Credits, thereby taking 156 units of market rate housing and placing it into the affordable pool.

To ensure compliance with the intent of the floodplain rules, Lone Star proposes to mitigate the floodplain itself using two tools- Flood Logs and a Horizontal Flood Passive Barrier. These tools prevent flooding and water damage by creating a barrier between the water and the buildings.

Summary

If this were already a LIHTC development or had a HAP contract, staff would be able to grant an exemption for this rule. We request that the waiver be granted for the following reasons:

- 1) Hollister Apartments is a market rate development that has already been built in the floodplain. This provides a unique opportunity to convert market rate housing to long-term affordable housing. The City of Dickinson with a population of more than 21,000 has only 36 LIHTC units.

- 2) Planned renovations at the development will mitigate future flooding and provide protection to the development and its residents.
- 3) Once completed, Hollister Apartments will add 156 quality affordable units to the area.
- 4) The development would further TDHCA's statutory mandate to "assist local governments in: (A) providing essential public services for their residents;

Given all of the circumstances described above, we believe this waiver deserves TDHCA's support and approval. We believe that granting this request furthers the purposes and policies as stated in Texas Government Code, §§2306.001(2), 2306.002(1), 2306.002(2), and 2306.6701 and is consistent with the provisions in the Rule.

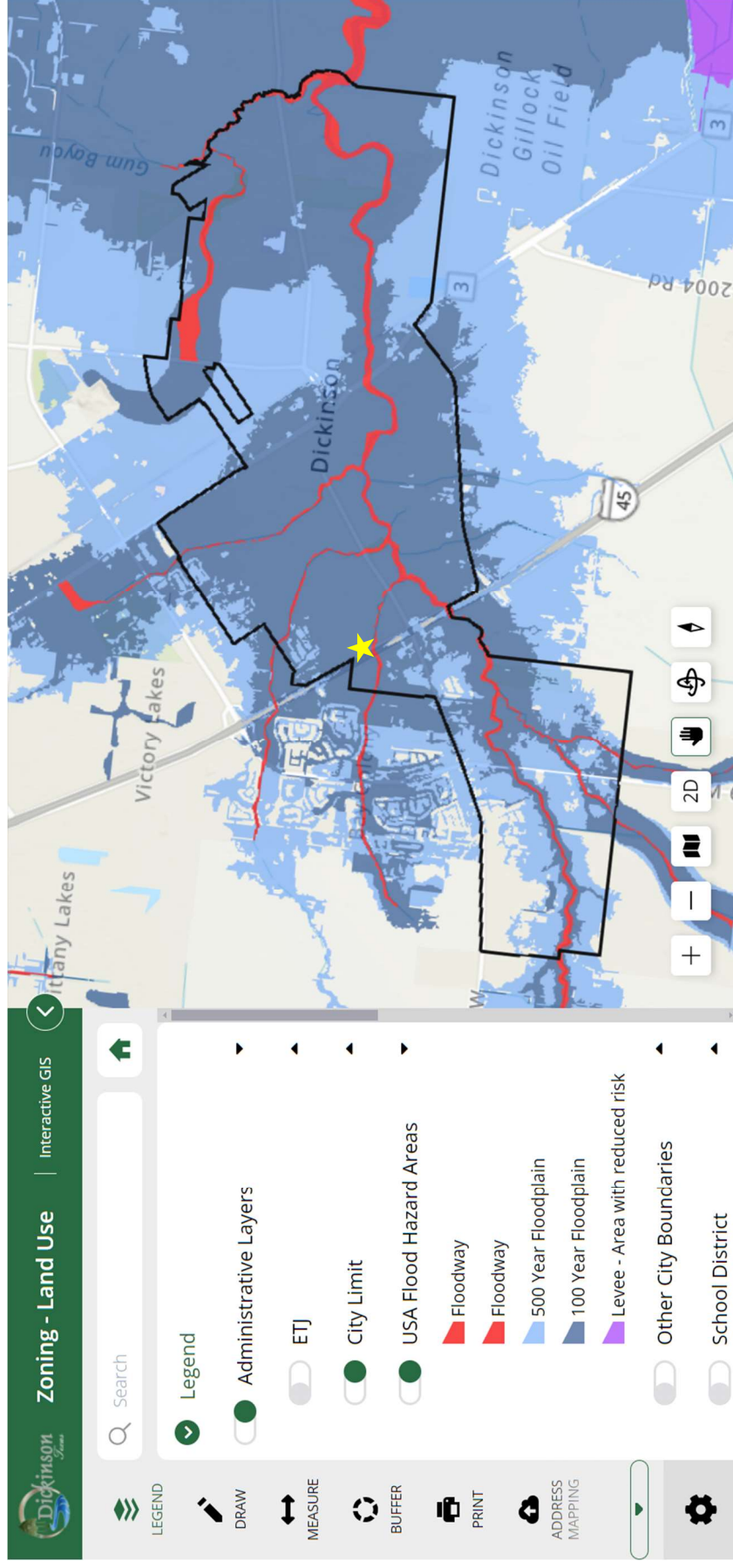
We appreciate your consideration of this request. Please do not hesitate to contact me should you have questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Andre", with a long horizontal flourish extending to the right.

Sarah Andre

City of Dickinson Flood Plain



★ Hollister Apartments

June 25, 2024

Adam Pickett
Principal
Benton Design Group
1520 S. 5th Street, Suite 304
St. Charles, MO 633034
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P: (636) 515-0382

Re: Hollister Apartments – Dickinson, Texas

To Whom It May Concern:

I am providing this document to serve as certification regarding a potential renovation of the existing Hollister Apartments in Dickinson, Texas.

In discussing the project and the existing conditions with the Dickinson Building Department, it was noted that while the existing site and property are within a 100-year floodplain, it would be allowed to apply for and obtain building permits for a Level 1 or Level 2 alteration of the existing property with no added floodplain mitigation requirements. If a new building or structure, or the addition or expansion of an existing structure were proposed, floodplain mitigation efforts and requirements would be applicable to that specific scope of work.

Upon review of the proposed renovation and in discussing the scope of work with Lone Star Capital, it was noted that to achieve compliance with the intent of the floodplain rules, the scope of work will include the installation of Flood Logs and Horizontal Flood Passive Barriers. It is my position that these are acceptable and appropriate mitigation measures.

Additionally, as part of the renovation, the Civil Engineer can provide the design of berms and swales to intercept and redirect stormwater away from building entries, as well as the implementation of French drains, perimeter drains and if determined necessary, small detention ponds onsite to further mitigate stormwater and stormwater runoff.

It is my position that the mitigation methods outlined above are appropriate and acceptable and exceed the requirements of a renovation of this nature.

Should you have any questions on the information provided above, please do not hesitate to let me know.

Thank you,

A handwritten signature in blue ink, appearing to read "Adam Pickett", is written over the "Thank you," text.

Adam Pickett
Principal, Benton Design Group
Texas Architect License: #25254
E: adam@bentondg.com
P: (636) 515.0382



MULTIPLE OPTIONS



A customizable, stackable aluminum flood barrier that is a time-tested solution for flood or hurricane prone locations

The Flood Log system is designed to be resistant to impact forces + withstand high-velocity water loads. Ideal for uses where higher protection is needed. Meets ASCE + FEMA requirements.



Front Entrance Barrier

Applications

Storefronts | Select Windows | Doors | Vehicle Access Points

MOUNTING OPTIONS JAM | OFFSET | FLUSH



Corner Bend



Extended Flush-Mounted Run



Offset Bracket Gives Wall Clearance

FEATURES



User Friendly

Color Coded For Guided Assembly



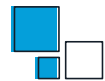
Durable

Aluminum Support Posts + Beams To Anchor System



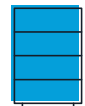
Versatile

Engineered to Accommodate Slopes of 20°



Custom Sizes

Dimensions to Fit Your Needs



Storage Solutions

Custom Rack Configurations Available

STACKABLE "C" POSTS

Flood Logs are strengthened by stackable "C" shaped posts + hollow aluminum beams fitted with watertight rubber seals, ensuring maximum stability + flood protection. Each support post can easily be removed, minimizing aesthetic impact to any building.



Storefront Window Barrier



Commercial Window Barrier



Stages of Set Up for Flood Logs. Color Coded For Easy Assembly

DIMENSIONS

Customizable

MATERIAL

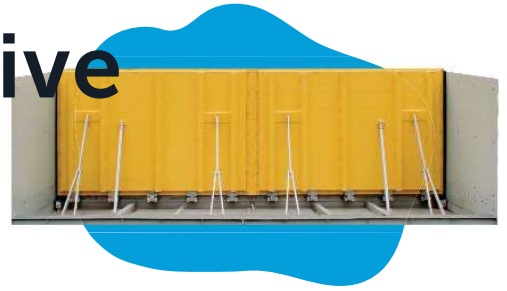
Aluminum Log Panels, Compression Gaskets

IMPACT RESISTANT

Yes

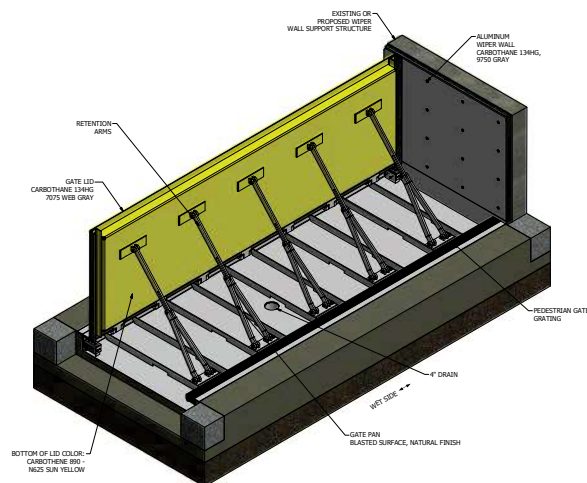
Horizontal Passive Flood Barrier

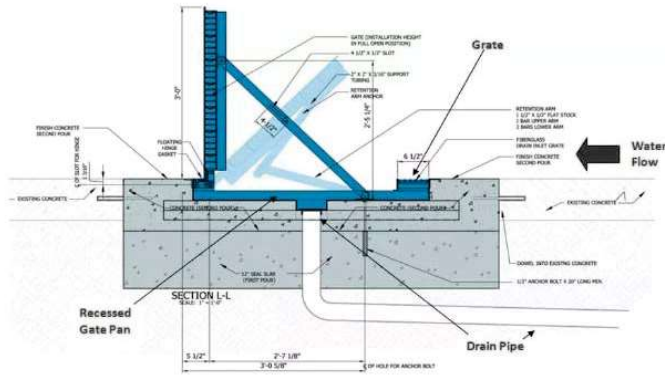
FLOODBREAK®



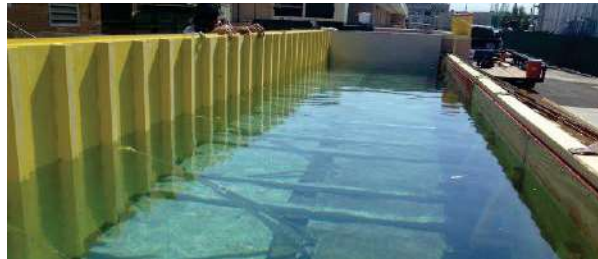
A low-maintenance, self-clearing automatic flood barrier that remains hidden until activated by floodwater.

With over 2,500 flood barriers installed worldwide, the FloodBreak® flood control system is a passive flood barrier that closes automatically to prevent water entry, activated by rising floodwater. With no reliance on people, power, springs, or mechanical assistance to lift the gate, failure points are eliminated. The systems are low maintenance, self-clearing and don't require any lubrication so they will operate when needed 24/7.





The concept is simple—let the water work against itself to automatically float the buoyant aluminum beam and activate the self-sealing rubber gasket. The higher the water rises, the higher the flood barrier is lifted until it reaches full deployment and is held closed by the hydrostatic pressure. When the water recedes, the flood barrier returns to its recessed location in front of the entryway, allowing vehicle and pedestrian passage to resume.



Technical Specifications

SIZE	No height or width restrictions
SEALS	Ethylene Propylene Diene Monomer
MATERIAL	Marine Grade Aluminum, Stainless Steel Fittings
ANCHOR	Poured Concrete Slab

Applications

Buildings & Garages | Levee & Waterfronts | Flood Walls | Multi-Family | Residential



Loudres Hospital, Binghamton, NY



UTMB Primary Care Back Entrance, Galveston, TX

FEATURES



Always Ready

Does Not Need Manual Activation



Discreet

Remains Underground At Resting Position



No Storage Needed

Remains Hidden Until Activated by Floodwater



No Electric

Operates Without Human Intervention/Electricity



Durable

Long Service Life With Minimal Maintenance