Inwood 9th Avenue RFP Addendum

RFP Issue Date: October 9, 2024

Pre-submission Conference Date: November 7, 2024

Addendum 1 Issue Date: November 27, 2024

Contents of the Addendum

- A. **Questions and Answers** Enclosed are questions and answers that were asked at the presubmission conference on November 7, 2024, as well as questions sent to the RFP email address through November 26, 2024.
- B. Additional guidance on the RFP Additional guidance is provided
- C. **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 slides be sent after the meeting to all attendees? The slides are posted on the project website and can be found here.
- 2. Will the recording of this session be made available? A recording of the session will not be made available.

3. Will the Zoom attendee list be shared?

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

- 4. 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 November 26, 2024. Additional questions that come in through email will also be posted in a later addendum.
- 5. The list of threshold items in the presentation is much shorter than in the RFP. 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 V: Submission Requirements and Competitive Preferences* starting on page 20 of the RFP.

6. When does HPD plan on designating the Site?

Currently, HPD hopes to designate the Proposal within eight to ten months of the submission deadline. HPD may share updates to the timeline as review progresses.

7. What type of housing is being sought here?

The housing must be 100% affordable, 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.

8. Will firms be notified of elimination between Competitive Review Phase 1 and Competitive Review Phase 2? Why or why not?

No, Respondents will not be notified between the two phases of review. To preserve the integrity of the RFP competitive review process, HPD does not share information on submission status with Respondents during the course of review.

9. Will HPD consider an extension of the RFP deadline for teams with respect to incorporating City of Yes decisions and the upcoming holidays?

Given the complexity of the Site and the upcoming holidays, HPD will grant an extension for Proposals to be submitted. The deadline for submission is now Friday, January 24th at 4 pm. See responses below for further information on City of Yes.

Development Team

10. Does the requirement to have an engineer as part of the Development Team refer to any specific type of engineer?

A registered design professional is required for every team, including any and all types of engineers as required by specialization for the Project.

11. To satisfy the equitable ownership requirement, can an M/WBE and Non-Profit share the 25% ownership, or does one firm have to have more than 25%?

One firm must meet the equitable ownership requirement of 25% – this cannot be split amongst multiple entities.

<u>Finance</u>

12. The description for "Social Services for Tenants" indicates that we should not include a social services budget in our Submission. Does that mean we can assume funding sources like NYC 15/15, without including a corresponding budget line item for the accompanying social services in our project underwriting?

Applicants are welcome to propose NYC 15/15 or other funding sources. Services funding under such sources should be kept off-budget in project underwriting, though rent subsidy under such programs should be incorporated in the project underwriting per Appendix D (Financial Assumptions). Social Service Reserves where required by term sheets in applicable situations should still be included in the project underwriting.

13. Will HPD allow underwriting that exceeds the \$140,000 per unit subsidy stipulated by the ELLA term sheet?

Note the current published HPD ELLA term sheet subsidy limit is \$122,500 per unit for a 100% LIHTC project and \$137,500 per unit for an 80% LIHTC project. HPD acknowledges that Projects may need subsidy over term sheet limits in the current cost environment. Applicants should show the additional subsidy amount needed in underwriting models and financial assumptions.

14. Can we exceed \$500,000 per unit volume cap subsidy?

Applicants are permitted to submit underwriting proposals that exceed the \$500,000 eligible basis cap for 4% LIHTC, but respondents should explain why the basis cap is exceeded and how they might reduce costs further. 9% LIHTC proposals should not exceed the eligible basis cap. All Proposals will be reviewed for overall efficient utilization of financing resources.

15. Is there funding (including Reso A from the Inwood rezoning) available for the STEM facility? Respondents should not assume availability of funding (including Reso A) for the STEM facility.

16. Do you anticipate the STEM tenant will pay rent?

Proposed community facilities should generate rental income, and the Development Team should identify sources to support all associated development costs, inclusive of hard and soft costs.

17. When making the choice between exceeding the eligible basis cap vs requesting more subsidy, can you confirm HPD's preference?

See response to Question 14.

18. Has HPD considered the cost of insurance if the development/management team is expected to maintain the public space?

Insurance must be provided and is required by the Zoning Resolution. Respondents should include this assumption in their Proposals.

19. Will HPD allow teams to underwrite community facility spaces in eligible basis? HPD doesn't have a requirement either way. Financing proposals will be reviewed overall for their efficiency of use of public resources, in accordance with competitive criteria listed in RFP.

Development Site Assumptions

- **20.** Can you explain how the City arrived at an estimated unit count of 570? This estimate is based on analysis done during the Inwood Rezoning; the Site was part of the rezoning and was analyzed as a projected site during environmental review. However, the RFP does not include a unit count requirement. We encourage Respondents to review the RFP, survey, and site conditions, and put forward proposals for what is feasible based on that analysis.
- 21. What is the square footage of the portion of the lot which should be used to determine the maximum FAR? On the survey, should we be using the heavy dashed line directly to the south of the stabilized shoreline zone to determine the separation between the seaward and landward portions of the zoning lot and to determine lot SF for FAR? For the purposes of this RFP, Respondents should use the "Mean High Water Line" on the Inwood Shoreline Location Map linked on DCP's website to calculate FAR.

Additionally, Respondents should not assume any generation of air rights from the WPAA portion of the Site north of the easterly prolongation of the southern line of lot 67 (shown in a dashed line on the provided survey, and see additional guidance in Section B of this addendum). However, Respondents should assume buildout of the WPAA along the entire lot line.

22. The survey provided in the RFP includes a note (located at the bottom of the page) that clarifies the area of the Site that is below the mean high-water line. The note reads as such:

Said parcel containing 93,735 Sq. Ft or 2.1519 acres more or less, of which 17,838 Sq. Ft. are currently below the current mean high water line.

Per <u>ZR 142-21</u>, Floor Area is to be counted using the "Shoreline" (defined as the Mean High Water Line), can we use this survey information instead of the "Edge of Pavement" line to generate floor area?

See response to Question 21.

23. Can you please confirm the shoreline boundary to be used for determining the Shore Public Walkway? ZR 142-08 refers to DCP website. Can location of reference survey be confirmed and added to the survey?

See response to Question 21.

24. Can the seaward and upland area breakdown of the zoning lot be provided? ZR 142-21 requires seaward area to be excluded in calculation of allowable floor area. See response to Question 21.

- **25.** Is the boundary for the development area in the survey at, above, or below sea level? See response to Question 21.
- **26.** Can you confirm that Lot #47 on the survey corresponds to Lot #50 referenced in the RFP? The old lot 47 on the survey continues to the south of current lot 50, where current lot 47 still exists. The area outlined in purple on the survey (the "new northern city lot") corresponds with lots 50 and 75, the subject lots of this RFP.
- **27.** Can we modify the shoreline to straighten the water's edge and rationalize the Site? For purposes of this RFP, please do not modify the shoreline.
- 28. If we are using edge of pavement for purposes of calculating FAR, does the 40' waterfront yard need to be measured from this line as well? See response to Question 21. The waterfront yard should be measured from the "Mean High Water Line" on the Inwood Shoreline Location Map linked on DCP's website.
- 29. Does the southern west portion of existing building have to stay? Or should we assume this will be demolished?

Respondents can assume demolition of the existing building.

- **30.** Have the 2 parcels already been combined into 1 zoning lot? The parcels are currently two separate tax lots, but can be considered one zoning lot for purposes of this RFP.
- 31. During the Pre-submission Conference, teams were advised to use the "Edge of Pavement" line for the calculation of Floor Area. If one uses that line, the remaining lot area is 1.48 acres. According to <u>ZR 142-43</u> (e) last paragraph, the lot area needs to be 1.5 acres to allow two towers. In order to use all of the Zoning Floor Area, two towers are necessary. Can HPD move the lot area demarcation to allow 1.5 acres for the project area? Or, can the 1.48 acres be rounded up to 1.5 to allow for two towers? See response to Question 21.
- 32. What is the purpose of the charter easement (as shown on the survey in the southern portion of the lot)? Can the charter easement be used for access to building/parking on site? Are any forms of construction permitted on the Charter easement? Can the associated area be utilized as an informal pedestrian pathway, even if not a legal form of egress? The permitted use of the easement area is governed by an Easement Agreement recorded at CRFN 2022000070247, which provides for the exclusive use of the area by Spectrum New York Metro, LLC. Please refer to the recorded agreement for further guidance.

33. Does the charter easement generate FAR?

Respondents may assume generation of floor area from the Charter easement area.

34. Will the waterfront access be developed and conveyed back to the City (Parks Department?) or will it be owned and managed by the developer? While this will not be determined until a future date, for purposes of this RFP, Respondents may assume that the WPAA will be conveyed to and owned by the Development Team. 35. The legal lot line extends into Harlem River, does that mean development can extend construction/development to the lot line for waterfront walkways, etc? What about a platform/pier into the water?

For purposes of this RFP, Respondents should not assume development over the water.

Zoning

36. Should we consider "City of Yes" at all? City of Yes would allow for a higher building height, and would not require any parking.

For purposes of this RFP, Respondents may incorporate the Zoning for Housing Opportunity text amendment as currently voted on by the New York City Council Committee on Land Use and Subcommittee on Zoning and Franchises.

37. The Site is in a FRESH food tax and zoning incentives area. Is there a program to include FRESH food incentive?

Yes, Respondents may propose Projects that comply with the requirements and allowances of the FRESH incentive programs.

STEM Community Facility and Non-Residential Space

38. Can you expand on what is being sought for the STEM facility?

The RFP is intentionally flexible and open so that Respondents may use their creativity and expertise when crafting STEM proposals. Additionally, Respondents should refer to the Community Visioning Report for information on local needs.

39. Does the STEM facility need to be at the ground level or could it be on the upper floors? There is no restriction on the location of the facility as long as it is pursuant to zoning.

40. Is there any guidance as to the size of the STEM facility?

There is no requirement or guidance as to the size of the facility.

41. For the competitive review of bids, can you share context on how the STEM facility portion of the response will be considered in terms of its weight relative to housing, and other aspects of the submission?

HPD will not provide additional details on the weighting of criteria.

42. There is a planned grocery nearby. Will HPD have a preference to include another grocery store?

HPD will not provide guidance on additional non-residential uses. Respondents should refer to the Community Visioning Report as well as knowledge of the Site and surroundings to inform their Proposals.

Waterfront Public Access Area

43. The zoning for the upland connection seems to require a 30' offset from the lot line. Could we assume a 15' offset instead (i.e. from the midpoint line of the 30' offset), rather than the full 30'?

The upland connection along the prolongation of West 218th Street is not part of the City site. Only the upland connection along the shared boundary between Parcels 1 and 2/3 will be built out by the Development Team. Please refer to the New York City Zoning Resolution for further guidance.

- 44. Can we assume waterfront access through lots 67 and 71 to the north, leaving more developable land on the RFP site up to the lot line?Lots 67 and 71 are privately owned parking lots. The requirement for the upland connection should be satisfied on the City-owned site.
- **45.** Does the upland connection need to be south of the red line shown in the presentation slides? No, the upland connection on the City site is not required to be below the red line.
- 46. There appears to be a conflict in HPD's guidance between the use of the "Edge of Pavement" line as the shoreline and the design of the shore public walkway. While we understand the use of the former for WPAA planning purposes, our interpretation of the zoning text and HPD's own guidance suggests that the shore public walkway must extend the full length of the lot line. Please clarify.

Respondents should follow the guidance of the New York City Zoning Resolution. In event of a conflict, Respondents should not assume any build out or landscaping of the space falling with the Charter easement. For guidance on shoreline, please refer to Question 21.

47. During the Pre-Submission Conference, HPD provided guidance regarding the Charter easement and our inability to develop on the associated area. However, this guidance appears to conflict with the requirement for a shore public walkway which runs the full length of the lot line. Please clarify HPD's position on the interpretation of the Charter easement relative to the SPW requirement. Does HPD expect the Development Team to landscape the southern portion of the easement?

Respondents should not assume any build out or landscaping of the space falling with the Charter easement.

48. Zoning map 5 of <u>ZR 142-62</u> shows a supplemental public access area on the project site. Section 142-62 (d)(2) specifies that, <u>only if required</u>, a supplemental public access area must be located as shown in the attached diagram. However, based on our calculations and the assumption that the shore public walkway must extend the full length of the lot line, the combined area of the shore public walkway and upland connection appears to meet the waterfront public access area (WPAA) requirements, and therefore a supplemental public access area is not required and this text would not apply. Please confirm. Additionally, we are not aware of any other provisions, either in the special zoning text or elsewhere, that would require a supplemental public access area at this site. Our understanding is that supplemental public access areas are intended solely to help meet WPAA requirements if the shore public walkway and upland connection cannot do so on their own and thus do not apply here. Please confirm this interpretation.

Development Teams should follow the requirements of the New York City Zoning Resolution. HPD will not offer an interpretation at this time.

Resiliency, Sustainability, and Environmental

49. The Site is currently in shaded Zone X, but is anticipated to be in a special flood hazard zone in 2080. Can we assume that Chapter 4 Special Regulations Applying in Flood Zones apply in this case (including measurement from a reference plane)?

Section 64-00 provisions applicable to zoning lots within the current 500-year floodplain – aka Shaded X Zone or 0.2% annual chance or moderate flood hazard area – should be applicable to the Site. However, respondents should not assume provisions applicable to developments within the current 100-year floodplain would apply to the future 2080s special flood hazard area.

50. In our experience with other projects requiring a Tidal Wetlands permit, it has been critical to define the allotment for impervious construction area, as this will directly impact the buildable area of the site and any potential building or landscape design. However, the RFP does not include specifics as to the permit or the ratio of pervious to impervious surface. Has HPD received additional guidance from DEC regarding the permit? If so, does HPD plan to circulate this information to the development team?

As noted in the Project Snapshot of the RFP, the Site is located along a State-regulated tidal wetland and any Proposals and associated Site or shoreline work must comply with NYS DEC Tidal Wetlands Permit program, where applicable. HPD has not received additional guidance from DEC, and will not specify impervious ratio for the Site.

51. Should a high-risk flood zone be assumed for zoning compliance?

Respondents would need to demonstrate the zoning lot is located within the high-risk flood zone. As such, it should not be assumed the site is located in a high-risk flood zone for zoning compliance purposes.

52. Does the City have bathymetry and/or LIDAR data for the Harlem River? Can CAD of the shoreline boundary survey be provided?

No bathymetry, LiDAR, or CAD data are available for the purposes of this RFP.

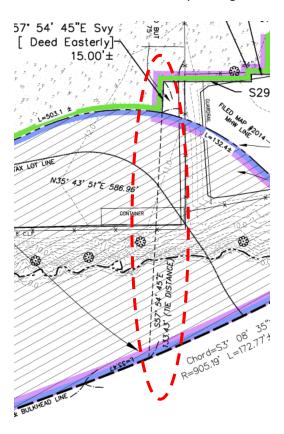
53. Is there a Phase 1 and/or Phase 2 report that can be provided?

The Developer will be responsible for preparing an Environmental Assessment and/or Impact Statement and associated studies as necessary, including but are not limited to Phase I and Phase II site assessments. Teams may review all the publicly available environmental review documents using CEQR Access.

B. Additional Guidance

1. Guidance on FAR generation assumptions

- Respondents should not assume generation of FAR from any lot area within the future Waterfront Public Access Area north of the easterly prolongation of the southern line of lot 67 (approximately shown by the dashed line on the survey, circled below in red).
- 2. Respondents should assume full build out and maintenance of the WPAA in compliance with the New York City Zoning Resolution.



C. Contact Information for Pre-Submission Conference RSVPs Who Opted Share Their Information

Organization	Name	Email	May we share your contact information?
Adjaye Associates	Adrian Lopez	adrianl@adjaye.com	Yes
Calyx Development Corporation	Alana Smith	Alana@calyx.nyc	Yes
Urban Builders Collaborative	Alejandro Baquero	abaquero@lettire.com	Yes
Kasirer	Alex Shapanka	alex.shapanka@kasirer.nyc	Yes
Gilbane Development Company	Alexander Marte	amarte@gilbaneco.com	Yes
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Selfhelp Realty Group	Alison Lam	alam@selfhelp.net	Yes
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Gilbane Development	Brendan McBride	bmcbride@gilbaneco.com	Yes
Women in Need, inc.	Brennen Fields	bfields@winnyc.org	Yes
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DELIVERANCE INC.			
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Architecture			