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City of New York – Department of Housing Preservation & Development

Final Notice and Public Explanation of a Proposed Activity in the 100-Year Floodplain, Notice of Finding of No Significant Impact (FONSI) and Intent to Request Release of Funds

To: All interested Agencies, Groups and Individuals

This is to give notice that the New York City Department of Housing Preservation & Development (HPD) intends to provide construction financing made available through the United States Department of Housing and Urban Development's (HUD) Section 8 Project-Based vouchers (PBVs) from the 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 below-referenced projects. The requested funding would result in redevelopment being undertaken within the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (100-year floodplain). This notice is required by Section 2(a)(4) of Executive Order 11988 for Floodplain Management, as implemented by HUD Regulations found at 24 CFR 55.20(b), for HUD actions that are within and/or affect a 100-year floodplain or wetland. The projects described below are subject to the notice requirement.

Columbia Street Redevelopment

The proposed project includes the development of 210 senior housing units located at 37 Otsego and 498 Columbia Street (Brooklyn Block 579, Lot 1) in the Red Hook neighborhood of Brooklyn, Community District 6. The entire 2.3 acre project site is located in the 100 year floodplain. The proposal is part of a larger redevelopment which includes three 85-foot tall, 8-story buildings (Buildings A, B, and C) containing a total of 659 units of affordable family, senior, and supportive housing and approximately 5,660 square feet of community facility space, including space for senior and supportive services all located on the same block.

Building A would contain 210 units of senior housing, or Affordable Independent Residences for Seniors (AIRS) units, and approximately 4,580 sf of space for services. Thirty percent of the AIRS units would be designated for homeless seniors referred from the Department of Homeless Services. Building A would occupy the western portion of the block with frontage along Otsego, Creamer, and Lorraine Streets. Building B would contain 81 units of SH (community facility/non-profit with sleeping accommodations), interior recreation space, and a bicycle storage room. The building would be located midblock with an entrance on Lorraine Street. Building C would contain 110 SH units, 258 units of family housing, and approximately 1,080 sf of community facility space (supportive services, including case management and counseling). Building C would be located on the eastern portion of the block with frontage on Columbia, Lorraine, and Creamer Streets. Building A would be developed through HPD's SARA Program. Building B would be financed through HPD's Supportive Housing Loan Program (SHLP) and Building C would be financed through HPD and HDC's Extremely Low and Low-Income Program (ELLA). It is possible that Buildings B would also utilize PBV in the future.

Public Explanation of a Proposed Activity in the 100-Year Floodplain:

For the proposals described above, HPD has carried out the procedures required by Executive Order 11988 on Floodplain Management, including a consideration of alternatives to avoid adverse effects and incompatible development in the floodplain. HPD has determined that the developments in the floodplain are unavoidable.

HPD proposes to support the proposed actions because there is no practicable alternative to develop the projects totally outside the floodplain. To minimize potential harm to the floodplain, the following mitigation measures, developed through coordination with the New York City Department of Buildings, will be implemented by the project sponsors:

Owners of HUD-assisted properties that are located within Special Flood Hazard Areas are required to purchase and maintain flood insurance protection as a condition of approval of any HUD financial assistance for proposed construction. HPD will ensure that flood insurance is purchased before closing for these projects. To minimize potential harm to the floodplain, the proposed projects will be required to comply with Appendix G "Flood Resistant Construction" of the NYC Building Code for construction within the 100-year floodplain in effect at the time of building construction. In addition, the following design measures will be implemented by the project sponsors:

Columbia Street Redevelopment

The project site is within the one-percent annual chance floodplain, based on the 2015 FEMA Preliminary FIRMs, in Zone AE (an area of high flood risk subject to inundation by the one-percent annual chance flood event) with a base flood elevation (BFE) of +11 feet NAVD88. Under New York City Waterfront Revitalization (WRP) Policy 6, the primary goal for projects in coastal areas is to reduce risks posed by current and future coastal hazards, particularly major storms that are likely to increase due to climate change and sea level rise. The project sponsor would construct three new buildings to provide housing and community services on a currently vacant lot previously used for commercial purposes. The buildings would be raised approximately 5 feet above the existing site grade to elevate the new structures approximately 2 feet above the current BFE, as required under Appendix G of the NYC Building Code. Buildings A, B, and C would be constructed at an elevation of approximately +13 feet NAVD88, which is the design flood elevation (DFE) for the project. The proposed building designs would also incorporate flood resiliency measures that would minimize the risk of damage or losses from flood impacts.

The ground floor of Buildings A, B, and C would be below the projected floodplain elevation by the 2050s, which is within the 80-year design life of the buildings. To account for these projected conditions, the walls of each building would incorporate wet floodproofing designs from the foundation up to the design elevation. Flood vents would be installed at the ground floor doors, and deployable flood gates would be installed at all building entrances. All new MEP equipment would be installed either at the roof level or on the ground floor of each building at the DFE of +13 feet NAVD88, in accordance with Appendix G of the New York City Building Code. The MEP equipment would be within the projected floodplain elevations sometime in the 2050s, before the end of its 50-year design life. To account for projected conditions, adaptive measures could be implemented in the future such as elevating the equipment above the ground floor level, moving the equipment to another floor or a dry floodproofed enclosure, or otherwise floodproofing or waterproofing the equipment and connecting appurtenances. Ground floor uses for each building would include crawl spaces and building lobbies, mailroom services, and storage, but no permanently occupied residential spaces.

This finding and its publication completes the compliance with the public notice requirements for Executive Orders 11988 for Flood Plain Management.

Finding of No Significant Impact (FONSI):

An environmental review record was established for the proposals in accordance with 24 CFR 58.76 and is on file at HPD. Based on this review, it has been determined that the proposed projects will not constitute an action significantly affecting the quality of the environment and, accordingly, the City of New York has decided not to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969. The reasons for the decision not to prepare an EIS are as follows:

1. There are no significant adverse unmitigated physical impacts, either direct or indirect, associated with the proposed projects;
2. There are no significant adverse social impacts, either direct or indirect, associated with the proposed projects; and
3. There are no significant adverse economic impacts, either direct or indirect, associated with the proposed projects.

The environmental review record established for the projects 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 nepa_env@hpd.nyc.gov or through the mail to the above address 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.

Intent to Request Release of Funds:

The proposed activities require an Environmental Assessment (EA), as identified in HUD environmental regulations found under 24 CFR Part 58.36. The City of New York will certify to HUD in its request for release of funds that the City and HPD's Commissioner, in his official capacity as certifying officer, consents to accept jurisdiction of the federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making and action, and that these responsibilities have been satisfied.

Environmental review records established for these projects are on file at HPD, Office of Development, Building and Land Development Services - Environmental Planning. Comments and/or objections to the disposition/obligation of funds for the aforementioned projects must be submitted to HPD electronically via email to nepa_env@hpd.nyc.gov on or before the 15th day following the date of this notice for all other projects listed. Only comments related to the environmental review will be considered. No comments or objections received after this date will be considered by HPD.

Objection to Request Release of Funds:

HUD will accept objections to its release of funds and the RE's certification for a period of fifteen 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 addressed to Luigi D'Ancona at NY_PH_Director@hud.gov. Potential objectors should contact HUD to verify the actual last day of the objection period.