

## **City of New York – Department of Housing Preservation & Development**

### **Combined 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**

**Notice Date: March 20, 2025**

To: All interested Agencies, Groups and Individuals

This is to give notice that the New York City Department of Housing Preservation & Development (HPD) has conducted an evaluation as required by Executive Orders 11988, as amended by Executive Order 13690, and Executive Order 11990, 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 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 project. The proposed project is located at 2952 West 28th Street in the Coney Island neighborhood of Brooklyn, Community District 13 and is located in the Federal Flood Risk Management Standard (FFRMS). The extent of the FFRMS 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").

#### **Coney Landing**

The proposed project includes the development of one 15-story residential building containing approximately 178 units of affordable and supportive housing, plus one superintendent's unit, at 2952 West 28th Street (Brooklyn Block 7052, Lot 1) in the Coney Island neighborhood of Brooklyn, Community District 13. Of the total units, 8 units will be for households that receive PBVs allocated by NYCHA. Of the remaining 170 affordable units, 108 units will be supportive housing for households making 30% AMI or less, and 62 units would be affordable housing for households making 60% AMI or less. The entire 19,300 square foot (.44 acre) Project Site is 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.

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

For the proposal described above, HPD has considered alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial functions and intrinsic values of the existing floodplain/wetland but has determined that the development in the floodplain is unavoidable. HPD proposes to support the proposed actions because there is no practicable alternative to develop the project 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 recipient.

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 this project. To minimize potential harm to the floodplain, the proposed project will be required to comply with Appendix G "Flood Resistant Construction" of the NYC Building Code for construction within the floodplain in effect at the time of building construction. In addition, the following design measures will be implemented by the project sponsors:

### **Coney Landing**

The proposed building would be constructed with a Design Flood Elevation (DFE) of +15.33 feet NAVD88, which exceeds the DFE of +13 feet NAVD88 required by the NYC Building Code. The building's first floor and residential entrances would be located at the DFE on a concrete slab, elevated above the adjacent sidewalk/site grade by about 7 feet. All residential units would be located starting on the second floor at a minimum elevation of about +26 feet NAVD88 and would remain above the 1 percent annual chance floodplain through the building's anticipated 80-year lifespan (through 2100). Critical mechanical equipment would be located on the first floor, elevated above the DFE of +15.3 feet NAVD88, and would remain above the 1 percent annual chance floodplain throughout their anticipated 30-year lifespan. The proposed building would not have a cellar, but there would be a crawlspace beneath the first-floor concrete slab below the Water Service Room to house the geothermal manifold. This crawl space would be wet-floodproofed, contain sump pumps, and floor access hatches located at the first-floor slab. The 1 percent annual chance floodplain is projected to exceed the +15.33-foot NAVD88 DFE by the 2080s under the High Scenario of sea level rise projections, within the building's anticipated 80-year lifespan. Should this occur, additional floodproofing measures could be incorporated at that time, such as curtain wall glazing at the building entrances. Additionally, critical mechanical equipment could be elevated once the useful life is exceeded, and sump pumps installed within mechanical rooms.

HPD has reevaluated alternatives to building in the floodplain and has determined that it has no practicable alternative to floodplain development. Environmental files documenting compliance with Executive Order 11988, as amended by Executive Order 13690, and Executive Order 11990, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in 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. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplain/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 floodplain/wetland, it must inform those who may be put at greater or continued risk.

Written comments must be received by the HPD at the following address on or before the 7<sup>th</sup> calendar day after the publication of this notice to the attention of: Anthony Howard, HPD, Office of Development, Environmental Planning Unit, 100 Gold Street, 7<sup>th</sup> Floor, New York, New York 10038 and (212)863-7248). A full description of the project may also be reviewed from 9am-5pm at HPD, Office of Development, Environmental Planning Unit, 100 Gold Street, 7<sup>th</sup> Floor, New York, New York 10038. Comments may also be submitted via email at [nepa\\_env@hpd.nyc.gov](mailto:nepa_env@hpd.nyc.gov).

### **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 project 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 project;
2. There are no significant adverse social impacts, either direct or indirect, associated with the proposed project; and
3. There are no significant adverse economic impacts, either direct or indirect, associated with the proposed project.

The environmental review record established for the project are on file at HPD, Office of Development, Environmental Planning Unit, 100 Gold Street, 7<sup>th</sup> 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](mailto: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 this project are on file at HPD, Office of Development, Building and Land Development Services - Environmental Planning. 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](mailto:nepa_env@hpd.nyc.gov) on or before the 15th day following the date of this notice for the project 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 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 Luigi D'Ancona at [NY\\_PH\\_Director@hud.gov](mailto:NY_PH_Director@hud.gov). Potential objectors should contact HUD to verify the actual last day of the objection period.