



U.S. Department of Housing and Urban
Development
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Washington, DC 20410
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Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58

Project Information

Project Name: 25 Delaware

Responsible Entity: City of Albany, NY

Grant Recipient (if different than Responsible Entity): 25 Delaware, LLC

State/Local Identifier: New York, Albany County, City of Albany

Preparer: Kristin Cronin, Finance Compliance Officer, Albany County Development Agency

Certifying Officer Name and Title: Faye Andrews, Director

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable): Conifer Realty, LLC

Direct Comments to: fandrews@albanyny.gov

Project Location:

25 Delaware Ave, Albany, NY 12208

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

25 Delaware will be a 5-story building with a masonry semi-subsurface parking structure on the first floor and 4 story wood-framed apartment building on top, directly next to the historic building. The new construction building will include a mix of façade materials including exposed concrete, cementous siding and brick. Based on the geotechnical report, a pile foundation system is anticipated and included in the construction cost estimate.

The development will incorporate green building techniques and will be certified through US Green Building Council (USGBC) Leed for Homes Program. Furthermore, 25 Delaware will be certified through EPA Energy Star V3.1 Program and all apartments will include Energy Star rated light-fixtures and appliances. The energy saving methods used will provide a higher market demand for the units because it will result in utility cost savings for the residents. 25 Delaware will meet HCR's Green Building initiative. A mobility impaired accessible playground will be onsite, community green area provides the residents with a flexible space for outdoor recreation.

10% of the units will be fully adapted to be accessible for persons with mobility impairments and 4% will be adapted for persons with hearing/visual impairments. All units will be visitable.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The significant demand for affordable rental housing in the City of Albany is evidenced by the low capture rates described in the development's market study. There have been only 383 new affordable units either created or under construction in the primary market area in the last 10 years. 25 Delaware will increase the number of affordable apartments while complementing other affordable options by offering a larger range of income targets. The site also within an Empire State Poverty Reduction locality while being a cornerstone development between three neighborhoods.

Existing Conditions and Trends [24 CFR 58.40(a)]:

The site is currently under a Purchase Agreement by 25 Delaware, LLC (the Beneficial Owner). The site is located in the Park South Neighborhood and allows for multifamily housing. The site consists of a vacant, 2-story brick building which will be incorporated into the development and house most of the comment amenities. The 25 Delaware parcel is presently zoned MU-CU: Mixed Community Urban Zone which permits multi-family housing. Site plan approval and a building permit will be required from the City of Albany, both of which will be obtained prior to construction finance closing.

Funding Information

Grant Number	HUD Program	Funding Amount
TBD	City HOME	500,000

Estimated Total HUD Funded Amount: \$500,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$20,748,000

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Albany International Airport, the closest airport, is located six miles north-west of 25 Delaware, greater than the 2,500 feet separation distance for Civilian Airports. There are no military airfields within 15,000 feet of 25 Delaware.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Based on the project description the project includes no activities that would require further evaluation under this section. The

Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]		subject parcel is located in a FEMA Flood Map Zone X. The project does not require flood insurance or is excepted from flood insurance. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with Flood Insurance Requirements.
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STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5

Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No odors or vapors were observed during the property visits. See Phase I Environmental Site Assessment for further information.
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The site is not located within a coastal zone and therefore no compliance or mitigation steps are required under the Coastal Zone Management Act.
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	In December of 2018 LaBella Associates PC surveyed the subject parcel and generated a Pre-Renovation Regulated Building Materials Inspection report. In this report asbestos containing materials and lead based paint was identified in the exiting building to remain and be renovated into the amenity space. See the above reference report for further details.
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The HUD-assisted project meets the Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part	Yes No <input type="checkbox"/> <input type="checkbox"/>	This project does not include any activities that could potentially convert agricultural land to non-agricultural use. The project is in compliance with the Farmland Protection

658		Policy Act.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input type="checkbox"/> <input type="checkbox"/>	This project does not occur in a floodplain. The project is in compliance with Executive Order 11988.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	See letter dated 11/5/18
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No <input type="checkbox"/> <input type="checkbox"/>	The project does not propose noise sensitive land development 24CFR 51.101 (a)(2)
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project involves the rehabilitation of an existing building and the new construction of another in the City of Albany, New York. As per the US EPA Sole Source Aquifer mapping tool, there are no US EPA sole source aquifers in located on or in close proximity to the subject parcel. The closest Sole Source Aquifer is the Schenectady- Niskayuna SSA which is 4.7 miles from the subject parcel. Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. The project is in compliance with the Sole Source Aquifer requirements.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990.
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No known designated wild, scenic or protected river corridors located near the project site. See NYS EAF Mapper.
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Through completion of the Environmental Assessment Determinations and Compliance

	<p>Findings for HUD-assisted Projects 24CFR Part 58 evaluation (this form), it has been determined that the proposed project for 25 Delaware will have no adverse environmental impacts. Therefore, the project complies with Executive Order 12898 and will have no adverse human-health or environmental effects on minority and/or low-income populations. The impacts associated with the project are beneficial and positive as the project will renovate a blighted building and increase the affordable housing stock in the City of Albany. There is a high demand for this type of rental property in this area.</p>
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Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	The project is in conformance with local zoning, see attached letter dated 12/4/2018 from the City of Albany. Additionally the project is in conformance with the local urban renewal plan as evidenced by the 8/25/2020 letter from the Albany County Development Agency.
Soil Suitability/	1	The overall grade of the site slopes to the northwest towards

Slope/ Erosion/ Drainage/ Storm Water Runoff		Lark Street falling from an elevation of 199' at Delaware Avenue to an elevation of 182'. Stormwater runoff is proposed to be contained on-site and the ground will be stabilized with permanent landscaping to avoid erosion. There are two deficiencies in the subsurface conditions, the in-place fill was not compacted with this development in mind and design loads are heavy in comparison to the inherent capacity of soft clay soils. To rectify this condition the new building will have a deep foundation system consisting of closed end pipe piles or helical piles. See the Foundation Design PC. Geotechnical Report dated 12/21/2018
Hazards and Nuisances including Site Safety and Noise	1	Asbestos containing materials and lead based paint were identified in the existing building, as part of the renovation of this building, these hazardous substances will be removed. See Phase I ESA dated 8/14/2020 and Regulated Building Material Report dated 12/2018 both prepared by LaBella Associates PC
Energy Consumption	3	Energy consumption will increase as the site is currently vacant. The project is designed to the EPA Energy Star Multifamily New Construction Program and the US Green Building Council LEED for Homes Program. See attached scope letter from Sustainable Comfort dated 8/14/2020 and Utility Calculation Report also from Sustainable Comfort dated 4/12/2021

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	There will be no permanent impacts to employment and income patterns as a result of the project
Demographic Character Changes, Displacement	1	The project will add affordable units to the market area to households earning between 30% and 60% of the area median income. There is no displacement as this project involves the creation of affordable units on vacant land. See attached Market Study dated 8/24/2020.

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	The property is in the Albany City School District and nearby schools include: Day Care: 230 Green Street Elementary School: Giffen Elementary, PK-5 Middle School: William S. Hackett Middle, 6-8

		High School: Albany High, 9-12 (Market Study page 41)
Commercial Facilities	2	Commercial services in the immediate area relate to a new higher end grocery store, local restaurants/retailers on Delaware, a pharmacy, national brand fast food and hotels farther south on New Scotland. The Times Union Center and the Egg are the largest entertainment and event venues in the city and coupled with New York State and Albany municipal offices, form a base employment center for the region. additional employment centers are to the south related to the hospital, the DMV, NYSOPWDD and the multiple schools/colleges. Additional employment options are generated by the ongoing redevelopment of existing buildings for new unrestricted market rate housing at the Kenmore, Abraxas, Columbia Street and Broadway. (Market Study page 41)
Health Care and Social Services	2	Albany Medical Center is at 43 New Scotland Avenue farther to the southwest on Delaware. In addition to these medical centers, there are a wide variety of medical offices available in the area. (Market Study page 41)
Solid Waste Disposal / Recycling	3	As the site is currently undeveloped, additional solid waste and recycling will be generated. This will be contracted out via a refuse company to be determined.
Waste Water / Sanitary Sewers	2	As the site is currently undeveloped, additional waste water will be generated by residents. The City of Albany has confirmed there is capacity within existing systems to handle this new waste water. See attached Sewer Will-Serve Letter
Water Supply	2	As the site is currently undeveloped, additional domestic water will be required by residents. The City of Albany has confirmed there is capacity within existing systems to handle this new domestic water requirement. See attached Water Will-Serve Letter
Public Safety - Police, Fire and Emergency Medical	2	The project will be serviced by the Albany Police Department and the Albany Fire Department South End which are also in close proximity to the site. (Market Study page 41-42)
Parks, Open Space and Recreation	2	Lincoln Park, roughly 400 feet from the subject parcel, was established as Albany's first public playground in 1900. The park features Albany's only outdoor non-wading swimming pool, multiple tennis, basketball and handball courts, playgrounds, ball fields. The youth fitness center includes a gym, weight room, activities such as wrestling, karate, dance, and cardio. In the winter the park is open for snowshoeing, cross country skiing and sledding. (Market Study page 41) Open space at the project location will be

		reduced as a new building will occupy a portion of the parcel. Building coverage will increase from 7.6% to 45.0% (Site Plan page 4)
Transportation and Accessibility	2	The subject neighborhood is highly walkable with a walkscore of 88 indicating most errands can be accomplished on foot. There is a bus stop at the site that provides multiple routes throughout the city and provides direct access to the Amtrak station in Rensselaer across the river. Delaware Avenue serves as a main north-south route in this immediate part of the city, with Madison and Washington serving as main east-west routes into downtown and connection to I-787. (Market Study page 40)

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	There are no unique natural features or water resources on this property which is located in a fully developed urban area.
Vegetation, Wildlife	2	No native vegetation or wildlife will be adversely affected by the rehabilitation of this property. The building is located in a fully developed urban location.
Other Factors		Not applicable.

Additional Studies Performed:

- Phase 1 Environmental Site Assessment Update (ESA) – LaBella Associates P.C. (8/14/2020)
- Phase 1 Environmental Site Assessment (ESA) – LaBella Associates P.C. (8/21/2018)
- Regulated Building Material Report – LaBella Associates P.C. (12/2018)
- Preliminary Geotechnical Evaluation – Dente Engineering. P.C. (8/23/2011)
- Geotechnical Evaluation – Foundation Design P.C. (12/21/2018)

Field Inspection (Date and completed by):

- August 4, 2020 – Sierra Vaverchak, LaBella Associates, P.C. (Phase I ESA)
- December 3, 2018 – Chris Enright, LaBella Associates, P.C. (Regulated Building Material Report)
- November 30, 2018 – E. Ashley, Foundation Design, P.C. (Geotech Evaluation)
- August 6, 2018 – Meredith Ellis, LaBella Associates, P.C. (Phase I ESA)

June 20, 2011 – Unknown Engineer, Dente Engineering, P.C. (Prelim Geotech Evaluation)

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

United States Department of Interior, US Fish and Wildlife Service
United States Department of Interior, National Parks Service
United States Department of Housing and Urban Development
New York State Department of Environmental Conservation
United States Environmental Protection Agency
United States Department of Agriculture
New York State Office of Park Recreation and Historic Preservation
New York State Department of Health
ASTM
Sanborn ® Fire Insurance Mapping
Albany County
City of Albany

List of Permits Obtained:

The project is currently in the process of obtaining site plan approval. Prior to construction finance closing, building permits will be obtained.

Public Outreach [24 CFR 50.23 & 58.43]:

The project has gone before the city of Albany HRC, Planning Department and ACDA board meeting

Cumulative Impact Analysis [24 CFR 58.32]:

This is not a phased project, so this is not applicable.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

At this point in the project the site and building location cannot be changed

No Action Alternative [24 CFR 58.40(e)]:

If the proposed affordable housing is not constructed the community will miss out on the creation of new affordable housing units.

Summary of Findings and Conclusions:

This environmental review was conducted in accordance with requirements of NEPA, the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500) and 24 CFR part 58 HUD NEPA requirements for responsible entities. The analysis

concluded that the proposed project would be an appropriate update to the project site, would be a positive aspect of the neighborhood by adding quality affordable housing for the community, and would meet objectives presented in the City's goals for the area. The proposed project would not significantly affect the character, features nor municipal or cultural resources of the project area.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

A Phase I Environmental Site Assessment (ESA) was completed in August of 2018 and then updated in August of 2020 by LaBella Associates, P.C. Both environmental site assessments found no recognized environmental conditions and did not recommend further investigation.

In preparation for the design of the existing fire signal building, LaBella Associates, P.C. was also contracted in December of 2018 to conduct a survey of regulated building materials. Asbestos containing materials and lead based paint were identified and will be removed (if necessary) according to all federal, state, and local remediation regulations.

Law, Authority, or Factor	Mitigation Measure
Asbestos Containing Materials	Testing was completed for and confirmed the presence of asbestos in materials that were likely to be disturbed during construction, including; VAT flooring, VAT mastic, joint compound, plaster, and sink coating. Prior to the building rehabilitation work commencing, asbestos containing materials will be abated by a New York State Certified Contractor as per industry standards and accepted safe construction practices.
Lead Based Paint	Testing was completed for and confirmed the presence of lead based paint in numerous locations around the existing building. The general contractor will use lead safe practices as per industry standards and accepted safe construction practices to mitigate exposure.

Determination:

Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature: Justin Cemin Date: 5/3/21
Name/Title/Organization: Compliance Officer
ACDA
Certifying Officer Signature: [Signature] Date: 5/3/21
Name/Title: Faye Andrews, Director

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).