

## **Early Notice and Public Review of a Proposed Activity in a Wetland**

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

This is to give notice that the Responsible Entity under 24 CFR Part 58 has determined that the following proposed action under the Housing and Urban Development (HUD) Qualified Census Tract (QCT) or the Difficult Development Areas (DDA), along with being awarded project-based vouchers (PBA), is located in a wetland. The Responsible Entity will be identifying and evaluating practicable alternatives to locating the action within the wetland and the potential impacts on the wetland from the proposed action, as required by Executive Order 13690 and/or Executive Order 11990, in accordance with HUD regulations at 24 CFR 55.20 in Subpart C Procedures for Making Determinations on the Protection of Wetlands. The proposed project location is 250 E. German School Road in Richmond, Richmond City County. ECS Mid-Atlantic, LLC delineated the Waters of the U.S. and wetland boundaries in May 2024. The findings of this delineation were confirmed by the U.S. Army Corps of Engineers (USACE) via a Preliminary Jurisdictional Determination dated November 11, 2024 (NAO-2024-02277). The extent of the palustrine wetland, existing natural and beneficial functions of the wetland, are potentially adversely affected by the activity. The terrain of the project site is very flat with a slight slope toward unnamed tributaries of Reedy Creek and is located within the Middle James-Willis watershed. The study area is primarily wooded land with a utility easement running east to west along the southern boundary. The total number of acres of wetlands potentially impacted is 9.85. The Flood Insurance Rate Map (FIRM) does not show any of the proposed project to be located in a floodplain.

The proposed project involves the construction of a new income-restricted (affordable), for-rent townhouse community that will include access roads, parking areas, landscaped open space, stormwater management features, and a variety of amenities such as a clubhouse and leasing office, outdoor community green, dog park, and children's playground. According to the current site plan, anticipated impacts include general site grading to accommodate the townhomes, parking lots, internal roads, utilities, and stormwater infrastructure. The project site and adjacent areas to the north are zoned for business use, while the areas immediately to the south are zoned residential. The surrounding community, which features a mix of commercial and residential development, has experienced steady growth in recent years. Based on the proposed development plan and the anticipated purchase of mitigation banking credits, no adverse impacts to the surrounding area are expected. Potential effects on Virginia's coastal and natural resources have been evaluated by the twelve enforceable policies of the Virginia Coastal Zone Management (CZM) Program.

Due to the location and constraints of the alternative sites reviewed, no feasible off-site alternatives were identified that would allow for the construction of the proposed development while resulting in fewer impacts to wetlands. Furthermore, the "No Build" scenario is not considered a reasonable option given the urgent demand for affordable housing both regionally and nationwide—an issue this project is specifically designed to address.

The alternative locations explored were prioritized for being within the City of Richmond or designated 2024–2025 Qualified Census Tracts (QCTs). These areas were targeted because developments located within them are eligible for key financial incentives, such as housing vouchers and real estate tax relief, critical elements for making affordable housing projects viable. However, there is a limited supply of suitable and available properties that both meet these criteria and are within the budgetary constraints imposed by the Low-Income Housing Tax Credit (LIHTC) program. In many cases, promising sites were ultimately ruled out due to high land costs or competing buyers able to close more quickly than the LIHTC timeline allows. Despite a strong preference for a site that would avoid wetland disturbance, the current parcel emerged as the only viable option. Many of the alternate sites either failed to meet financial feasibility thresholds or fell outside necessary programmatic eligibility zones. The subject parcel—250 German School Road—is 14.14 acres in total, with approximately 11 acres classified as wetlands. Because of the project’s funding limitations, the development must take the form of a townhome community to achieve the required unit count and parking capacity. Full use of the parcel’s buildable area is necessary to meet the housing goals.

The selected site satisfies essential selection criteria, including appropriate zoning, proximity to existing infrastructure and amenities, community alignment, and sufficient acreage. Given all factors considered, this property represents the only practicable option to move forward with the proposed affordable housing project under the current conditions.

Given the site constraints, regulatory requirements for the access road and associated stormwater BMPs, and the limited wetland impacts proposed, the project is considered the least environmentally damaging practicable alternative. The Applicant, along with land planners and engineers, has worked diligently to avoid and minimize impacts to the greatest extent possible. The arrangement of buildings, internal roadways, and stormwater management infrastructure has been placed in the only configuration feasible to support the proposed development. Due to the size of the parcel and limitations imposed by both topography and required infrastructure, no alternative layouts or sites are available that would allow for the successful delivery of this affordable housing community.

The City of Richmond has set a clear goal to significantly expand its supply of affordable rental housing over the next several years, aiming to add thousands of new units by 2030. This effort responds to the increasing strain on lower-income households, as a significant portion of Richmond residents earn less than \$25,000 annually. At the same time, only a small share of rental units are priced below \$500 per month, leaving many families with few viable housing options. According to the Richmond Redevelopment and Housing Authority (RRHA), nearly 4,000 families are currently on the waitlist for public housing, 82% of whom are Black and classified as extremely low-income, earning less than 30% of the Area Median Income (AMI).

This proposed development will contribute meaningfully to addressing that gap. Located in Southside Richmond—a part of the city that continues to experience residential and commercial growth—the project will provide affordable homes that allow low-income families to remain in the community and benefit from its ongoing revitalization.

There are three primary purposes for this notice. First, people who may be affected by activities in the 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. Commenters are encouraged to offer alternative sites outside of the wetland, alternative methods to serve the same project purpose, and methods to minimize and mitigate project impacts on the wetland. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comments about the 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 the wetland, it must inform those who may be put at greater or continued risk.

Written comments must be received by the City of Richmond at the following address on or before September 25, 2025: The City of Richmond, Department of Housing and Community Development, Main Street Location, 1500 East Main Street, Suite 3000, Richmond, Virginia 23219 and (804) 646-0361. Attention: Mr. Wilken Fernandez, Senior Project Development Manager. A full description of the project may also be reviewed from 8:00 am to 5:00 pm at 1500 East Main Street, Suite 3000, Richmond, Virginia 23219. Comments may also be submitted via email at [Wilken.fernandez@rva.gov](mailto:Wilken.fernandez@rva.gov).

Date: September 10, 2025