

**351 Powers Avenue RFP Addendum**

RFP Issue Date: August 18, 2022

Pre-submission Conference Date: September 13, 2022

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Addendum 1 Issue Date: October 3, 2022

**Contents of the Addendum**

- A. **Questions and Answers** — Enclosed are questions and answers that were asked at the pre-submission conference on September 13, 2022, as well as questions sent to the RFP email address through September 23, 2022.
- B. **Corrections to the RFP** — Corrected language is provided
- C. **Form L** — Updated Form L
- D. **Contact Information** – Contact information is provided for those individuals who registered for the pre-submission conference and indicated their willingness to share their contact information.

## A. Questions and Answers

### General

**1. Will you be sending the slides after the meeting to all attendees?**

The slides are posted on the [351 Powers Avenue RFP website](#) and can be found [here](#).

**2. Will the Zoom attendee list be shared?**

The list of those who opted to share their contact information can be found in Section D of this addendum.

**3. Will Q&A be shared in writing in an addendum?**

Yes, this addendum shows the questions and answers from the pre-submission conference as well as email questions received through September 23rd. Additional questions that come in through email will also be posted in a later addendum.

**4. The list of threshold items in the presentation is much shorter than what's in the RFP. Can you confirm what are threshold items versus competitive items?**

The RFP includes a section that outlines the threshold versus competitive criteria, which can be found in *Section VI: Submission Requirements and Competitive Preferences* starting on page 20 of the RFP.

**5. When does HPD plan on designating this site?**

While in the past HPD has endeavored to designate winning proposals within five to eight months of the submission deadline, current pipeline and capacity constraints have necessitated longer review periods. Currently, HPD hopes to designate the Proposal within eight months of the submission deadline. However, HPD will share any updates to the timeline as review progresses.

**6. What type of housing are you looking for here?**

HPD requires 100% affordable housing, in compliance with HPD program term sheets, design guidelines, and requirements identified in the RFP. Additional goals are identified in the RFP as well as in the Community Visioning Report.

### Design

**7. Are we allowed to propose any rezoning? A section of the RFP suggested no rezoning, but another section suggested a ULURP.**

ULURP is required for the UDAAP and disposition of City-owned property. HPD does not anticipate a rezoning of the Site, but Respondents may propose designs that would necessitate mechanisms to utilize this site's available FAR.

**8. Are there exact lot dimensions? Approximately 175' was mentioned.**

The lot has approximately 175 feet of frontage, and approximately 99 feet of the depth.

**9. If ULURP is anticipated, can Proposals account for more than 80 units?**

Please see question 7 regarding the purpose of the required ULURP. The RFP states that the target number of units expected ranges from 50-80; however, Respondents may propose more

units. HPD will evaluate Proposals based on how well the entire Proposal meets the various goals stated in the RFP.

**10. What level of detail do you expect in the architectural designs during this procurement stage?**

Plans and drawings are to be at a concept design level. Respondents should refer to requirements in *Tab M: Architectural and Urban Design Plans* (starting on page 34 of the RFP) for more details.

**11. Can we utilize a Board of Standards and Appeals (BSA) waiver if there are other restrictions (not the underlying zoning) restricting the unit count?**

Respondents may propose designs that would necessitate mechanisms to utilize the Site's available FAR. Please make sure to discuss the design strategy, including any waivers as part of *Tab L: Design Narrative*.

**12. Can we propose a combination of efficiency and studio units?**

Per HPD design guidelines, buildings must have either efficiency or studio units, not a combination of the two.

**13. It was mentioned that a portion of the site will be split and retained, with its FAR, for the DOE. Is the referenced 175' x 99' lot size fully available for the development under this RFP?**

The portion of the lot that is 175 feet by 99 feet is considered the Site. Respondents should use only the FAR available from the Site, and not additional FAR that could be generated from the remainder of the lot (the playground and school building).

**14. What are accessibility requirements? Do all the units have to follow Uniform Federal Accessibility Standards (UFAS)?**

Refer to HPD Design Guidelines and HPD Accessibility Guidelines which specifically address the accessibility requirements of HPD projects.

**15. Will HPD assist with the tax lot split?**

HPD will sign off on the tax lot split, but the Development Team will complete and submit the paperwork.

**16. Can MIH zoning be considered?**

The Site is not within a Mandatory Inclusionary Housing (MIH) area, and a rezoning that would trigger MIH is not anticipated for the Site.

**17. Given that you do not want us to use school floor area, do you want us to create two separate zoning lots between the school and Site?**

At this time, HPD's preference would be to create two separate zoning lots. However, Respondents should feel free to propose a preferred alternative, which should be described in the *Tab L: Design Narrative*.

**18. If you create two separate zoning lots, a parking garage for offsite use is not permitted by zoning. How do you want us to deal with this?**

If needed, HPD will work with the designated Development Team to ensure any needed approvals are in place.

As per section 25-53 of the zoning resolution, off-street parking spaces may be provided on a separate zoning lot that is within 200 feet of the zoning lot that requires the parking:

In the districts indicated (R5 R6 R7 R8 R9 R10), all permitted or required off-street parking spaces accessory to permitted non-residential uses may be provided on a zoning lot other than the same zoning lot as such uses, but within the same district or an adjoining district other than an R1, R2, R3 or R4 District provided that in such instances all such spaces located in a Residence District shall be not further than 200 feet from the nearest boundary of the zoning lot containing such uses, and all such spaces located in a Commercial District or Manufacturing District shall be not further than 600 feet from the nearest boundary of such zoning lot, and provided further that the Commissioner of Buildings determines that:

- (a) there is no way to arrange such spaces on the same zoning lot as such uses; and
- (b) such spaces are so located as to draw a minimum of vehicular traffic to and through streets having predominantly residential frontages.

Such parking spaces shall conform to all additional regulations promulgated by the Commissioner of Buildings to minimize adverse effects on the character of surrounding areas.

**19. If we provide a parking garage, we may have to count it towards FAR, and in either case may not be able to use all the FAR within the zoning envelope. How should we deal with this?**

Ground floor parking will likely not count as FAR. If Respondents find they are not able to use the FAR within the zoning envelope, they should explain their design and any waivers or mechanisms required to utilize the Site's available FAR. HPD will evaluate Respondents' programs and designs and their ability to meet the development goals outlined in the RFP.

**20. What are the mechanisms referred to that might be necessary to utilize the site's as-of-right FAR: "No rezoning is anticipated but Respondents may propose designs that would necessitate mechanisms to utilize this site's available FAR" (RFP page 12).**

Respondents may propose mechanisms such as waivers to utilize the Site's available FAR. Anything proposed should be discussed in the design strategy as part of *Tab L: Design Narrative*.

**21. Since the Site would need to go through a ULURP process anyway, would it be fair to propose a zoning variance or zoning change to be a part of the ULURP process in order to maximize the utilization of the site?**

No zoning changes should be proposed. If proposing a variance, please discuss the variance and rationale as part of *Tab L: Design Narrative*.

**Finance**

**22. Can a bank statement suffice for the asset statements or do you need a balance sheet?**

Respondents may either submit audited financial statements or Form I Asset Statements.

**23. Given that the community is interested in a significant community facility, what will HPD be looking for in terms of financing terms or contracts-in-place for the community facility?**

Per the RFP, nonresidential income and equity assumptions must be described in detail and include information about funding sources and/or rental comparables; if community facility spaces are included, they must generate enough rental income or the Development Team must

provide equity to support all associated development costs, inclusive of hard and soft costs. The RFP doesn't require Letters of Interest (LOIs); however, HPD will look for a robust financing plan. Respondents are encouraged to include commitment letters from particular tenants and a financing plan for construction of core and shell and fit out as applicable.

**24. Should we assume capital subsidy on top of the housing subsidy for the extra costs associated with the required parking? What should we do if we need additional subsidy for parking?**

Teams should find ways to minimize any funding gap, and should show the cost and the gap due to parking. HPD is willing to include parking hard costs in the development budget.

**Development Team**

**25. There are portions of the RFP that suggest the Development Team would have to have experience developing 50 units. Do we need to have developed 50 units as the primary on that deal, or do joint venture (JV) partnerships count towards satisfying the threshold criteria?**

The threshold requirement will be met as long as one Principal from the joint venture can demonstrate the required experience.

**26. Please advise if the 50-unit threshold minimum can be achieved using more than 1 entity on the development team?**

The 50-unit threshold minimum can be achieved when at least one Principal has, as Principal, successfully completed new construction or substantial rehabilitation of at least one project of at least fifty (50) residential units within the past seven (7) years. The Principal may have achieved this experience as Principal of another entity.

**27. Can we use an in-progress HPD project towards the threshold count?**

Only completed projects will count towards meeting the above threshold.

**28. Is the Development Team responsible for the ULURP or will HPD assist?**

HPD will be the lead applicant on the ULURP and will work closely with the Development Team through the process. The Development Team is expected to assist with preparing the supporting documentation for the application, and to play a key role in preparing public facing presentations and leading presentations throughout the process.

**29. Is an engineer needed as part of the response team? Or does the Architect satisfy this requirement?**

Per the RFP, Respondents should identify a Development Team that includes an engineer. Please refer to the RFP for more details regarding the Development Team.

**30. On Page 20 of the RFP, it says at a minimum the team should include a construction manager. It is more typical for a project to be built by a GC. Does a GC satisfy this requirement?**

A General Contractor will satisfy this requirement.

**31. Can a developer submit a team without a GC identified as long as a construction manager is identified? This would assume the Project would then be competitively bid out for a GC.**

If an involved Construction Manager or GC is identified, HPD will consider the threshold requirement met. Please make sure to describe the roles of each entity of the Development

Team during construction and throughout the life of the Project as part of *Tab D: Developer Respondent Description*.

**32. Is it allowed for the same General Contractor to participate as part of multiple RFP teams (with different developers) as long as they do not have an equity stake in the partnership?**

Members of a Development Team may be a part of more than one Proposal as long as they do not have an ownership stake in more than one Submission.

**33. Will HPD allow the GC to be part of two development teams as 1) co-developer/GC with an ownership stake and 2) GC with no ownership stake?**

The GC would be able to participate in multiple Proposals as long as they have an ownership stake in only one Submission.

**Parking**

**34. How many DOE parking spaces are required?**

Competitive Proposals will provide parking to replace the existing number of parking spaces utilized without compromising the residential program. The current use estimate is up to 50 cars per day, and the number of proposed parking spaces should not go below 30.

**35. Are we permitted to charge rent on the parking spaces?**

The RFP allows for fees not to exceed market rate parking fees in the area. Currently DOE staff do not pay for parking. HPD would like to see parking remain as affordable as possible to DOE staff while still achieving a financially feasible project.

**Nearby Developments**

**36. Is there proposed development for the adjacent vacant land owned by Women in Need (WIN)? Is WIN able to submit a response to this RFP?**

Across the street from the Site is City-owned property with an existing shelter building and vacant land. The currently undeveloped part of the property will be used to develop a new shelter building, and the existing shelter building will then be demolished and replaced by a new building financed by HPD's Supportive Housing Loan Program (SHLP).

The RFP is open to all qualified developers, and WIN is welcome to submit a response.

**37. Is there a development timeline for the WIN buildings?**

The construction closing for the shelter building is expected by the end of 2022. Demolition of the old shelter building and construction for the new supportive housing building will begin when the new shelter building is completed and occupied.

**38. What is the status of the new shelter building? Who is developing it? Who is developing the current shelter site?**

WIN will develop the new shelter on that site. WIN currently operates the existing shelter building.

**39. Has WIN released any details for a community facility space or other community amenities?**

HPD does not have details at the moment.

### **Climate Resiliency Design Guidelines and Sustainability Standards**

**40. Do Respondents need to meet with the CRDG technical team prior to submission? Or after selection? Are resources available now or after designation?**

Teams are not required to meet with the CRDG technical team prior to submission. The CRDG is a public document and a resource within itself. Resources will be available once a Development Team has been designated; for example, the CRDG consultant team can work with the Development Team to further develop resiliency strategies.

**41. How if at all does the CRDG contradict the existing HPD Design Guidelines?**

The CRDG is not meant to contradict the HPD Design Guidelines. The CRDG goes above and beyond HPD standards and building codes. HPD is asking Respondents to enhance resiliency by incorporating forward-looking data into the Project's design.

**42. Beyond the resiliency guidelines, are there any specific sustainability targets, e.g., LEED certification?**

All HPD projects are required to meet, at minimum, LEED v4 Gold or Platinum or the NYC Overlay of Enterprise Green Communities Criteria. Development Teams are also encouraged to consider additional green building standards, e.g. Passive House Institute US or Passive Housing International certification. Per the RFP, HPD is looking for enhanced sustainability especially where it intersects with the CRDG. Sustainability and Resiliency are a competitive criterion in this RFP, and competitive Proposals will go above and beyond what is already required.

## B. Corrections to the RFP

### 1. Page 20, Participation of M/WBE or Eligible Non-Profit

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Referenced definition of M/WBE and Eligible Non-Profit are:

#### Eligible Non-Profit Definition

A corporation formed under the New York Not-for-Profit Corporation Law that is not controlled by or under common control with one or more for-profit entities on the Development Team (or any owner, principal, employee, or affiliate of any such entity).

#### M/WBE Definition

An entity that has been certified as a Minority and/or Women-Owned Business Enterprise by a governmental or quasi-governmental entity acceptable to HPD. Approved certifying entities include SBS, Empire State Development, the State of New Jersey Department of the Treasury, the Port Authority of New York & New Jersey, or any other verifiable governmental or quasi-governmental certifying body.

### 2. Page 28, Development Team Experience and Capacity Tab D – Developer Respondent Description

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Please disregard the struck language and follow direction in the corrected language:

Organizational Structure. Chart or diagram of structure of partnership or joint venture, including percentages of ownership and investment, with a brief description of the type of entity or joint-venture and the roles and responsibilities of each party.

~~(Disregard) M/WBE Ownership Interest – Respondents must submit a certificate from a principal or other authorized officer of the M/WBE that is to participate in the ownership of the Project. This certificate must confirm that the M/WBE will hold at least 51% of the managing ownership interest in the Project and will be entitled to receive a commensurate interest in the totality of the economic benefits of the Project (net of LIHTC limited partner interests, if any), including, but not limited to, all available cash flows, paid and deferred developer fees, and sale and refinancing proceeds. The certificate must also include a detailed explanation of the proposed ownership interest of the participating M/WBE in the Project, including, but not limited to, its commensurate interest in the economic benefits of the Project.~~

**(Corrected)** M/WBE or Eligible Non-Profit Ownership Interest – Respondents must submit a certificate from a principal or other authorized officer of the M/WBE or Eligible Non-Profit that is to participate in the ownership of the Project. This certificate must



confirm that the M/WBE or Eligible Non-Profit, as the case may be, will hold at least 25% of the managing ownership interest in the Project and will be entitled to receive a commensurate interest in the totality of the economic benefits of the Project (net of LIHTC limited partner interests, if any), including, but not limited to, all available cash flows, paid and deferred developer fees, and sale and refinancing proceeds. The certificate must also include a detailed explanation of the proposed ownership interest of the participating M/WBE or Eligible Non-Profit in the Project, including, but not limited to, its commensurate interest in the economic benefits of the Project.

### 3. Page 36, Section VIII. DEVELOPER OBLIGATION

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Please disregard the struck language and follow direction in the corrected language:

#### A. Development Team and Project Management

The Developer will be responsible for assembling a Development Team with the necessary expertise, experience, and capacity to develop and manage the proposed Project, such as expertise in affordable housing development and finance, marketing and property management (residential and commercial, if applicable), design and construction, social service provision, and community development.

~~(Disregard) At or prior to closing, HPD will require satisfactory evidence that the appropriate organizational documents of the owners of the Project evidence the ownership interest of the M/WBE consistent with the requirements of this RFP and the Respondent's proposal. Such evidence will include, but not be limited to, representations by the Project's owners and an opinion of counsel or other knowledgeable professional. The HPD regulatory agreement for the Project will require the owner to maintain the required ownership interest of the M/WBE during the term of Project financing provided by HPD, except as may be approved in writing by HPD in the case of foreclosure, misconduct, certain voluntary sales, or other circumstances.~~

**(Corrected)** At or prior to closing, HPD will require satisfactory evidence that the appropriate organizational documents of the owners of the Project evidence the ownership interest of the M/WBE or Eligible Non-Profit consistent with the requirements of this RFP and the Respondent's proposal. Such evidence will include, but not be limited to, representations by the Project's owners and an opinion of counsel or other knowledgeable professional. The HPD regulatory agreement for the Project will require the owner to maintain the required ownership interest of the M/WBE or Eligible Non-Profit during the term of Project financing provided by HPD, except as may be approved in writing by HPD in the case of foreclosure, misconduct, certain voluntary sales, or other circumstances.

The Developer is responsible for a professional and disciplined project management approach to the public/private partnership in connection with this Submission with the objective of ensuring transparent information, project governance, smooth negotiations and communications, as well as risk management and quality control.

~~(Disregard) Interim use(s) proposed by the selected Respondent may be permitted prior to commencing construction. Such uses would be further discussed and considered by HPD after~~

~~selection. Interim use(s) will not be evaluated or considered in the selection of a Project as described under this RFP (see Section V Selection Process). HPD anticipates that a Developer will be the signatory on any legal agreements for any such proposed interim use(s).~~

The Developer is responsible for arranging timely commencement and completion of the Project and will be held accountable for the schedules outlined in the Submission and agreed upon with HPD. The Developer will be required to submit ongoing status reports regarding Project development, financing, budget, schedule, marketing, leasing, and management. In addition, the Developer will be responsible for working with the City to coordinate planning and construction schedule.

The Development Team is responsible for activities typically associated with development, including, but not limited to, the design, finance, construction, marketing and leasing (and/or selling), and management of the completed residential units and commercial spaces, if applicable.

## C. Updates to Form L

Corrected hyperlink in RESILIENCY section:

Describe key strategies the project is incorporating to address applicable climate risks and note where in the project's documents further details can be found. Use the (corrected hyperlink) [NYC Climate Resiliency Design Guidelines](#).

## D. Contact Information for Pre-Submission Conference RSVPs

<b>Org Name</b>	<b>Name</b>	<b>Email</b>	<b>May we share your contact information?</b>
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