

## COMBINED PUBLIC NOTICE

### NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

#### ATLANTIC COUNTY

November 27, 2015

New Jersey Department of Community Affairs  
101 South Broad Street  
PO Box 800  
Trenton, NJ 08625-0800

This Notice is related to Federal assistance provided in response to the Presidentially-declared disaster, Superstorm Sandy. This notice shall satisfy three separate but related procedural requirements for activities to be undertaken by New Jersey Department of Community Affairs (DCA).

Per 24 CFR 58.33, and 24 CFR 55.20(b)(1), the combined Notice of Finding of No Significant Impact (FONSI), Notice of Intent to Request Release of Funds (NOI-RROF), and the Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain will be published simultaneously with the submission of the RROF. The funds are needed on an emergency basis due to a declared disaster from the impacts of Superstorm Sandy, which made landfall on October 29, 2012. As a result, the comment periods for the FONSI, NOI-RROF, and 100-Year Floodplain have been combined. Commenters may submit comments to DCA and objections to the U.S. Department of Housing and Urban Development (HUD) to ensure they will receive full consideration.

#### REQUEST FOR RELEASE OF FUNDS

On or about December 14, 2015, the DCA will submit a request to HUD for the release of Federal funds under the Community Development Block Grant Program (CDBG) pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the Fund for Restoration of Multifamily Housing (FRM)-CDBG- Disaster Recovery Funds. DCA expects to fund the project using approximately \$11,000,000.00 of Fund for Restoration of Multifamily Housing (FRM)-CDBG- Disaster Recovery Funds.

#### PROJECT DESCRIPTION

Application ID number: HMFA #02990  
Project Title: The Beach at South Inlet  
Location: 600 and 700 Atlantic Avenue, Atlantic City, Atlantic County, New Jersey

The total estimated project cost is \$65,000,000.00.

The project site involves the development of two, undeveloped, grass-covered parcels with three, two-story mixed-use buildings including 250 one-, two-, and three-bedroom residential units, 20% of which will be deemed affordable by the NJHMFA, and ground level commercial retail units on Lot 132 and a parking lot on Lot 133. The proposed development will occur within a 100-year floodplain.

## FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

This is to give notice that the DCA has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C, Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded with Community Development Block Grant Disaster Recovery (CDBG-DR) funds under HUD grant number B-13-DS-34-0001.

The project site is comprised of two, undeveloped, grass-covered parcels identified as 600 Atlantic Avenue (Block 132, Lot 1) and 700 Atlantic Avenue (Block 133, Lot 1) located in the City of Atlantic City, Atlantic County, New Jersey. The two lots are separated by New Jersey Avenue. The purpose of the project is to assist in revitalizing an area impacted by Superstorm Sandy and provide the community with quality affordable housing and employment opportunities.

The proposal is to redevelop a two-block, approximately 8-acre site located between Atlantic, Pacific, Delaware, and Connecticut Avenues in the City of Atlantic City, Atlantic County, New Jersey. The project site is bisected from northwest to southeast by South Jersey Avenue, which is not included in the property. The rectangular property consists of Block 132, Lot 1 (4.42 acres) to the northeast of South Jersey Avenue and Block 133, Lot 1 (3.62 acres) to the southwest.

The project site involves the construction of three, two-story mixed-use buildings including 250 one-, two-, and three-bedroom residential units, 20% of which will be deemed affordable by the NJHMFA, and ground level commercial retail units on Lot 132 and a parking lot on Lot 133.

The entire 8 acre project would be constructed within a 100-year floodplain based on the FEMA Flood Insurance Rate Map dated May 30, 2014, Map Number 34001C0456F, Panel 456 of 457. The project site is located within Zone AE 11 which carries a 1% (100-year) flood hazard elevation of 11.00 in North American Vertical Datum of 1988 (NAVD 88). Various building codes and NJDEP Flood Hazard Control Act N.J.A.C. 7:13 requires the first inhabitable finished floor elevation to be at least one foot above the floor hazard elevation shown on the flood maps. The minimum finished floor elevations proposed for the residential dwellings will be 12.00 NAVD 88, one foot above the base flood elevation (BFE).

DCA has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values. Among the alternatives were (i) locating the project outside the floodplain, (ii) alternative methods to serve the identical project objective; and (iii) a determination not to approve any action (no action).

Because the majority of Atlantic City is located within a 100-year floodplain, there are no practicable alternatives to locate the proposed project outside the floodplain. In addition, there is little available undeveloped land nearby. Alternative sites were investigated, however, none were identified with sufficient size and zoning that would allow for the 250 residential units. The proposed project will also help in the revitalization of Atlantic City following Superstorm Sandy

in October 2012. The proposed project is intended to transform a largely underused area into a revitalized development that would benefit both the existing commercial population and the project-generated residential population.

A no action alternative was considered and rejected as the project site would remain underused and unserved. Developing this underutilized property, which has been undeveloped for over 30 years, would provide the community with housing and employment opportunities with convenient access to public transportation and basic amenities.

No potential adverse impacts to the 100-year floodplain are expected to result from the proposed project. The design and construction of the building will comply with the New Jersey Department of Environmental Protection's (NJDEP's) Flood Hazard Control Act and associated rules (N.J.S.A. 58:16A and N.J.A.C. 7:13) for construction within a 100-year floodplain for the applicable category. Specifically, the proposed habitable first finished floor will be a minimum of one foot above the BSE.

DCA has determined that construction and operation of the proposed project would not result in significant adverse impacts to flood levels, flood risk, or the flow of floodwaters on the project site or surrounding areas. The flood hazard area on this site (and all of Atlantic City and barrier islands in New Jersey) is tidal so the elevation it reaches will not be impacted by placing fill on the project site. The tidal flood hazard elevation could be reached with or without the fill placed, and the neighboring properties will receive the same impact from a tidal event independent of the fill placed. In addition, the placement of fill is required by flood hazard protection regulations of the NJDEP Flood Hazard Area Control Act as well as building codes and municipal ordinances.

DCA has reevaluated the alternatives to building in the floodplain and has determined that there is no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 are available for public inspection, review and copying upon request at the times and location delineated in the 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 floodplains 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 floodplains 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 floodplains, it must inform those who may be put at greater or continued risk.

#### FINDING OF NO SIGNIFICANT IMPACT

The DCA has determined that this project will have no significant impacts on the human environment. Therefore, an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the New Jersey Department of Community Affairs, Sandy Recovery Division, 101 South Broad Street, Trenton, NJ 08625-0800. The record is available for review and may be examined or copied weekdays 9 A.M. to 5 P.M. or can be viewed online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

## PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on this project may submit written comments to Laura Shea, Assistant Commissioner, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800 or online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/> and to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. All comments received by December 14, 2015, or fifteen (15) days from the actual date of publication, whichever is later, will be considered by DCA. Comments should specify which Notice they are addressing.

## ENVIRONMENTAL CERTIFICATION

DCA certifies to HUD that Charles A. Richman, in his capacity as Commissioner of DCA 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 the National Environmental Policy Act and related laws and authorities, and allows DCA to use CDBG-DR funds.

## OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and DCA's certification for a period of fifteen (15) days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of DCA; (b) DCA 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 or undertaken activities 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 58.76) and shall be addressed to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Commissioner Charles A. Richman  
New Jersey Department of Community Affairs