

## **Combined Final Notice and Public Explanation of a Proposed Activity in the 100-Year Floodplain and the Notice of Intent to Request Release of Funds**

City of New York - Department of Housing Preservation & Development (HPD)  
100 Gold Street  
New York, New York 10038  
(212) 863-7106

To: All interested Agencies, Groups and Individuals

This is to give notice that the New York City Department of Housing Preservation & Development (HPD) under 24 CFR Part 58 has conducted an evaluation as required by Executive Order 11988, as amended by Executive Order 13690, 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 US Department of Housing and Urban Development's (HUD) Section 8 Project-Based vouchers (PBVs) program, to be allocated by HPD or the New York City Housing Authority (NYCHA); the HOME Investment Partnership Program, Community Development Block Grant Disaster Recovery (CDBG-DR) allocated by New York City Office of Management (NYC OMB); and/or Mortgage Insurance from HUD's Risk Sharing program to be allocated by the New York City Housing Development Corporation.

### **Genesis MMN1901**

The proposed project is located at 33 West 138th Street and is a part of a larger cluster project located in Manhattan. The extent of the FFRMS floodplain was determined using a Climate Informed Science Approach (CISA) in which HPD uses the 2080 Future Floodplain informed by New York City (NYC) Climate Resiliency Design Guidelines (CRDG) and the NYC Panel on Climate Change ("NPCC"). HPD intends to provide construction financing made available through the US Department of Housing and Urban Development's (HUD) Section 8 Project-Based vouchers (PBVs) from the U.S. Department of Housing and Urban Development's (HUD) Project-Based Section 8 Housing Assistance Payments Program, to be allocated by HPD or NYCHA, funding through the HOME Investment Partnership Program, Community Development Block Grant Disaster Recovery (CDBG-DR) allocated by New York City Office of Management (NYC OMB) and/or Mortgage Insurance from HUD's Risk Sharing program, to be allocated by the New York City Housing Development Corporation, in connection with the above-referenced project. The proposed project involves the rehabilitation of 8 buildings with 78 units prior to rehabilitation and 85 residential units post rehabilitation and is located in the 2080s Future Floodplain. Given the existing coastal urban fabric surroundings and context, the proposed project would not adversely impact the natural function or beneficial value of the floodplain. Since this project is a rehab, the project is

exempt from NYC's WRP. Furthermore, as the project was exempt from WRP, NYS DOS concurrence is not needed.

The rehabilitation includes targeted flood mitigation measures to protect building infrastructure, ensure life safety, and comply with HUD floodplain management regulations (24 CFR 55) and NYC Building Code Appendix G. The project is located within the 2080s 1% annual chance floodplain. The Design Flood Elevation (DFE) is 14 feet 4 inches. The lowest occupied residential floor, with a door sill height of 14 feet 8 inches, is already above the DFE. Because all dwelling units are above the DFE, no additional elevation or floodproofing of residential units is required. The proposed flood protection scope focuses on safeguarding below-grade spaces that contain mechanical and utility systems. These spaces are critical to building operations and would be vulnerable in a flood event if not properly protected. Exterior and Foundation Protection are as follows: 1.) Deployable flood shields or flood-rated doors with watertight gaskets will be installed at exterior openings located below the DFE. 2.) Below-grade foundation walls will receive a continuous waterproof membrane, with repointing and crack sealing of rubble stone foundation walls to prevent seepage. Protection of Mechanical Equipment are as follows: 1.) Mechanical equipment will remain in its current below-grade location. Because elevating the equipment is not feasible, the project will dry floodproof the rooms in which the equipment is located. 2.) Flood-rated doors with gasketed seals will be installed, wall and floor penetrations will be sealed with waterstops and waterproof compounds, and new materials in these rooms will be water-resistant. Stormwater and Sewer Backflow Protection are as follows: 1.) Code-compliant backwater valves will be installed on sanitary and stormwater lines to prevent sewer backup during flood events. 2.) New sump pumps will be installed in below-grade spaces to remove any infiltrating water, with connections to backup power to ensure operation during utility outages.

The proposed mitigation measures will reduce the risk of water intrusion into below-grade spaces, protect critical building systems, and help maintain building habitability during and after a flood event. This approach is consistent with HUD's floodplain management decision-making process under 24 CFR 55.20 and with NYC Building Code Appendix G, which allows dry floodproofing of mechanical spaces when occupied residential floors are already above the DFE.

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

The environmental review record established for the project are on file at HPD, Office of Development, Environmental Planning Unit, 100 Gold Street, 7th Floor, New York, New York 10038. Comments and/or objections to the obligation of funds for the aforementioned project must be submitted to HPD electronically via email to [environmental\\_review@hpd.nyc.gov](mailto:environmental_review@hpd.nyc.gov), via mail addressed to Anthony Howard, Director of Environmental Planning at the above-referenced address, or by telephone at (212) 863-7106 from Monday through Friday 9am-5pm on or before the 15th day following the publication date of this notice. No comments or objections received after this date will be considered by HPD.

#### Request For Release of Funds

On or about the 16<sup>th</sup> day after publication HPD will authorize Genesis TPT Harlem, LLC to submit a request to HUD for the release of Section 8 PBVs to undertake a project known Genesis MMN1901 for the rehabilitation of seven (7) residential buildings containing 85 dwelling units located at 33 West 138<sup>th</sup> Street (Block 1736, Lot 25) in Manhattan, Community District 10.

#### Public Comments

Any individual, group, or agency may submit written comments on the ERR to the HPD Environmental Planning Unit. The environmental review record established for the project is on file at HPD, Office of Development, Environmental Planning Unit, 100 Gold Street, 7th Floor, New York, New York 10038. Comments and/or objections to the obligation of funds for the aforementioned project must be submitted to HPD electronically via email to [environmental\\_review@hpd.nyc.gov](mailto:environmental_review@hpd.nyc.gov) via mail addressed to Anthony Howard, Director of Environmental Planning at the above-referenced address, or by telephone at (212) 863-7106 from Monday through Friday 9am-5pm on or before the 15th day following the publication date of this notice.

All comments received by the 15<sup>th</sup> day after publication will be considered by HPD prior to authorizing submission of a Request for Release of Funds. Comments should specify which notice they are addressing.

#### Environmental Certification

HPD certifies to HUD that HPD's Commissioner 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 Genesis TPT Harlem, LLC to use Program funds.

#### Objection to Release of Funds

HUD will accept objections to its release of funds and the RE's certification for a period of seven days following the anticipated submission date or its actual receipt of the request (whichever is later) only if objections are on one of the following bases: (a) the certification was not executed by the Certifying Officer of HPD; (b) the RE 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 has 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 projects are 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 sent to NY\_PH\_Director@hud.gov. Potential objectors should contact HUD to verify the actual last day of the objection period.