

REQUEST FOR PROPOSALS

Mixed-Use Development Opportunity

FORMER BRIG SITE WALLABOUT, BROOKLYN



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Proposal Submission Deadline: November 1, 2006



THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

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The New Housing Marketplace
CREATING HOUSING FOR THE NEXT GENERATION

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I. INTRODUCTION

Pursuant to this Request for Proposals (“RFP”), the City of New York (“City”), through its Department of Housing Preservation and Development (“HPD”), is inviting developers (“Applicants”) to submit proposals for the design and construction of a high-quality mixed-use development (“Project”) on a prime parcel in Wallabout, Brooklyn. The Project must include a mix of housing types (homeownership, rental, and permanent supportive housing), ground-floor neighborhood retail/commercial, community facility space, and open space. The Project should serve as an outstanding example of high-quality, sustainable design and construction that is financially feasible and responsive to the community. To further the City’s goals of incorporating the latest green building technologies into upcoming projects and promoting design excellence, all buildings in the Project must achieve Leadership in Energy and Environmental Design (LEED) certification. Responses to this RFP will be reviewed by HPD with input from the New York City Department of Design and Construction (“DDC”) and the Community Task Force.

This RFP is in accordance with the Mayor’s *New Housing Marketplace* (“Plan”), which responds to the changing housing needs of New York’s communities by committing to the new construction or rehabilitation of more than 165,000 housing units by 2013. The proposed Project serves the Plan’s critical goals of creating needed housing opportunities, maximizing affordability, making City-owned land available for private residential development, and, in turn, enhancing the City’s community revitalization efforts.

The development site (“Site” or “Brig Site”), located in the Wallabout section of Brooklyn within Community District 2, comprises approximately 103,000 square feet. The Site corresponds with Block 2033, Lot 1, which is bounded by Flushing Avenue to the north, Vanderbilt Avenue to the east, a vacant privately-owned building (Block 2033, Lot 50) to the south, and Clermont Avenue to the west. Park Avenue and the elevated Brooklyn-Queens Expressway border the southern side of Block 2033. Until the spring of 2005, the Site was occupied by the Brig building, a former Federal naval prison and later a City correctional facility. In March of 2005, HPD commenced demolition of the building. Site clearance was completed in August 2005.

The Project envisioned for this Site will include approximately 350 homeownership and rental units, at least 75 permanent supportive housing units, and community facility space. In addition, the ground floor on Flushing Avenue should be devoted to retail/commercial use. City agencies, elected officials, and representatives from the community and local organizations helped to formulate the development program and design guidelines for the Site.

The Site will be conveyed to the selected developer (“Developer”) for a nominal fee of \$1.00. City, State, and/or Federal subsidies may be available to enhance housing affordability. Applicants are responsible for securing all necessary construction and permanent sources of financing. A minimum of 50% of all homeownership and rental units, not including the permanent supportive housing units, must be affordable to households earning a maximum of 130% of the Area Median Income (“AMI”), as adjusted for household size; a minimum of 20% must be affordable to households earning a maximum of 80% of AMI. In addition, all permanent supportive housing units must be affordable to individuals earning no more than 60% of AMI. The permanent supportive housing is expected to be financed through HPD’s Supportive Housing Loan Program (SHLP). Development proposals (“Proposals”) that provide the greatest affordability to a range of incomes using the least amount of subsidy, not including the permanent supportive housing units, will be given preference.

All Applicants must adhere to the requirements of this RFP. HPD will select a Developer based on an evaluation of professional qualifications, feasibility of the Proposal, experience in development of large mixed-use projects, affordability of residential units, and quality of design and construction.

Applicants are responsible for assembling a development team that includes members with expertise in affordable and supportive housing development (“Development Team”) and for undertaking the design, construction, marketing, and management of the residential units and retail/commercial and community facility space. The Development Team must include a not-for-profit organization that will develop, own, manage, and operate the permanent supportive housing component.

This RFP does not represent any obligation or agreement whatsoever on the part of the City. Any obligation or agreement on the part of the City may only be incurred after the City enters into a written agreement approved by the Mayor and Corporation Counsel.

A pre-submission conference will be held on August 2, 2006 at 2:00 pm at HPD, 100 Gold Street, Room 1R New York, New York 10038. Every Applicant wishing to submit a Proposal in response to this RFP is encouraged to attend. Proposals are due by hand on November 1, 2006, no later than 4:00 p.m.

II. DEFINITIONS

Applicant

An individual, partnership, limited liability company, corporation, joint venture, or other entity that submits a Proposal in response to the RFP.

Community Task Force

The community stakeholders who were selected to inform the refinement and implementation of the Site program recommended by participants at the International Design Workshop. Mayor Michael R. Bloomberg announced the Community Task Force on July 29, 2004.

Developer

The entity or entities selected by the City to commence negotiations regarding the development of the Site offered through this RFP. The entity or entities will provide equity, secure financing, assemble a Development Team, design, develop, build, market, and manage the Project.

Development Proposal or Proposal

A proposal submitted by an Applicant in response to this RFP for the development of housing, retail/commercial space, community facility space, open space, accessory parking, and other uses envisioned for the Development Site.

Development Site or Site or Brig Site

The property being offered for development under this RFP, shown in **Appendix A (Maps)**.

Development Team

The Developer and the professional, technical, and construction entities (e.g. general contractor, architect(s), engineer, legal counsel, not-for-profit organization, marketing, and managing agents) that will participate in the design, development, construction, marketing, and/or management of the Project.

International Design Workshop

The design workshop hosted by HPD in December 2003 to create a vision for the redevelopment of the Brig Site. Participants included community residents, representatives from local businesses and community-based organizations, elected officials, and staff from HPD and other City agencies.

Principal

An individual, partnership, limited liability company, corporation, or other not-for-profit or for-profit entity that will act as a general partner, officer, or managing member of the Applicant, or any entity, known limited partner, or other member that has at least a 10% ownership interest in the Applicant.

Project

The development of housing, retail/commercial space, community facility space, open space, and accessory parking envisioned for the Development Site.

Subordinated Debt

The amount equal to the sum of:

1. the difference between the cash portion of the purchase price paid at closing and the appraised value of the Development Site; plus
2. the aggregate amount of any City, State, or Federal construction subsidies for the construction of the units less the amount required to be repaid from proceeds from the sale of the units; plus
3. the difference between the unit sales price and the as-built market value of the Site and improvements.

Uniform Land Use Review Procedure (“ULURP”)

The process, set forth in the City Charter, prescribing the City’s land use review process, including public hearings and several levels of government approvals. Actions requiring ULURP include, among others, changes to the City Map, designation or change of zoning districts, Special Permits within the New York City Zoning Resolution requiring approval of the City Planning Commission (CPC), and disposition of City-owned property.

III. BACKGROUND INFORMATION

The following section provides information intended to inform Applicants to this RFP about the Development Site, its history, and character of the surrounding neighborhood.

A. Development Site

The Development Site, which corresponds with Block 2033, Lot 1, comprises approximately 103,000 square feet or approximately 2.36 acres. The Site is bounded by Flushing Avenue to the north, Vanderbilt Avenue to the east, a vacant privately-owned building (Block 2033, Lot 50) to the south, and Clermont Avenue to the west. Park Avenue and the elevated Brooklyn-Queens Expressway border the southern side of Block 2033. **Appendix A (Maps)** includes an area map with the general location of the Site.

Block 2033 is traversed by a 30-foot wide easement for City Tunnel No. 2. While the easement does not preclude any surface development or necessitate access above grade, it does restrict subsurface construction below -100 feet (100 feet below mean sea level at Sandy Hook)¹. The location of the easement is shown on the topographical survey that was prepared for the Site. The survey is available to download on HPD's website or a hard copy may be purchased by advance request for a \$5 non-refundable fee in the form of a certified check or money order payable to the New York City Department of Finance.

A vacant three-story brick building occupies Lot 50 (approximately 13,000 square feet), which bounds the southern boundary of the Development Site. The building is owned by Yeshiva Bais Lamude, Hashem Jewish Center for Special Education. Along with the former Brig building, the federal government built this structure in 1941. The owner has informed HPD that the building will be rehabilitated as a school for 90 children with special needs.

B. Background and History

The histories of the Wallabout area and the Brig Site are intertwined with that of the Brooklyn Navy Yard, established in 1801 and once known as America's premier shipbuilding facility. During the late nineteenth and early twentieth centuries, high production and employment at the Navy Yard attracted families and fueled residential development in Wallabout. Employment at the Navy Yard peaked during World War II (WWII) when 70,000 people worked there. After the war, however, many of the city's manufacturing districts, including Wallabout, experienced a gradual decline in employment due to the closing or relocation of industrial facilities.

Adjacent to the Brooklyn Navy Yard, the Brig Site block encompassed in 1929 housing, stores, the 57th Police Precinct Station, a garage, and a distributor of coal and ice. In 1941, the U.S. Navy built the "Brig" building as the U.S. Navy Receiving Barracks to house new recruits. After WWII ended, the Brig building was converted into a Federal prison. The building then served as a detention center for the U.S. Immigration and Naturalization Service after the Navy Yard closed in 1966. In 1984, New York City gained jurisdiction of the building and used it as a minimum-security correctional facility. Ten years later, the prison closed, and the building remained vacant until its demolition by HPD in 2005.

¹ Information provided by the New York City Department of Environmental Protection.



Flushing Avenue at Washington Street, early 1900s



Brig building built in 1941, photograph December 2003

In 1971, the Navy Yard re-opened as the Brooklyn Navy Yard Industrial Park, which now employs approximately 4,500 workers. Spread out over 300 acres along the Brooklyn waterfront, the industrial park consists of over 40 buildings totaling over 3.5 million square feet of leasable enclosed space, along with 4 operating dry docks and 5 active piers. The industrial park includes more than 200 businesses, representing a variety of industries including furniture manufacturers, ship repairers, architectural designers, electronics distributors, and jewelers. In addition, a 15-acre film and television studio production complex called Steiner Studios is currently under construction. The industrial park received New York Empire Zone status in 1998, which provides incentives to industrial employers locating within the zone.

A more recent economic recovery has brought new activity to Wallabout and the surrounding neighborhoods of Fort Greene and Clinton Hill. This upturn has resulted in the commercial revitalization of Myrtle Avenue and the restoration of the area's remarkable housing stock. Recent loft conversions, such as the nearby Chocolate Factory building, add to the area's housing stock. Rising property values and housing costs, however, have become a concern for long-term community residents, who are eager to increase the supply of affordable housing in Wallabout.

C. Neighborhood Context

Zoning

The Site, currently zoned M1-2, must be rezoned to permit the development of residential, commercial, and community facility uses. This rezoning will be done concurrently with the disposition ULURP. See **Section IV.D. (Zoning/Rezoning)** for more detailed information and approvals required.

Zoning districts adjacent to the Site include M3-1 north of Flushing Avenue at the location of the Brooklyn Navy Yard Industrial Park, and R6 south of Park Avenue. Please see **Appendix A (Maps)** for a zoning map of the area.

Land Use

The industrial heart of Wallabout includes the 300-acre Brooklyn Navy Yard Industrial Park and the blocks between Park and Flushing Avenues. On these blocks, industrial buildings alternate with warehouses, residences, a church (Sacred Heart Church), auto repair businesses, parking lots,

and vacant land. Wallabout's housing stock consists mostly of one- and two-family homes and multi-family walk-up buildings built between 1890 and 1920. The most intact residential blocks from this era are located between Park and Myrtle Avenues. Rising out of a park-like campus at the western end of the area are the New York City Housing Authority Walt Whitman and Raymond V. Ingersoll Houses, built in 1944, which together comprise 3,476 units.

Myrtle Avenue, the main neighborhood commercial corridor, is characterized by two- to four-story mixed-use buildings, with ground floor storefronts and residential units above. Along Myrtle Avenue between Washington Park and Classon Avenue, there are 169 retail spaces, 154 of which are currently occupied by a wide variety of retail establishments and restaurants, with an 8.9% vacancy rate.² There are also a few shops along Park and Flushing Avenues.

Public facilities in the Wallabout area include two public elementary schools (PS 20 and PS 54), two public intermediate schools (JHS 265 and JHS 117), a parochial school (Talmud Torah Tashbar Inc.), three higher education institutions (Pratt Institute, St. Joseph's College, and Long Island University – Brooklyn), and the planned school adjacent to the Site on Lot 50. The area is also home to a variety of churches, two hospitals (Floating Hospital Inc. and New York City Health and Hospitals Corporation Cumberland), and a branch of the Brooklyn Public Library. Residents of Wallabout benefit from several parks, including the 30-acre Fort Greene Park.

Housing Investment

Housing continues to be developed in Community District 2, with a 6.5% increase in the total number of housing units between 1990 and 2000.³ The following table indicates recent housing investment in Community District 2:

New Residential Units Issued Permits by Building Size⁴						
	2000	2001	2002	2003	Total 2000 – 2003	% Change 2000-2003
1 & 2 Unit Buildings						
Buildings	6	5	5	16	32	166.7%
Units	11	10	8	30	59	172.7%
3 & 4 Unit Buildings						
Building	5	43	3	3	54	-40%
Units	18	133	9	10	170	-44.4%
5+ Unit Buildings						
Buildings	8	6	10	12	36	50%
Units	127	78	199	392	796	208.7%
Total Buildings	19	54	18	31	122	63.2%
Total Units	156	221	216	432	1,025	176.9%

Recent HPD investment in Community District 2 includes new construction of over 100 two- and three-family homes built between 1997 and 2003 by HPD and the New York City Housing Partnership, over 100 Section 202 units for elderly citizens, and approximately 70 units of permanent supportive housing. In addition, rehabilitation through various HPD programs has been completed or proposed for more than 2,500 housing units in Community District 2.

D. Neighborhood and Site Access

The Wallabout area, located within 1 mile of Brooklyn's Downtown Business District (DBD), has a street system that provides access to the East River Bridges and serves the local traffic of the Fort

² Source: Myrtle Avenue Brooklyn Partnership, September 2005

³ Source: U.S. Census Bureau 1990 and 2000

⁴ Source: New York City Department of City Planning

Greene and Clinton Hill neighborhoods. The elevated Brooklyn-Queens Expressway (BQE) is part of a comprehensive highway network connecting the various bridges and tunnels to Manhattan and Queens. Flushing and Park Avenues are important east-west feeder streets to the DBD and the Brooklyn and Manhattan Bridges. Flushing and Vanderbilt Avenues are designated truck routes.

Subway access to the Site is somewhat limited. The nearest station is Washington/Lafayette Avenue on the G line, which is approximately ¾ mile away from the Site. Buses run frequently throughout the vicinity of the Site, connecting it with adjacent neighborhoods and subway stations. The B61 and B57 buses provide east-west access to Western Queens and Downtown Brooklyn via Park and Flushing Avenues. The B69 runs along Vanderbilt Avenue, providing access to Downtown Brooklyn and Park Slope. The DBD has ten Subway lines, providing linkages to the entire city. See **Appendix A (Maps)** for a map of neighborhood access/public transportation.

E. Demographics and General Housing Data

To accurately portray the demographic characteristics of the Wallabout area, 2000 Census data from the New York City Department of City Planning was analyzed at four geographic levels: the Wallabout neighborhood, which includes seven census tracts;⁵ Community District 2, which includes Wallabout, Fort Greene, Clinton Hill, Downtown Brooklyn, and Brooklyn Heights; the Borough of Brooklyn; and New York City as a whole.

	Wallabout	CD 2	Brooklyn	NYC
Population	14,718	98,620	2,465,326	8,008,278
Age				
Under 18 Years	32.3%	18.5%	26.9%	24.2%
18 – 64 Years	60.5%	71.5%	61.6%	64.1%
Over 64 Years	7.2%	10%	11.5%	11.7%
Educational Attainment (Population 25+ Years)				
High School Graduate or Higher	53.7%	80.8%	68.8%	72.3%
College Graduate or Higher	12.6%	45.5%	21.8%	27.4%
Labor Force Participation	51.8%	63.2%	55.4%	57.8%
Unemployment Rate	23.2%	10%	10.7%	9.6%
Total Households	4,941	43,160	880,727	3,021,588
Annual Median Household Income (1999)	\$19,346	\$44,183	\$32,561	\$38,519
Average Household Size	2.65	2.07	2.75	2.59
Housing Units with Over 1 Occupant per Room	17.4%	8.3%	15.5%	14.6%
Homeownership Rate	11.4%	28.1%	27.1%	30.2%
Median Value of Owner-Occupied Units	\$216,250	\$424,296	\$224,082	\$211,862
Selected Monthly Owner Costs at 35% or More of Household Income (1999)	32.7%	21.8%	28.6%	26.8%
Monthly Median Gross Rent⁶	\$347	\$711	\$672	\$712
Gross Rent at 35% or More of Household Income (1999)	30.5%	27.6%	36.2%	33.7%
Housing Structures Built Before 1960	87.9%	81.6%	73.1%	67.2%

⁵ The seven census tracts that constitute the Wallabout neighborhood are: 29.01, 29.02, 185.01, 185.02, 187, 189, and 191. The census tract is the smallest geographic unit employed by the U.S. Census Bureau. The Community District is the next smallest geographic unit in the census.

⁶ Median rent does not reflect market-rate rent (i.e. what a person moving to the neighborhood now would expect to pay) because it includes rent controlled, rent stabilized, and public housing apartments.

F. International Design Workshop

In December 2003, HPD hosted an international design workshop to create a vision for the redevelopment of the Brig Site. In recent years, HPD has hosted similar design forums for sites in West Bushwick and East New York in Brooklyn, and Willets Point in Queens. The workshop model has been very successful, as it capitalizes on the talents and energies of stakeholders to create and support a feasible redevelopment plan. Community residents, local business and community-based organization leaders, elected officials, and staff from HPD and other City agencies participated.



International Design Workshop for the Redevelopment of the Brig Site, December 2003

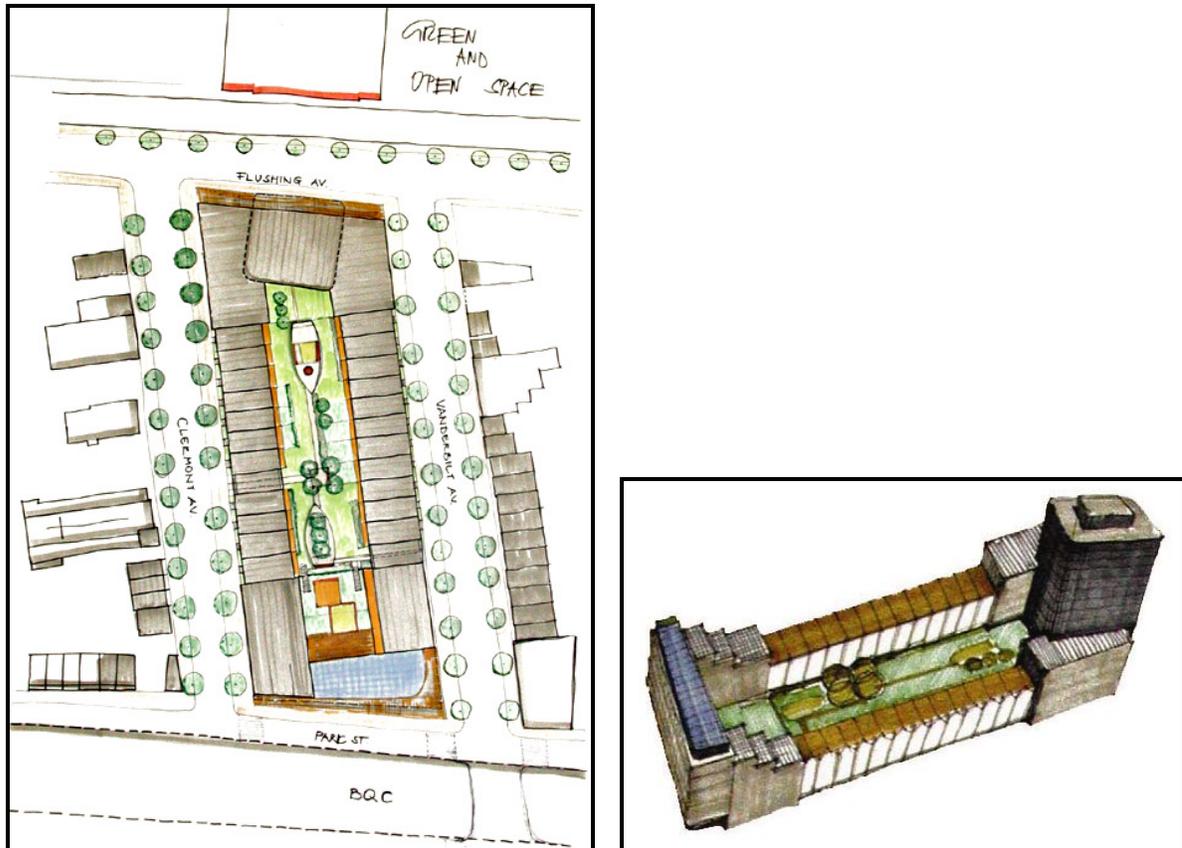
The three-day workshop resulted in a set of planning principles, a tentative development program, and a conceptual site plan. The development program called for affordable and market-rate housing, permanent supportive housing, local retail/commercial space, community facility space, open space, and accessory parking. It was estimated that approximately 400 housing units could be developed on the Brig Site.

Following are the planning principles that emerged from the workshop:

- The Site should contain a variety of uses including housing, retail/commercial space, and some form of community facility such as a school, day care center, youth center, or community space.
- Housing should be divided among homeownership, rental, and permanent supportive housing. To preserve the neighborhood's mixed-income population, some housing units should be offered at market-rate and others below market rate.
- With the possible exception of a supermarket, individual retail/commercial space(s) should be small to serve the community's immediate needs and encourage local entrepreneurship.
- The design should incorporate a significant amount of open space.
- The streetscape should be enhanced through landscaping, better lighting, and an architecturally interesting ground floor.
- The design should incorporate elements that are reminiscent of the history of Wallabout and the Brooklyn Navy Yard.

- To avoid the creation of an “island,” the design should complement its surroundings, and any amenities should serve the whole community.

The planning principles led participants to develop a conceptual site plan, with a central landscaped courtyard surrounded by low- and mid- to high-rise buildings. Townhouses would front Vanderbilt and Clermont Avenues, maintaining the small-scale and residential character of those streets. A mid-rise building on Park Avenue would house community facility space on the ground floor and residential apartments above.⁷ Ground floor retail space was proposed along Flushing and Park Avenues. A taller building fronting Flushing Avenue could offer views of the Manhattan skyline. An underground garage could provide parking without decreasing the floor area available for other uses.⁸



Collective workshop vision, December 2003

In summary, the conceptual site plan addressed the community’s need for housing, public spaces, and easily accessible shopping, while integrating the block with the surrounding neighborhood and enlivening the streets around it. The development program that resulted from the workshop has been incorporated into this RFP, though Applicants may explore their own site plan solutions for accommodating the agreed-upon program, within the parameters of this RFP.

⁷The adjacent Lot 50 facing Park Avenue was included as part of the site assemblage during the workshop. However, this privately owned lot is not being offered as part of this RFP.

⁸Because of the presence of a high water table in the area, the Applicant’s engineer(s) shall determine the feasibility of constructing basements and/or underground parking on the Site. **See Section IV.F. (Land Use and Environmental Approvals) and Appendix F (Groundwater)** for further information.

G. Community Task Force

The refinement and implementation of the planning and development program recommended by workshop participants continued to be informed by a 14-member Community Task Force announced by Mayor Michael R. Bloomberg on July 29, 2004. The Task Force includes elected officials, representatives from local businesses, community-based leaders, and community residents, with guidance from HPD and other City agencies. All Task Force members participated in the workshop and represent various community interests. Over a series of meetings conducted in 2005 and 2006, members of the Task Force contributed to:

- establishing the proportion of each desired use (housing, retail/commercial, and community facilities);
- providing input on the proportion of homeownership, rental, and permanent supportive housing;
- defining the type of retail/commercial uses and community facilities; and
- reaching consensus regarding streetscape improvements.

Many of the program and design guidelines in **Section IV (Program Description, Requirements, and Guidelines)** were formulated from the recommendations of the community planning process. The Task Force members will continue to inform the development of the Site by providing feedback on the top three Proposals selected by HPD.

H. Design and Construction Excellence Initiative

HPD and the DDC have been collaborating to make this project a pilot for New York City's Design and Construction Excellence Initiative. This mayoral initiative was launched in July 2004 in an effort to maintain New York City's status as a leader in architectural and urban design through innovation in design and construction. These projects incorporate a range of strategies covering all phases of project development, including procurement initiatives, design and construction process improvements, and staff development.

DDC will provide guidance throughout the review of the Proposals, as described in **Section VI (Developer Selection Process)**, with additional input from the Task Force. The top three Development Teams will present their Proposals to the Community Task Force, whose input will inform the final selection of a Development Team.

IV. PROGRAM DESCRIPTION, REQUIREMENTS, AND GUIDELINES

Proposal submissions must conform to the following requirements and guidelines:

A. Property Use

In accordance with the recommendations that emerged from the community planning process, the Site must be developed as a mixed-use Project including residential, retail/commercial, community facility, and open space.

B. Development Program

Residential Component

1. Homeownership and Rental

The homeownership and rental component must include units that provide opportunities for affordable and market-rate homeownership and tenancy. A minimum of 50% of all homeownership and rental units, not including the permanent supportive housing units, must be affordable to households earning a maximum of 130% of AMI⁹, as adjusted for household size; a minimum of 20% must be affordable to households earning a maximum of 80% of AMI. Additional units should be affordable to a mix of income levels at multiple tiers. Affordable units must comply with the terms of any subsidy programs that are utilized.

Building types should include townhouses and may include multi-family condominium and/or cooperative apartments in addition to multi-family rental. Various unit types should be provided in order to accommodate various household sizes, with the majority of units including two (2) or more bedrooms. Affordable units must be dispersed with market-rate units without differentiation in size and location.

2. Permanent Supportive Housing

The permanent supportive housing component must include a minimum of 75 studio units. At least 75% of these units must be available to single adults selected from the City's shelter system, including those with special needs such as mental illness and people living with AIDS. A maximum of 25% of the units can be available to other low-income single adults. Rents must be affordable to a maximum of 60% of AMI for all units. The permanent supportive housing component is expected to be financed through the HPD SHLP. The SHLP requires a contract to employ prevailing wage, as required by any applicable Federal regulations of Federal subsidies, as provided. The Development Team must include a not-for-profit organization that will develop, own, manage, and operate the permanent supportive housing permanently. Additional requirements and specifications are described in **Appendix B (Permanent Supportive Housing Information and Guidelines)**.

Retail/Commercial Component

Neighborhood retail/commercial space must be provided and located on the ground floor along Flushing Avenue. Possible uses suggested by the Task Force during the planning process include a grocery store, drug store, fitness center, and/or food and beverage establishments.

⁹ The New York City AMI is \$70,900 for a family of four.

Community Facility Component

The Project must include a minimum of 15,000 square feet of community facility space (in addition to the permanent supportive housing component) for mixed uses that will add to and enhance the current inventory of community and cultural uses and spaces available in the neighborhood. Preference will be given to Projects that include any of the following uses, as recommended by the Task Force: a childcare facility, youth center, senior citizen space, community space, or artist studios and/or galleries.

The Developer must finish the community facility space to a level approved by HPD, which will be specified in negotiations between HPD and the Developer ("Negotiation Letter"). The capital cost, as well as the costs of utilities, maintenance, and programming, are expected to be provided by the Development Team and/or recovered from the Project. Ownership of the space should be transferred to the operator(s) of the community facility upon completion of the Project. Alternatively, if the Developer or other entity retains ownership of the community facility and leases it, the use of the space as community facility must be guaranteed in perpetuity, and the rents charged to the operator(s) of the community facility must be "break even."

Open Space

The development must incorporate a significant amount of landscaped open space (including a central courtyard) that exceeds New York City Zoning Resolution requirements.

Parking

Parking for all uses must comply with the New York City Zoning Resolution requirements.

C. Design Guidelines

Proposals must conform to the design guidelines outlined in **Appendix C (HPD Design Guidelines for New Construction)**, as well as the current New York City Zoning Resolution and Building Code, and all other applicable laws and regulations. In addition, the permanent supportive housing component of the project must conform to the guidelines outlined in **Appendix B (Permanent Supportive Housing Information and Guidelines)**.

All buildings in the Project must achieve LEED certification through the U.S. Green Building Council, with preference given to Proposals that maximize high performance, sustainable elements and LEED Green Building Rating System points and certification levels (i.e., "Certified," "Silver," "Gold," or "Platinum"). Each building must achieve LEED certification under the applicable standards (i.e., "LEED-NC", "LEED-H", or "LEED-ND") according to use and size. For detailed information regarding LEED, the certification process, and all requirements, please visit <http://www.usgbc.org>. Additional background information about sustainable design is included in **Appendix D (Sustainable Design Elements)**.

HPD, DDC, and the Task Force will evaluate the design quality of Proposals submitted in response to this RFP. High quality, sustainable design, and construction excellence will be weighted heavily.

Applicants should take into consideration the recommendations that emerged from the community planning process, but have flexibility in proposing a unique Project that complements the surrounding neighborhood context, appropriately locates each use, and

attempts to incorporate elements reminiscent of the history of Wallabout and the Brooklyn Navy Yard.

The proposed Project must relate to prevailing heights of existing buildings in the immediate area. Low-rise townhouse and/or condominium buildings should be provided on the mid-blocks with a maximum height of 40 feet along Vanderbilt Avenue and a maximum height of 60 feet along Clermont Avenue. Mid- to high-rise mixed-use and/or multi-family buildings with a maximum of 120 feet should be provided along Flushing Avenue and the side facing Park Avenue.

Applicants may elect to include in their Development Teams a master architect to oversee, direct, and coordinate the various design components of the Project to facilitate a comprehensive overall design.

D. Zoning/Rezoning

Proposals for the Site must comply with the New York City Zoning Resolution.

The Site is currently zoned M1-2; therefore, a zoning change is required for the development of a mixed-use Project. The zoning change requires approval under ULURP, which will be done concurrently with the ULURP approval for disposition. HPD will be the applicant for this approval, with assistance from the Developer in preparing supporting documentation. Preliminary massing analyses show that the development program and conceptual site plan envisioned by participants in the International Design Workshop and Community Task Force and outlined below can be accommodated in a C6-2/R8 zoning district utilizing the Quality Housing Program. While a Floor Area Ratio (FAR) greater than necessary to achieve the Development Program would be available using a C6-2/R8 zoning designation, maximum density, as allowed in the New York City Zoning Resolution, will not be permitted due to the height limits described in **Section IV.C. (Design Guidelines)**. The intent of utilizing a C6-2/R8 zoning scenario would be to offer flexibility among building heights on the Site. Transfer of unused floor area from the Site to the adjacent lot(s) will not be permitted, which will be stated in the deed for the Site.

Applicants may submit Proposals for an alternative zoning scenario, and/or Special Permit or Authorization granted by the City Planning Commission for Large-Scale Development. However, Applicants must demonstrate that the alternative scenario would result in significant design improvements, an increase in housing units and/or affordability, and/or a substantial reduction in subsidies.

E. Land Use and Environmental Issues and Approvals

Uniform Land Use Review Procedure

Land use actions requiring approval under ULURP for development of the Site include disposition of City-owned property and a Zoning Map change. If the Developer elects to apply to the City Planning Commission for a Special Permit to do Large-Scale Development, this will require an additional ULURP action. HPD will be the applicant for this approval, with assistance from the Developer in preparing supporting documentation. This Project will require City Council and Mayoral approval.

Applicants should be advised that their development timelines should take into account the period required for the ULURP application to be certified and approved. HPD design approval

and ULURP (including certification) may take at least one (1) year. In addition, the Developer may be required to alter the design Proposal before and during the ULURP process to comply with any request for modifications.

Environmental

1. Phase I Environmental Site Assessment

HPD completed a Phase I Environmental Site Assessment (“ESA”) in December 2004. While most of the conditions disclosed in the ESA apply to the former Brig building, Applicants are encouraged to review the **Phase I Environmental Site Assessment**, attached to this RFP as **Appendix E**.

2. Demolition of the Former Brig Building

HPD completed demolition of the former Brig building and site clearance in August 2005. The contractor was responsible for backfilling inside the exterior wall sections, located below the sidewalk level, with 100% clean fill (in conformance with Section 16-130 of the New York City Administrative Code). The contractor also removed the asphalt parking lot that was previously located on the Site, graded the entire Site, repaired all damaged sidewalks surrounding the Site, and erected fences around the sides of the Site abutting Clermont, Flushing, and Vanderbilt Avenues. However, HPD does not and will not make any representations or warranties whatsoever as to the quality of the contractor’s work or the condition of the Site. The Site will be conveyed as-is.

3. Groundwater

Due to the high groundwater level at the Site, use of a sump pump was necessary to prevent flooding in the basement of the former Brig building. The contractor maintained the existing groundwater level and dewatering system throughout the demolition process according to the specifications described in **Appendix F (Groundwater)**. Although the hole where the dewatering system was located has been filled with rocks and clean aggregate and the groundwater has leveled off, the Applicant’s engineer(s) shall determine the feasibility of constructing basements and/or underground parking on the Site.

4. Coastal Zone Management Area

The Site is located within the boundaries of a Coastal Zone Management Area. Therefore, the Developer will have to comply with all necessary requirements resulting from this designation.

5. Additional Environmental Reviews and Remediation

HPD will work with the Developer to prepare all additional environmental reviews, pursuant to City Environmental Quality Review (CEQR) requirements. HPD will oversee the preparation and review of these assessments; however, the Developer will be responsible for providing all information and paying the entire cost of any studies and analyses required for completion of these assessments. Completion of environmental studies is required prior to the disposition of the Site to the Developer. The Developer will be solely responsible for any additional environmental remediation on the Site, if required. HPD does not make any representation or warranty whatsoever regarding the condition of the property or the suitability of the property for the uses contemplated by this RFP.

F. Obligations of the Selected Developer

The Developer will be required to perform the following:

1. Assemble a Development Team including a lead architect, contractor, marketing agent, and other relevant partners. The Development Team will design, construct, and sell and/or lease the completed units. The Developer will be responsible for partnering with a not-for-profit organization to facilitate the development and ongoing management and operation of the permanent supportive housing component of the Project. The not-for-profit organization will own the permanent supportive housing building.
2. Prepare a complete set of schematic site plans, floor plans, elevations, and cost estimates that include any modifications to the original plans included in the Proposal in response to this RFP, as agreed upon by HPD and the Developer, and submit them to HPD for review and approval within two (2) months of selection.
3. Prepare a complete set of final site plans, floor plans, elevations, samples of exterior building materials, and detailed specifications, and submit them to HPD for review and approval prior to disposition.
4. Assist HPD in the preparation of the ULURP application, obtain all necessary approvals under ULURP, and participate in all required public forums, hearings, and briefings with the Community Board, elected officials, City agencies, and other organizations.
5. Fund and undertake any environmental review, soil testing and/or remediation required on the Site.
6. Provide an equity contribution and any guarantees as required by the construction lender, secure construction financing, and meet any other terms and conditions required by HPD and construction lenders.
7. Pay all transfer taxes associated with the conveyance of the Site to the Developer, and all transfer and recording taxes associated with the project financing.
8. Subdivide the Site for the residential, retail/commercial, and community facility spaces, if applicable. A separate tax lot will be required for the permanent supportive housing building(s).
9. Take affirmative steps to include local-, minority- and woman-owned business enterprises when issuing solicitations from subcontractors. The developer must, in all solicitations or advertisements for bids for subcontractors placed by or on behalf of the developer, state that all qualified applicants will receive consideration for subcontracts without regard to race, color, religion, sex, national origin, disability, age, handicap, marital status, or military service.
10. Employ prevailing wage for the permanent supportive housing component, as required by the SHLP and any applicable Federal regulations of Federal subsidies, as provided.
11. Erect a fence between the Site and Lot 50 within 30 days from the date of disposition of the Site to the Developer.
12. Arrange for timely commencement and completion of the Project. Developers will be held accountable for the schedules outlined in their Proposals and agreed upon with HPD.

13. Market the residential units in accordance with City requirements and policy as stated in **Appendix B (Permanent Supportive Housing Information and Guidelines)** and **Appendix G (HPD Marketing Guidelines)**.
14. Submit ongoing status reports to HPD regarding Project development, financing, marketing, leasing, and management.

G. Disposition and Disposition Price

Disposition of the Development Site to the Developer will be subject to the following:

1. The receipt of all public approvals required for disposition of the Site and development of the proposed Project on such Site, including without limitation, approval by the City Council and Mayor.
2. Following City Council approval of the Project and Mayoral approval of the disposition, the selected Developer must execute, acknowledge, and deliver the documents necessary to complete the disposition process within a time period specified by HPD. These documents include, but are not limited to, a Land Disposition Agreement (“LDA”), as required.
3. The Site will be conveyed in accordance with the terms of the LDA to be entered into between the Developer and HPD and will be conveyed in “as is” condition, including without limitation, all environmental conditions and hazards. The LDA will contain covenants running with the land that require the Developer to develop the Site in accordance with plans and specifications determined and approved by HPD.
4. The simultaneous closing of a bona fide construction loan required to finance the full development of such Site.
5. Upon conveyance, the Developer will pay the nominal cash price of \$1.00 (or the price approved by the Mayor) and will deliver an enforcement note and mortgage in the amount equal to the sum of the difference between the cash portion of the purchase price paid at closing and the appraised value of the land.

H. Financing

It is the responsibility of the Developer to obtain construction and permanent financing from lenders in amounts consistent with the Proposal. Developers may use different lenders for construction and permanent financing. The amount of the Developer’s equity will be determined by the lender(s). The Developer will be required to submit a term sheet and letter of intent from a lender for construction financing of the Project within six (6) months of selection.

Pre-development and development expenses of the permanent supportive housing component will be financed through the SHLP, which will require a contract to employ prevailing wage. Contracts with other appropriate City and State agencies (i.e, New York City Department of Homeless Services, New York City Department of Health and Mental Hygiene) should be available to finance on-site supportive services and operating expenses for the permanent supportive housing component. In addition, Federal rental subsidies may be available for eligible tenants. Additional information is described in **Appendix B (Permanent Supportive Housing Information and Guidelines)**.

If feasible and if the Project meets applicable programmatic guidelines, the following funds from City, State, and Federal sources may be available to subsidize construction and enhance overall project affordability for the homeownership, rental, retail/commercial, and community facility components:

- HPD New Construction Participation Loan Program (PLP) and Mixed Income Rental Program (MIRP)
- New York City Housing Development Corporation (HDC) New Housing Opportunities (New HOP), Low-Income Affordable Market-Place Program (LAMP), Mixed-Income, and Cooperative Programs
- New York State Affordable Housing Corporation (AHC)

Total cash subsidy from HPD or HDC, if any, will not exceed \$85,000 per homeownership or rental unit (inapplicable to permanent supportive housing units). Developers may apply for Low Income Housing Tax Credits. Developers may propose additional subsidy sources. While subsidy may be used, Proposals will be evaluated based on the efficiency of proposed financing plans. Proposals that maximize affordability while minimizing subsidy, not including the permanent supportive housing units, will be given preference.

I. Real Property Taxes and Charges

The Site is subject to New York City Real Property Taxes and charges. However, the tax exemptions described below may be available. Applicants should indicate which tax exemption program(s), if any, they plan to utilize. It is the responsibility of the Developer to apply for and meet the requirements of the specific tax benefit program(s). HPD makes no representations or warranties as to the continued availability of these benefits or as to the Development's eligibility to receive these benefits.

Homeownership and Rental

The homeownership and rental portions, as well as some of the retail/commercial and community facility components, of the Project may be eligible for an Urban Development Action Area Program ("UDAAP") tax exemption, a 421-a partial tax exemption, or 420-c tax exemption. For details of each program, it is necessary to consult the relevant statute and rules.

The UDAAP tax exemption is subject to approval by the City Council. The City Council may grant an exemption from the New York City Real Property Tax on the buildings/improvements for up to twenty (20) years. If the Council grants the full 20-year exemption, the Project would be fully exempt from the New York City Real Property Tax on the building/improvements for the first ten (10) years with a gradual phase-in of full taxes over the remaining ten (10) years (10% per year). The full amount of the New York City Real Property Tax on the land must be paid each year.

The 421-a partial tax exemption for new multi-family buildings provides an exemption from the New York City Real Property Tax on the increase in assessed valuation resulting from the improvement to the property. The 421-a partial tax exemption allows up to 3 years of construction period exemption, and up to twenty-five (25) years of post-construction exemption, including a gradual phase-in of full taxes over the last four (4) years of the exemption. The full amount of New York City Real Property Tax on the assessed valuation of the property in the tax year preceding the tax year in which construction commences must be paid each year. In addition, New York City Real Property Tax must also be paid for the portion of the community center and any other commercial, community facility, or accessory uses that in total exceed 12% of the aggregate floor area of the Project.

The 420-c tax exemption provides an exemption from New York City Real Property Tax for up to sixty (60) years for housing financed in part with Federal Low Income Housing Tax Credits. Projects must be owned (or leased for at least thirty (30) years) by a corporation, partnership, or limited liability company, of which at least fifty percent (50%) of the controlling interest is held by a charitable organization with 501(c)(3) or (4) tax exempt status whose purposes include low-income housing, or a wholly-owned and wholly-controlled subsidiary of such a charitable organization. HPD must approve a regulatory agreement that requires use as low-income housing and that may require a payment in lieu of taxes.

Permanent Supportive Housing and Community Facility

The 420-a tax exemption program provides a full exemption from New York City Real Property Taxes for certain property owned by eligible not-for-profit institutions. If the permanent supportive housing or community facility is the only portion of the Project that will receive a 420-a tax exemption, it must be in a separately assessed tax lot from the rest of the Project. If the permanent supportive housing component is financed in part with Federal Low Income Housing Tax Credits, it may be eligible for tax exemption under the 420-c program.

Retail/Commercial

In addition to the tax exemption programs discussed above, the retail/commercial portion of the Project may be eligible for partial exemption or abatement from New York City Real Property Tax for up to 25 years under the Industrial and Commercial Incentive Program ("ICIP"). The receipt of ICIP benefits would not disqualify a project from receiving tax benefits under another program, provided that the benefits are applied to separate, individually assessed tax lots.

J. Marketing, Sales, and Leasing

The marketing of the housing units is the sole responsibility of the Development Team. In carrying out these functions, the Developer must comply with HPD's marketing requirements, which are designed to ensure that the availability of the homes is disseminated as widely and fairly as possible. The **HPD Marketing Guidelines** are stated in **Appendix G**, and will be part of the LDA that the Developer will execute. The marketing of the units will be monitored by HPD staff to ensure compliance with these requirements.

The sales and rent prices of the units projected in the Proposal are to be determined by the Developer in accordance with HPD and the requirements outlined in **Section IV.B. (Development Program)**. Please refer to **Section VII.C. Tab H (Financing Proposal)** for the procedure to calculate affordability of proposed sales and rent prices.

K. Rent Stabilization

Initial rents for the affordable rental units must reflect the Rent and Affordability Calculations described in **Exhibit H (Financing Proposal)**. All affordable rental units, including the permanent supportive housing units, must be entered into the New York State Rent Stabilization system upon initial occupancy following completion of the Project.

L. Fair Housing Requirements

The Developer is required to comply with all applicable Federal, State, and local laws, orders, and regulations prohibiting housing discrimination.

M. Warranty Coverage

Units must be sold with warranty coverage as required by HPD and that complies with Section 777 of the New York State General Business Law.

N. Resale, Refinancing, and Recapture Restriction

Homeownership Component

Homeowners must agree to occupy the multi-family unit or at least one of the townhouse units in the 1-4 family building as a primary residence for up to 15 years following the initial purchase of the home. Any resale within the 15 years following the initial purchase of an affordable unit from the Developer must be to a buyer who will be an owner-occupant and maintain the unit as his/her primary residence.

The Subordinated City Debt will be converted into an obligation on purchasers who acquire the units. The Subordinated City Debt is apportioned pro rata to each unit and may be unsecured at the time of sale based on the unit's post-construction appraised value. In most cases, units sold at full market value will not have any Subordinated Debt attributable to them. Purchasers repay the Subordinated Debt attributable to their units by delivering a note and mortgage and/or conditional grant agreement to the City. The sum evidenced by the note and secured by the mortgage remains constant for the first five (5) years of a fifteen (15) year period and declines by one tenth (1/10) in years six (6) through fifteen (15), but will be forgiven after the fifteenth (15th) year of owner occupancy.

Upon resale or refinancing, initial purchasers and subsequent owners are required to make payments to the City out of resale profits and refinancing proceeds, where applicable. During years one (1) to five (5), 100% of the resale or refinancing profits from the sale of the unit must be paid up to the amount of outstanding Subordinated City Debt. During years six (6) through fifteen (15), 50% of the resale or refinancing profits, with a decline of one tenth (1/10) per year, must be paid up to the amount of the outstanding Subordinated Debt, but will be forgiven after the fifteenth (15th) year of owner occupancy. The use and recapture of any State and Federal funds will be guided by the specific guidelines for such funding source.

Rental, Retail/Commercial, and Community Facility Components

The portion of the Subordinated Debt attributable to the rental, retail/commercial, and community facility components of the Project is repayable out of refinancing and resale profits, and is non-evaporating.

O. Equal Opportunity

Agreements resulting from this RFP will be subject to the provisions of Executive Order 50 and its implementing regulations, as stated in **Appendix H (Equal Opportunity)**. A representative from the Development Team will be required to attend a class administered by HPD outlining the requirements of Executive Order 50 and to submit EO forms provided by HPD verifying compliance with its provisions.

V. REQUEST FOR PROPOSALS PROCESS

The RFP process includes the following stages:

A. Submission

On or before the submission deadline, the Applicant must submit a Development Proposal in accordance with the instructions and attachments contained in this RFP, as well as any addenda to the RFP that may be issued.

Submission of a Proposal shall be deemed permission by the Applicant for HPD to make inquiries concerning the Applicant. Proposals that are not complete or do not conform with the requirements of this RFP will be eliminated from further consideration. Applicants should follow the submission requirements listed in **Section VII (Submission Requirements)**.

After submission, HPD will not accept additions or changes to the Proposals. Upon review, however, HPD, at its discretion, may notify an Applicant that additional information or clarification is necessary. Applicants must comply with all requests for information and, if requested by HPD, appear for discussion.

HPD, in its sole discretion, may amend or withdraw this RFP at any time. In order to be considered, Proposals must conform to any amendments issued to this RFP.

B. Selection

Proposals and Applicants will be evaluated according to the criteria detailed in **Section VI (Developer Selection Process)**. Proposals that meet all threshold requirements, based on HPD's and DDC's sole judgment and discretion, will be comprehensively evaluated, rated, and ranked according to the **Competitive Selection Criteria** in **Section VI.B**. HPD may request additional information, site visits, interviews, or other presentations by the Applicants. HPD may disapprove the inclusion of any member of the Applicant's Development Team and/or require the selected Applicant to substitute other individuals or firms.

Selection of a Developer for the Site under this RFP will mean only that HPD will commence negotiations with such Developer regarding the development of the Site. Upon such selection, HPD will send a letter to the Developer regarding the commencement of such negotiations ("Negotiation Letter"). This letter will set forth certain information regarding the Project, development program, and procedures that will form the basis of such negotiation. **Exhibit A** contains an **Applicant's Letter** that describes this process. Each Proposal must include this letter signed by an authorized representative of the Applicant. HPD reserves the right to terminate negotiations with or without cause after the issuance of such Negotiation Letter.

The Negotiation Letter will include a development schedule setting out the major actions and timeframes necessary to accomplish the Development. Failure of the Developer to follow the development schedule may result in the termination of negotiations and the selection of another Developer.

The Developer who receives a Negotiation Letter from HPD must thereafter disclose all previous participation with City-assisted projects. Such entity and all Principals thereof will each be required to submit the appropriate disclosure forms. Upon request at any time, HPD will provide a copy of the disclosure forms to any Applicant.

VI. DEVELOPER SELECTION PROCESS

HPD, in conjunction with DDC, will evaluate each Proposal and each Applicant according to the threshold requirements (“Threshold Requirements”) below, taking into account the information provided in the Proposal, references, and any other information about the Applicant’s performance available to HPD. Proposals that are not complete or do not conform with the requirements of this RFP will be eliminated from further consideration.

Proposals that meet all Threshold Requirements will be comprehensively evaluated, rated, and ranked according to the competitive selection criteria (“Competitive Selection Criteria”) below. The top three Development Teams selected as finalists will be required to present their Proposals and qualifications to HPD, DDC, and the Community Task Force. Finalists will be provided with further information regarding the required content of their presentations upon notification. HPD may request additional information, site visits, interviews, or presentations. The selected Applicant will be chosen from among the highest rated and ranked Proposals.

A. Threshold Requirements

1. Completeness of Proposal

The Proposal must contain all documentation required under **Section VII (Submission Requirements)**. All of the required forms must be fully completed and application requirements met at the time of submission. Upon review, however, HPD, at its discretion, may notify an Applicant that additional information or clarification is necessary.

2. Comparable Development Experience

At least one Principal of the Applicant must have had prior development experience, as Principal, by successfully completing new construction of at least one (1) project of comparable size and scope to the one proposed in this RFP. “Development Experience” is defined as the successful completion of the construction of at least one (1) mixed-use project of at least two hundred (200) residential units within the past ten (10) years. HPD will only consider similar projects completed in a location comparable to the Development Site. Development Teams should indicate previous experience developing permanent supportive housing.

3. Comparable Management and Social Services Experience

At least one Principal of the Applicant or the proposed managing agent must have comparable rental management experience. “Comparable Management Experience” is defined as the successful management of at least one hundred (100) residential units in New York City within the past ten (10) years. The Principal must have been the owner and manager, or the owner acting through a management entity, to fulfill this qualification. No changes in managing agent may be made without HPD prior approval.

The not-for-profit partner of the Development Team that will be responsible for managing the permanent supportive housing component should indicate previous experience in managing permanent supportive housing and the provision of on-site social services to low-income and special needs populations. Previous work with HPD and contracts with other agencies will be considered. For additional information, please see **Appendix B (Permanent Supportive Housing Information and Guidelines)**.

4. Comparable Design Experience/Design and Construction Excellence and LEED Certification

Applicants must demonstrate understanding and commitment to the City's goal of design and construction excellence that will be typified by dignified spaces that inspire pride in the city. The architect(s) included in the Development Team must demonstrate creativity in the solution to a given architectural challenge. To demonstrate design experience and design and construction excellence, Applicants must provide a portfolio of projects, as described in **Section VII.C. TAB M (Additional Evidence of Experience and Qualifications)**.

The proposed design must incorporate a cost effective design approach fully considering life cycle analysis in selection of materials and systems, a balance of innovative design and traditional operating and maintenance practices including durability, ease of maintenance, layout, and high performance systems that provide value while protecting human health and the environment.

Applicants must incorporate into their Proposals at least the minimum sustainable design elements required for all buildings in the Project to achieve LEED certification through the U.S. Green Building Council, with preference given to Proposals that maximize high performance, sustainable elements and LEED Green Building Rating System points and certification levels (i.e., "Certified," "Silver," "Gold," or "Platinum"). Each building must achieve LEED certification under the applicable standards (i.e., "LEED-NC", "LEED-H", or "LEED-ND") according to use and size. For detailed information regarding LEED, the certification process, and all requirements, please visit <http://www.usgbc.org>. Additional background information about sustainable development and high performance/green building technology is included in **Appendix D (Sustainable Design Elements)**.

5. Development Capacity and Current Workload

Applicants must be capable of beginning construction no later than eighteen (18) months from the date of the Negotiation Letter. An Applicant's current workload and other pending project obligations will be considered in assessing capacity for undertaking the Development Project proposed by the Applicant within HPD's proposed timeframe prescribed for the Project.

6. Development Compliance

Proposed Development Projects must meet all minimum requirements outlined in **Section IV (Program Description, Requirements, and Guidelines)**.

7. Ability to Finance

Applicants must demonstrate adequate financial resources to develop a project of the scope proposed in their submission. HPD will evaluate the Applicant's assets, bank or other lender references, and current commitments in order to assess the Applicant's capacity to secure construction and permanent financing, meet construction lender's equity requirements, absorb any cost overruns, and commence and complete construction of Applicant's entire Development Project in a timely manner.

8. Affordability

A minimum of 50% of all homeownership and rental units, not including the permanent supportive housing units, must be affordable to households earning a maximum of 130% of AMI, as adjusted for household size; a minimum of 20% must be affordable to households earning a maximum of 80% of AMI. Additional units should be affordable to a mix of income levels at multiple tiers.

In addition, all permanent supportive housing units must have rents affordable to a maximum of 60% of AMI and be in accordance with all additional requirements described in **Appendix B (Permanent Supportive Housing Information and Guidelines)**.

9. Feasibility of Development Proposal

The Applicant's financing plan must be considered feasible. Estimated development costs must be within current industry parameters. Proposed rents and sales prices for the housing units must be deemed realistic based upon Proposal information and market conditions. An estimate of the square footage construction costs using both net and gross square footage must be provided along with the Project budget.

10. No Adverse Findings

An Applicant's Proposal will be rejected at any time during the evaluation process and thereafter if there are any adverse findings that would prevent the City from conveying the Site to the Applicant or any person or entity associated with the Applicant. Such adverse findings include, but are not limited to: 1) arson conviction or pending case; 2) harassment conviction or pending case; 3) City, State, Federal, or private mortgage foreclosure proceedings or arrears; 4) in rem foreclosure or substantial tax arrears; 5) defaults under any City-sponsored program; 6) de-designation as developer of any government sponsored or publicly assisted project; 7) a record of substantial Building Code violations or litigation against properties owned by the Applicant or by any entity or individual that comprises the Applicant; or 8) conviction for fraud, bribery, or grand larceny.

B. Competitive Selection Criteria

Proposals that satisfy the Threshold Requirements above will be evaluated and ranked according to the Competitive Selection Criteria described below. In evaluating Proposals under these criteria, the combined experience and resources of all Principals of the Applicant will be considered. HPD and DDC may request additional information, site visits, interviews, or presentations by the Development Team.

1. Development Experience, Management, and Capacity

Previous development experience, including development of permanent supportive housing, will be evaluated as it reflects the Applicant's demonstrated ability to successfully carry out a quality project of this type, size, and complexity in a timely manner. Among the factors that will be considered are: 1) quality of construction and design in projects completed or currently being built by the Applicant and/or its Principals; 2) extent of the Applicant's experience, in terms of number, size, type, and scale of projects completed within the last seven (7) years; 3) history of delivering quality projects on time and within budget; and 4) the absence of purchaser and/or tenant complaints. The Applicant's current workload and other pending

project obligations will be considered in assessing capacity for undertaking the Project proposed by the Applicant within the timeframe prescribed for development.

The Applicant's previous experience in managing rental housing, either directly or through a managing agent, and the experience of any managing agent proposing to manage the rental component of the Project, will be evaluated as an indicator of the Applicant's ability to operate and maintain the property to the satisfaction of the tenants, in a financially sustainable manner, and in compliance with all applicable laws. Among the factors that will be considered are: 1) the number of buildings and units currently managed by the Applicant, and those managed by the Applicant over the past ten (10) years; 2) the quality of maintenance provided by the Applicant; 3) the effectiveness of tenant relations, measured in part by the number and types of tenant complaints made in regard to property managed by the Applicant; and 4) experience in rent-up and management of rental housing for low-income persons, including track record of compliance with eligibility, record-keeping, and reporting requirements of subsidy programs for such tenants. In addition, previous experience in managing permanent supportive housing and the provision of on-site social services to low-income and special needs populations, as described in **Appendix B (Permanent Supportive Housing Information and Guidelines)**, will be considered.

2. Affordability and Least Subsidy

Proposals that maximize affordability with the least amount of subsidy, not including the permanent supportive housing units, will be given preference. In addition, greater consideration will be given to Proposals that provide a greater mix of income levels at multiple tiers.

3. Quality of Design Proposal

Overall quality of design and construction will be given significant consideration. HPD and DDC will evaluate each architectural proposal to determine the Project's positive impact on the community and responsiveness to the neighborhood context. Site planning, building arrangement and planning, street wall elevations, massing, interior layouts, building materials, amenities, streetscape treatment, and sustainability will be considered. Structures should complement and elevate the level of urban design in the neighborhood, and include architectural features that evoke appealing New York City residential environments. Special care should be taken to employ texture, materiality, fenestration, and other architectural tools to create a variety of scales within the overall massing of the Project, providing both horizontal and vertical relief, and an appropriate relationship to the lower, narrower surrounding buildings. Street trees, lighting, and other streetscape features should be provided around the Development Site. Applicants are encouraged to use new materials and techniques, diversity of architectural styles, and innovative site planning.

While **Section IV.C. (Design Guidelines)** and **Appendix C (HPD Design Guidelines for New Construction)** represent minimum design guidelines and construction requirements, Applicants are strongly encouraged to exceed those minimum standards to provide the best quality Project possible. However, the permanent supportive housing component should follow and not exceed the guidelines for unit size described in **Appendix B (Permanent Supportive Housing Information and Guidelines)**. All Proposals will be judged on adherence to applicable codes, and the requirements and guidelines in the above-mentioned sections.

4. Design Experience

Design qualifications of the Applicant will have significant weight. Applicants must provide a portfolio of projects, as described in **Section VII.C. TAB M (Additional Evidence of Experience and Qualifications)**. Previous experience, including experience related to sustainable design, as evidenced by this portfolio, will be used in ranking under this criterion. The submitted projects will be evaluated for design quality, extent to which they demonstrate creativity and insight in their solution to the design problem, relationship to the site and surrounding environment, constructability, innovative use of materials and construction technology, and potential long-term viability within reasonable cost parameters. Preference will be given for experience and expertise in sustainable landscaping, energy efficient design and analysis, and prior LEED certified projects.

Consideration will be given to overall client satisfaction; clear lines of communication, especially in regard to client input and community concerns; and technical approach and methodology.

5. Sustainable Design and Development Criteria

To the maximum extent possible, Proposals should incorporate green building, sustainable development, and “smart building” concepts and technologies in order to enhance overall design and construction, integration of high technology into units, and the long-term marketability of the units, while simultaneously making the buildings environmentally responsible. Additional points will be awarded to Proposals that maximize incorporation of such concepts. In addition to the overall design quality, Proposals that exceed the required minimum LEED certification level by including sustainable elements with the most optional LEED Green Building Rating System points will achieve a high design ranking.

VII. SUBMISSION REQUIREMENTS

A. Pre-Submission Information and Inquiries

All communications regarding this RFP should be directed to:

Carolyn Zern
NYC Department of Housing Preservation and Development
Office of Development
Division of Planning and Pipeline Development
100 Gold Street, Room 9G-4
New York, NY 10038

Telephone: (212) 863-6519
Fax: (212) 863-5052
E-mail: zernc@hpd.nyc.gov

A pre-submission conference will be held on August 2, 2006 at 2:00 pm at HPD, 100 Gold Street, Room 1R, New York, NY 10038. The date, time, and location of this pre-submission conference will also be posted on HPD's website: www.nyc.gov/hpd. HPD strongly recommends that interested Applicants attend this pre-submission conference, as this will be the only opportunity to ask questions and receive answers in person regarding the RFP.

People with disabilities requiring special accommodations to pick up the RFP or to attend and/or participate in the pre-submission conference should contact Carolyn Zern at 212-863-6519.

B. General Requirements

Proposals must be submitted by hand no later than 4:00 pm on November 1, 2006 to HPD at the address below. Proposals received after the due date and time will not be considered, regardless of the reason for late submission.

HPD must receive one (1) original and ten (10) bound copies of each Proposal containing all required supporting documentation. All Proposals must be bound in three-ring binders. An authorized representative of the Applicant must sign the original Proposal. Each original and copy of the Proposal must contain a cover page that provides identification as a Proposal in response to this RFP; date of submission; and the name, address, telephone and fax numbers, and e-mail address of an authorized representative of the Applicant who may be contacted during the period of Proposal evaluation. Each copy must be clearly labeled as described below and tabbed as indicated in **Section VII.C. (Contents of Proposal and Tabbing)**. Applicants must inform any commercial delivery service, if used, of all delivery requirements and ensure that the required information appears on the outer envelope or box. The original and all copies must be submitted in sealed envelopes or a sealed box and labeled as follows:

FROM: Applicant's name and address
TO: NYC Department of Housing Preservation and Development
Office of Development
Division of Planning and Pipeline Development
100 Gold Street, Room 9G-4
New York, NY 10038
Attn: Carolyn Zern
RE: Proposal in Response to Former Brig Site RFP

All Proposals will become the property of HPD. Submission of a Proposal is deemed permission for HPD to make inquiries concerning the Proposal and Applicant. If HPD determines, upon review of a Proposal, that any items are missing and/or incomplete, HPD, in its sole discretion, may notify the Applicant to provide such items. Failure to provide complete information in a timely fashion could result in rejection of the Proposal. Proposal modifications will not be considered unless requested by HPD.

HPD reserves the right to postpone or cancel this RFP and to reject all Proposals.

C. Contents of Proposal and Tabbing

Each Proposal must contain the forms and supporting documentation described below. Each copy of the Proposal must be tabbed as indicated below. The tabs should run down the right hand side of the bound Proposal document. All **Proposal Forms** can be found in **Exhibits**. Additional pages should be submitted if needed or to clarify information provided in the Proposal forms.

TAB A – Completeness Checklist and Applicant’s Letter

Each Applicant must submit a **Completeness Checklist** and **Applicant’s Letter**. The formats of this checklist and letter are contained in **Exhibit A**. The letter must be printed on the Applicant’s letterhead and signed by an authorized representative of the Applicant.

TAB B – Proposal Summary

Each Applicant must include a narrative summary that describes the Proposal. The summary must include, at a minimum, a brief description of the approach to design and significant design elements; residential gross and saleable or rentable square feet; the proposed type, number (units and rooms), and average size of ownership and rental units; income levels and average sales or rent prices contemplated; number of permanent supportive housing units and population to be served; amount of retail/commercial and community facility space (gross and rentable) and proposed uses; average annual rent per square foot for retail/commercial and community facility space; proposed fee structure and gross income from retail/commercial and community facility space; sources and amounts of financing; and a brief description of the most relevant development experience of the Development Team.

TAB C – Development Team Information and Applicant Questionnaire

Each Applicant must submit completed **Development Team Information** and **Applicant Questionnaire** forms. The formats of these forms are contained in **Exhibit C**. Applicants must provide clear definitions of key roles and duties. The not-for-profit organization that will be responsible for developing and managing the permanent supportive housing component and Applicants that include an additional not-for-profit organization as a Principal of the Applicant or a member of the Development Team must also complete **Forms C3 – C6** in **Exhibit C**. If the Applicant is a joint venture, the Principals of each entity that comprises the joint venture must be identified, a separate questionnaire must be submitted for each entity, and a Principal of each entity must sign the appropriate forms. Any additional pages that are part of the response to a questionnaire should also be included under this tab.

TAB D – Development Experience and Current Workload

Each Principal that comprises the Applicant must submit a list of **Development Experience and Current Workload**. This listing should contain all of the information requested in the format of **Exhibit D**. Care should be taken to provide accurate information about references, and to state the roles played in each development by using the codes listed on the bottom of the form. Any individual with no experience should mark the appropriate form with “None.”

1. Development Experience and Current Workload

Each entity that comprises the Applicant, including the not-for-profit organization that will develop the permanent supportive housing component, must list all construction projects that have been completed within the ten (10) years preceding the deadline for submission of Proposals in response to this RFP. On a separate form, each entity that comprises the Applicant must list all projects that are in construction, pre-development, or otherwise committed.

2. Management Experience

Each entity that comprises the Applicant, including the not-for-profit organization that will manage the permanent supportive housing component, and the managing agent included in the Development Team, if other than the Applicant, as well as any managing agent proposed to manage the Development, must list all projects that have been managed within the ten (10) years preceding the deadline for submission of Proposals in response to this RFP.

3. Marketing Experience

Each entity that comprises the Applicant and the marketing agent included in the Development Team, if other than the Applicant, must list all projects that have been marketed within the ten (10) years preceding the deadline for submission of Proposals in response to this RFP.

TAB E – Individual’s Property Listing

Each Principal of the Applicant must list all New York City properties currently owned or managed, or previously owned or managed during the five (5) years preceding the deadline for submission of Proposals in response to this RFP. Include properties owned and managed either directly by the Principal or by any organization in which the Principal is or was a corporate officer, general partner, or holds/held more than a 10% interest. Any individual who does not own property in New York City should mark the appropriate form with “None.” This list should include the block(s), lot(s), number of units, periods of ownership and management, and type of ownership (e.g., general partner, corporate officer, or shareholder).

TAB F – Ability to Finance

1. Assets Statement

Each Principal of the Applicant must submit audited or reviewed financial statements describing in detail the Principal’s financial status within the 2 most recent fiscal years preceding the deadline for the submission of Proposals in response to this RFP. Publicly owned companies must submit the latest annual report and Form 10K as well as any Form 10Q

submitted after such Form 10K. As an alternative, the **Assets Statement** form in **Exhibit F** may be used.

Please note that the total unencumbered assets of the Principal(s) must be at least equal to the amount of equity required by the construction lender.

2. Lender and Tax Credit Syndicator Letter(s)

Each Proposal must include a letter or letters of interest from a lender or lenders indicating a willingness to lend for the Project and specifying the amount such lender or lenders will consider financing. Each letter must be on the lender's letterhead, signed by a representative of the lender, and include the amount and terms of the financing. Alternatively, an Applicant who is not planning to use a bank must show adequate assets to complete the Project. If the Project will be financed using tax-exempt bonds, provide a letter of interest from a tax credit syndicator indicating the tax credit raise anticipated for the Project. Applicants may use different lenders for construction and permanent financing.

TAB G – Project/Design Narrative

Applicants must provide a detailed narrative description outlining the proposed concept and methodology of the Project and, among other things, include the Applicant's approach to the Project and urban design. This description should provide all Project information outlined in **Exhibit G (Project/Design Narrative)**.

TAB H – Financing Proposal

Applicants must submit completed **Financing Proposal** forms in **Exhibit H**. If portions of the Project are separately financed, the Applicant should provide additional forms for each portion. A narrative description that clearly explains the financing structure of the Project should accompany the exhibit.

All Proposals must reflect the purchase and rent price affordability calculations described in **Exhibit H (Financing Proposal)**. In addition to the minimum affordability requirements described throughout this RFP, any subsidy programs that are utilized will determine additional, if any, required affordability levels.

TAB I – Environmental Proposal

Applicants must submit a proposal for environmental testing and remediation, if applicable.

TAB J – Design/Architectural Documents

All plans must be prepared by a Registered Architect or Professional Engineer. All materials must be clearly legible and easily reproducible on paper size of 11" by 17" or smaller. The following must be included:

1. Land use site plan/street level floor plan, at a minimum scale of 1" = 20'-0", that indicates all components of the Project, means of egress, and any other uses
2. Building height/bulk site plan at a minimum scale of 1" = 20'-0"
3. Vehicular and pedestrian circulation site plan including walks, sidewalks, parking, driveways, easement, and building access points

4. Open space site plan including streetscape treatment, tree locations, fences, gates, lighting, play areas with equipment, private open space, and public open space, if applicable
5. Phasing plan, if applicable
6. Typical and atypical floor plans, at a scale of 1/8" or 1/4", and any other plans necessary to explain the development concept
7. Color renderings/elevations, at the same scale as the site plans, indicating building materials to be used (especially details at street level); how blank street walls are avoided; treatment of any loading docks, service areas, curb cuts, parking access, and landscaping; and relation to surrounding buildings, streets, and open space
8. Any other architectural drawings, such as axonometric, perspective or sectional drawings, color renderings, photographic, and/or computer-generated modeling if they can provide a better understanding of the development concept
9. Complete zoning analysis and calculations to demonstrate compliance with the New York City Zoning Resolution (including citations of all relevant sections), New York City Building Code information indicating occupancy group and construction classification, and residential unit count and distribution
10. Elements of sustainable design to achieve LEED certification included in the plans and a table detailing the applicable elements and accompanying LEED Green Building System points.

For additional requirements and guidelines, please refer to **Appendices B and C for Permanent Supportive Housing Information and Guidelines** and **HPD Design Guidelines for New Construction**.

TAB K – Marketing Plan

Applicants must provide marketing plans for all components of the Project. The marketing plans should include information about pricing structures, amenities, assessment of competition, and absorption rates assumed; anticipated target markets for all components of the Project; advertising strategy; description of marketing plans for analogous projects; and other relevant information.

TAB L – Development Schedule

Applicants must provide a development schedule and phasing plan (if applicable), including benchmarks for commencement and completion of plans and drawings, New York City Department of Buildings plan approval, site preparation, construction commencement and completion, marketing, and occupancy of the Project. In order to complete the timeline, assume at least one (1) year for HPD design approval and ULURP (including certification).

TAB M – Additional Evidence of Experience and Qualifications

Applicants are encouraged to provide resumes and/or brochures describing the Applicant and any similar projects in which the Applicant has been involved. Provide resumes and/or brochures describing key members of the Development Team. Provide a staffing plan indicating which Principals and staff members would have primary responsibilities for implementing the Project and their roles in day-to-day management of the Project.

1. Design and Construction Excellence

Applicants must submit Design Team portfolios, focused on up to five (5) projects of comparable size and program completed within the last ten (10) years and qualifications detailing applicable residential and mixed-use development experience that demonstrate the

Team's creativity and insight in solving architectural problems. Included projects should reflect this ability both in the internal planning as well as in the project's relationship to its site and surrounding environment. Creative and innovative use of materials and construction methods should be clearly described. For each project, include the following:

- a. Resume of the lead designer
- b. Site plans and floor plans for each project, three dimensional view(s) of the exteriors, and any additional architectural drawings that illustrate the design concept
- c. Brief written description highlighting the salient characteristics of the project, including the design philosophy, approach, and innovation

In addition, list any design citations or awards and entries to design competitions. Visual materials can take the form of a printed brochure, photographs, drawings, or similar images.

As this will be a high performance project, Applicants must also demonstrate that the Team will include members with experience and expertise in high performance design and construction.

VIII. CONDITIONS, TERMS, AND LIMITATIONS

This RFP is subject to the specific conditions, terms, and limitations stated below:

The Site is to be disposed of in its "as is" condition. The City, its officers, agents and employees make no representation whatsoever as to the physical condition of the Site or its suitability for any specific use.

The Site shall be subject to New York City Real Property Taxes and charges. Tax benefits may be available under the 421-a, 420-a, 420-c, UDAAP, and /or ICIP tax exemption programs.

The proposed Project shall conform to, and be subject to, the provisions of the New York City Zoning Resolution, Building Code, and all other applicable laws, regulations, and ordinances of all Federal, State, and City authorities having jurisdiction, as the same may be amended from time to time.

Valid permits and approvals, as required by City, State, and Federal agencies, shall be obtained by the Developer prior to commencing work.

The conditional selection of an Applicant will depend on satisfaction of the additional documentation and review requirements described in this RFP, and will be subject to the subsequent approval of the Mayor.

The City will convey the Site pursuant and subject to the provisions of the LDA. HPD will recommend to the Mayor the acquisition price as stated. Where required, all documentation, including but not limited to the deed and LDA, shall be in form and substance satisfactory to the City Council, Mayor, and Corporation Counsel. The conveyance will be subject to satisfaction of the applicable provisions of the City Charter and Article 16 of the New York State General Municipal Law.

No transaction will be consummated if any Principal of any conditionally designated Developer is in arrears, or in default upon any debt, lease, contract, or obligation to the City of New York, including without limitation, real estate taxes and any other municipal liens or charges. The City reserves the right not to review any Proposal by any such Applicant.

No commission for brokerage or any other fee or compensation shall be due or payable by the City, and the submission of a Proposal will constitute the Applicant undertaking to indemnify and hold the City harmless from and against any such claim for any such fee or compensation based upon, arising out of, or in connection with any action taken by the Applicant, the selection of the Applicant's submission and invitation to the Applicant to respond to this RFP, the conditional designation of a Developer pursuant to this RFP, or the sale of the Site.

The City is not obligated to pay, nor shall in fact pay, any costs or losses incurred by any Applicant at any time, including the cost of responding to the RFP.

The selection of an Applicant will mean only that HPD may commence negotiations with that Applicant regarding the development of the Development Site. HPD will send written notification ("Negotiation Letter") to the selected Applicant. The selected Applicant must begin pre-development work within thirty (30) days of the date of the Negotiation Letter. The selected Applicant will be expected to start construction on the date specified in their Development Schedule; however, the Applicant must expect to commence construction no later than eighteen (18) months from the date of the Negotiation Letter.

This RFP does not represent any obligation or agreement whatsoever on the part of the City. Any obligation or agreement on the part of the City may only be incurred after the City enters into a written agreement approved by the Mayor and Corporation Counsel. The City is under no legal obligation to convey the Development Site offered through this RFP through a competitive process. The City reserves the right to use the Proposals submitted pursuant to this RFP as a basis for negotiation with Applicants as the City deems appropriate. HPD may reject at any time any or all Proposals, amend or withdraw this RFP in whole or in part, negotiate with one or more Applicants, and/or negotiate and dispose of the Development Site on terms other than those set forth herein (including to parties other than those responding to this RFP). HPD may also, at any time, waive compliance with or change any of the terms and conditions of this RFP, entertain modifications or additions to selected Proposals, or withdraw the Site or portions of the Site from or add individual parcels to this RFP.

Selection of an Applicant's Proposal will not create any rights on the Applicant's part, including, without limitation, rights of enforcement, equity or reimbursement, until after the approvals of the City Council and the Mayor and the Corporation Counsel, and until the deed, LDA and all related documents are fully executed and approved. The terms of the deed and LDA, after execution, shall govern the relationship between the City and the Developer. In the event of any variance between the terms of this RFP and the deed or the LDA, the terms of the deed and/or LDA will govern.

All determinations as to the completeness or compliance of any Proposals, or as to the eligibility or qualification of any Applicant, will be within the sole discretion of the City.

This RFP and any agreement resulting there from are subject to all applicable laws, rules, and regulations promulgated by any Federal, State, or municipal authority having jurisdiction over the subject matter thereof, as the same may be amended from time to time.

IX. CONFLICTS OF INTEREST

Employees of the City of New York may respond to this RFP only in accordance with Chapter 68 of the New York City Charter governing ethics and conflicts of interest affecting City personnel. Section 2604(b)(7) of the City Charter contains specific prohibitions that exclude enumerated groups of employees from participating in the sales process.

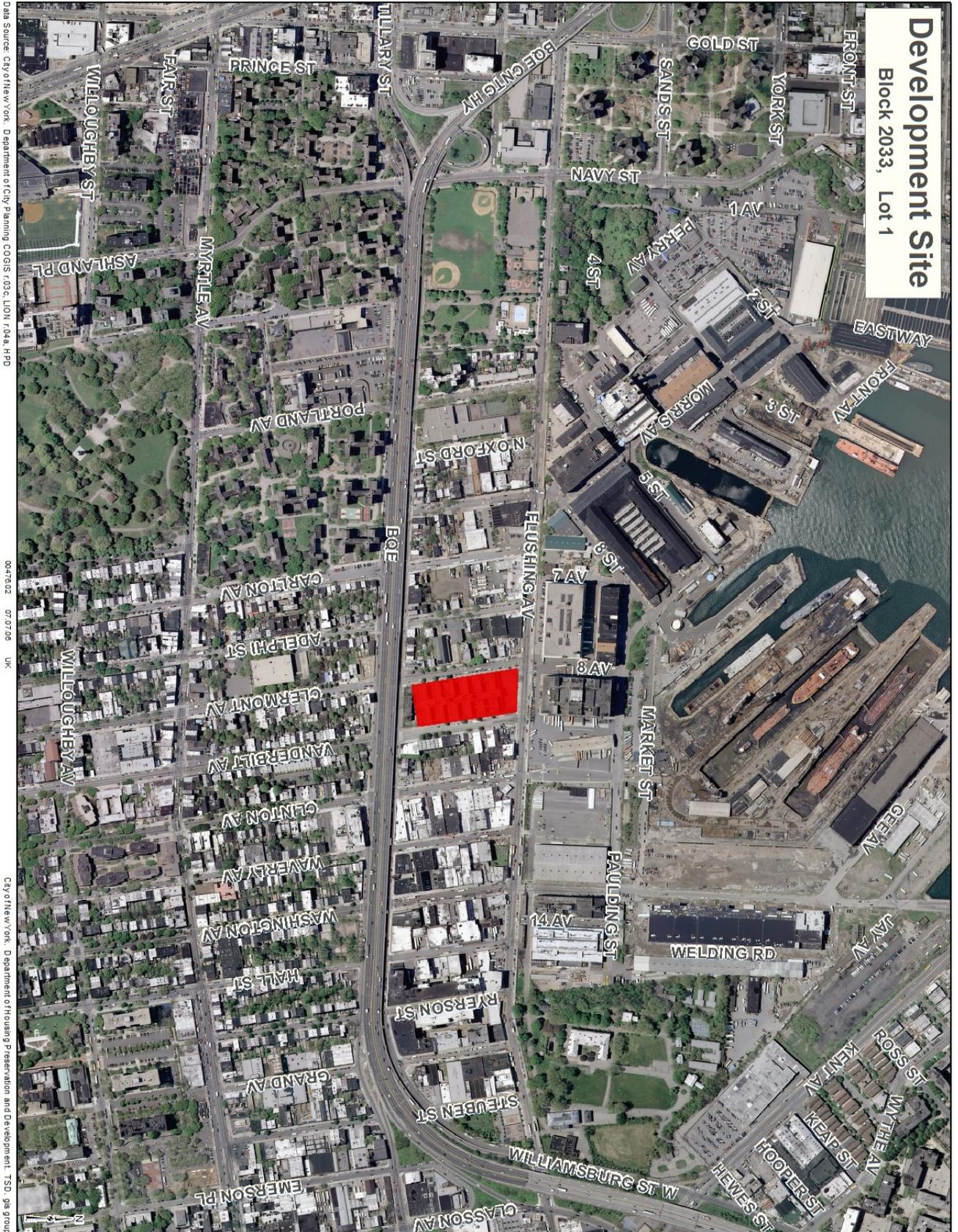
Persons in the employ of the City considering the submission of a Proposal are advised that opinions regarding the propriety of their purchase of City-owned property may be requested from the New York City Conflicts of Interest Board. This body is empowered, under Section 2602 of the City Charter, to issue advisory opinions on conflict of interest questions and other matters of ethical considerations. It is not necessary, however, that such an opinion be obtained prior to responding to this RFP.

Former employees of the City of New York are also advised that the City Charter imposes certain restrictions on post-employment and business relationships with the City. Such individuals should consult the specific provisions on this issue contained in the City Charter.

APPENDICES

- A. Maps**
- B. Permanent Supportive Housing Information and Guidelines**
- C. HPD Design Guidelines for New Construction**
- D. Sustainable Design Elements**
- E. Phase I Environmental Site Assessment**
- F. Groundwater**
- G. HPD Marketing Guidelines**
- H. Equal Opportunity**

APPENDIX A: Maps



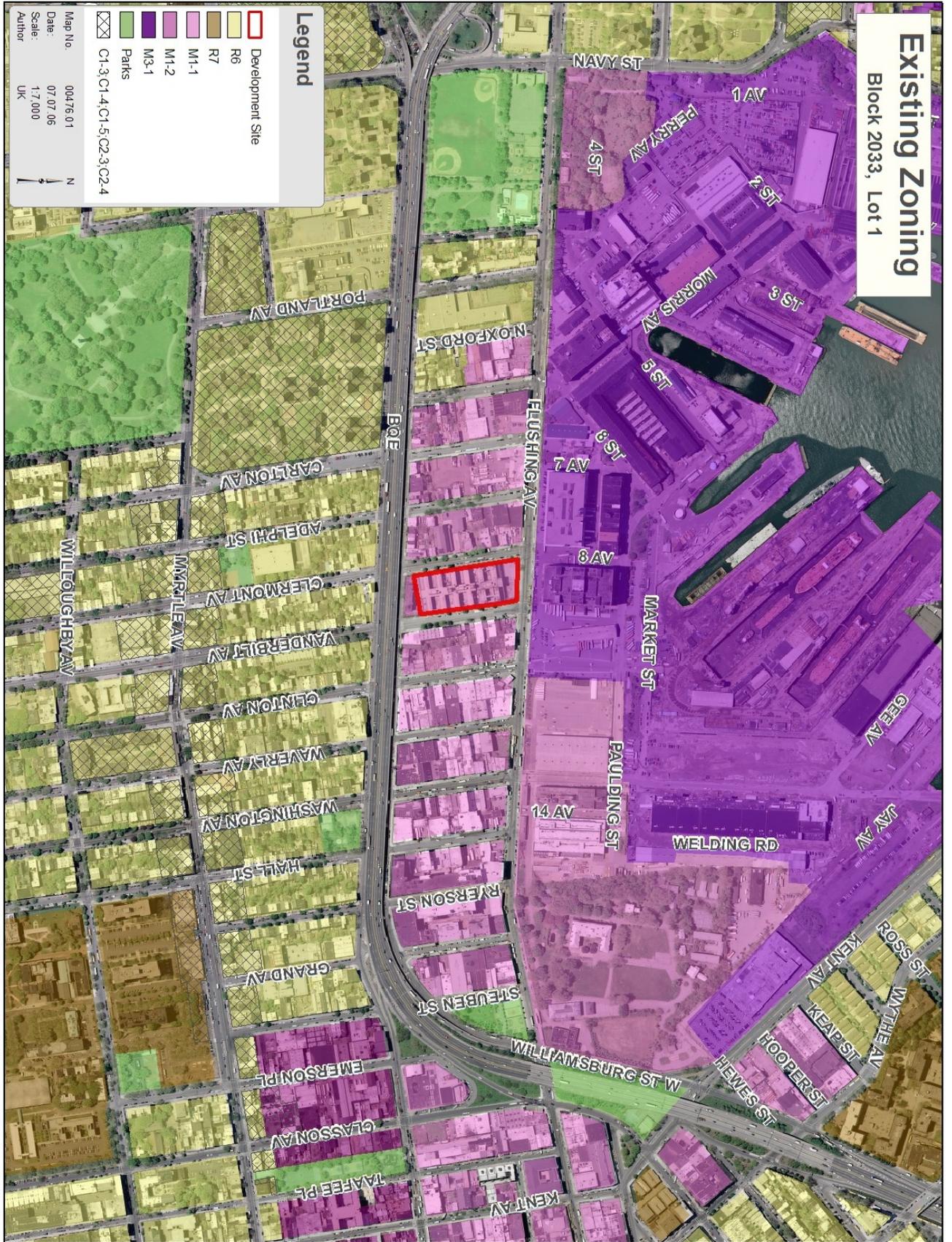
Data Source: City of New York, Department of City Planning COGIS r.dtc.LDN.r.d4a.HDP

0047602 07/07/08 UK

City of New York, Department of Housing Preservation and Development, TSD, gis group

Existing Zoning

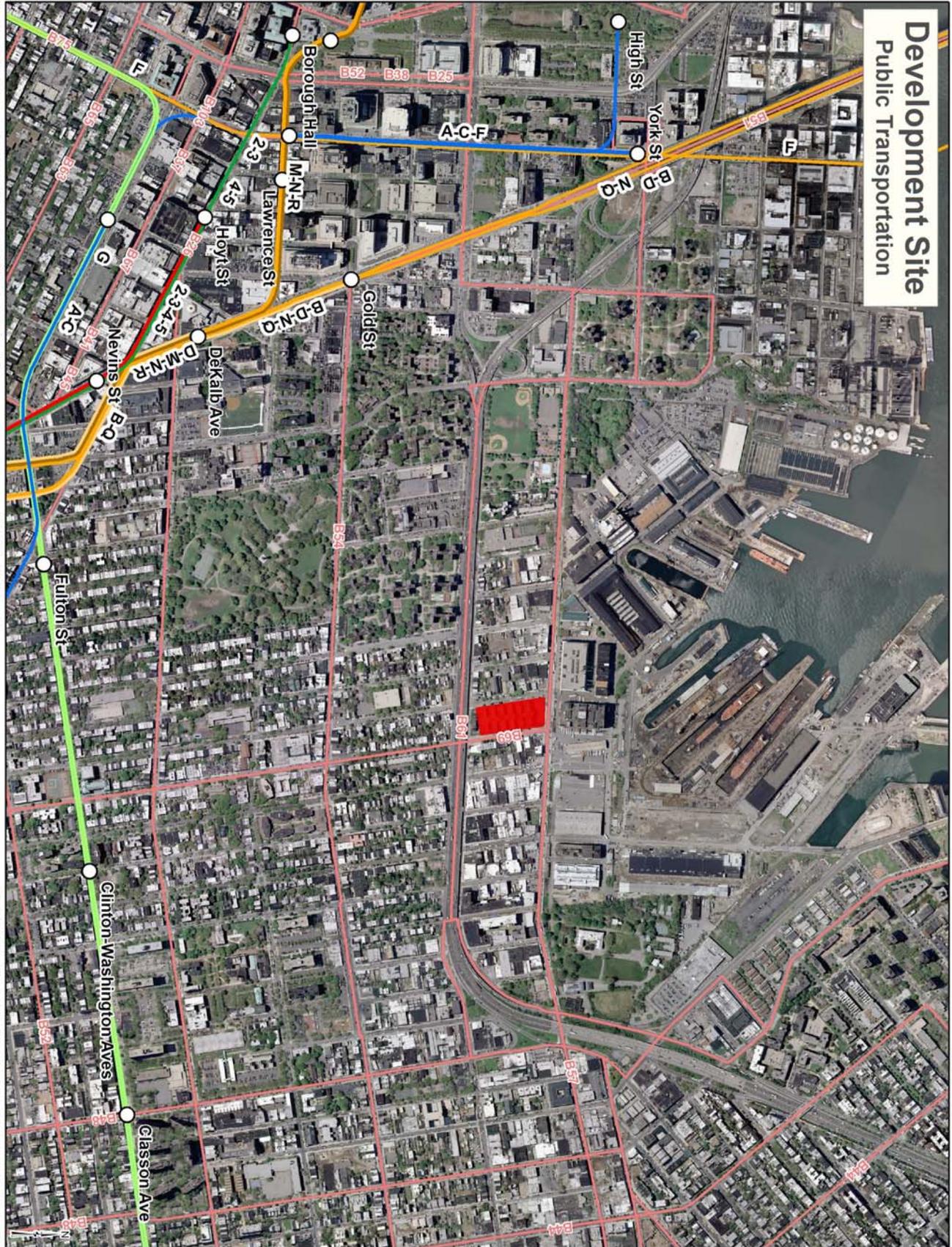
Block 2033, Lot 1



Data Source: City of New York, Department of City Planning COGIS r.d3c.LDN.r.d4a.HPD

City of New York, Department of Housing Preservation and Development, TSD, GIS group

Development Site Public Transportation



Data Source: City of New York, Department of City Planning COGIS r.d.c. LION r.04a. HPP

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City of New York, Department of Housing Preservation and Development. TSD_gis_group

APPENDIX B: Permanent Supportive Housing Information and Guidelines

Supportive Housing Loan Program

The Supportive Housing Loan Program (SHLP) provides loans to not-for-profit corporations to develop permanent housing with on-site services for the City's homeless single adult population, including those with special needs such as persons with mental illness and persons living with AIDS.

The following sections provide further information, requirements, and guidelines for the SHLP.

A. Questions and Answers

What type of funding is available through the SHLP?

Qualified not-for-profit organizations can obtain funding to develop studio apartments for formerly homeless single adults. Funding is made available in the form of a loan from HPD, which is made to a Housing Development Fund Corporation (HDFC) pursuant to Article XI of the New York State Private Housing Finance Law. The not-for-profit sponsor is not required to provide equity for the project.

The term of the loan is for 30 years with interest generally at the rate of 1% per year. Payment of this debt service is contingent upon the availability of adequate project subsidies and income to cover this expense and may be accrued. Payment of principal and interest is due in the form of a balloon payment at the end of the loan's term. Assuming the HDFC has complied with all of the program's requirements, the provisions of Article XI permit HPD to forgive the payment of principal and interest over the last 5 years of the loan (years 26 through 30), leaving the property free of any debt.

The sponsor is required to enter into a Regulatory Agreement with HPD that describes the program's restrictions and requirements governing the ownership and occupancy of the project. The term of the Regulatory Agreement is 30 years, concurrent with the mortgage.

HPD uses a variety of funds for this program, including City capital funds and Federal funds provided through the HOME Program and the Housing Opportunities for Persons With AIDS (HOPWA) Program.

What funds are available for on-site services?

City contracts are available to provide supportive services such as counseling, entitlement assistance, health care, meal programs, and job training. SHLP staff work closely with other City agencies that provide funding for such services.

Subsidies may be available to qualified groups through contracts with the New York City Department of Health and Mental Hygiene for projects providing housing for homeless mentally ill persons. Based on the availability of funding, SRO Support Services subsidies are provided through the Department of Homeless Services to qualified sponsors providing housing to homeless single adults from the shelter system. Sponsors providing housing for homeless persons with AIDS from the City's caseload are eligible for funding through Supported Housing for Persons with AIDS contracts with the Human Resources Administration's HIV-AIDS Services Administration (HASA).

These contracts are available to qualified sponsors participating in the SHLP, subject to the budgetary constraints and procurement procedures of the funding agency. HPD works closely with all of the agencies and sponsors involved to ensure that funding is available and application deadlines are met.

What rental subsidies are available?

Federal rent subsidies obtained by HPD are provided for eligible homeless tenants in SHLP projects. Rental assistance for the homeless may be available through the Shelter Plus Care Program, which provides rental subsidies for disabled homeless people.

Does HPD utilize Low Income Housing Tax Credits (LIHTC)?

Yes, the staff of the SHLP will help project sponsors obtain additional funds through the LIHTC program. SHLP projects rely on equity generated through the LIHTC program to provide long-term operating and social service reserves for the project and development expenses above the \$90,000 per unit cap.

What are the basic requirements of the SHLP?

The not-for-profit sponsor is responsible for the development, management, and operation of the project. The basic program requirements are described below:

Pre-Development

Written guidelines for new construction under the SHLP are described below. They outline acceptable standards regarding the zoning, design, construction, and cost for proposals involving new construction.

The sponsor is responsible for assembling a development team including architects, development consultants, attorneys, and other professional services.

The sponsor must also initiate discussions with the local community board, elected officials, and other community organizations in order to seek community support for the project.

Providing On-Site Services

During the pre-development phase, the not-for-profit sponsor must identify the social service funding for the project. The sponsor is responsible for meeting RFP deadlines for contracts with the appropriate agencies, e.g. the Department of Homeless Services, Human Resources Administration, Department of Health and Mental Hygiene, or New York State OTDA. HPD will also work with the agencies involved to coordinate funding and program schedules.

Development

Once the project has been approved by HPD for funding, a scope of work will be developed which is acceptable to both the sponsor and HPD. The sponsor will be responsible for the preparation of architectural plans and construction documents. Bid documents must be prepared and the sponsor must select the lowest responsive bid from a list of qualified general contractors. SHLP staff will assist the sponsor in this work and must approve the selection of the general contractor. Using HPD's documents, the sponsor enters into a contract for construction with the general contractor.

The sponsor's architect is typically responsible for construction oversight in conjunction with HPD inspectors who evaluate quality of work and compliance with the construction contract. All vouchers for payments are reviewed and approved by HPD.

Rent-Up and Management

The sponsor must agree to a tenant referral protocol that is included in the Regulatory Agreement. Tenants are typically referred from the Shelter Placement Division of the Department of Homeless Services. Some tenants may also be rented to low-income single adults from the community in which the project is located. This may include referrals from community-based facilities. All tenants must have incomes not exceeding 60% of AMI.

The sponsor is responsible for all aspects of rent-up and on-going management of the property. HPD will require a plan for both rent-up and management and may require that a property management firm with experience with this type of housing be hired by the sponsor to carry out this task.

B. Guidelines for New Construction of Permanent Supportive Housing

Zoning

All new construction projects should be filed as per New York City Zoning Resolution Use Group 3, Non-Profit Institution with Sleeping Accommodations (NPISA).

Design

The purpose of these guidelines is to establish acceptable criteria for the new construction of supportive housing units. These guidelines are not intended to supersede the regulations of any other agencies with jurisdiction. The more restrictive guidelines will govern:

1. Site Planning

Open space must be landscaped and/or developed for active and passive recreational use, and its design should be appropriate for the project's anticipated population. The building facade or a secure barrier such as a fence or a wall should face onto all the street frontages. Lot lines of a project should be unbroken except by secure doorways or gates, completely enclosing the project's open space. Street trees should be planted along the street frontage as per Department of Parks guidelines.

2. Architectural Features/Relationship to Neighborhood

The height of all new buildings should relate to the prevailing height of existing buildings in the immediate neighborhood. The street wall of all new buildings should connect visually and physically with the street wall of existing nearby buildings. In areas with exceptionally strong or uniform street character, there should not be setbacks from front and side lot lines.

The building facade materials of all new buildings should harmonize with the building facade materials of existing buildings in the immediate neighborhood. Incorporate architectural features that produce a recognizable base, middle, and top of buildings, and reinforce a human scale. Variation from the overall building fenestration should be used within the bases and tops of the buildings. Expression lines or projections should be used. An architectural

roofline or cornice should be utilized to provide a decorative feature that complements the neighborhood's architectural character. Design should be pedestrian friendly with items such as lighting, landscaping, planters, and materials at street level.

3. Building Entry and Lobby

The number of entry points to a building should be minimized. A security office or desk should provide for visual surveillance of the lobby and entry. The building's vertical circulation should be visible from the public sidewalk through the entry. Entry to the building from the open space should lead directly into the same lobby as entry from the public sidewalk.

4. Interior Circulation

The interior building circulation system should have a minimal number of changes in corridor direction. Circulation should be made more attractive by providing natural light whenever possible. Elevators should be provided as required by Building Code and program.

5. Location of facilities

Dwelling units must be located on the upper floors. Program space (e.g. multi-purpose rooms, lounges, staff offices, laundry, etc.) must be located on the first floor. Mechanical, refuse, and maintenance spaces should be located on the first floor or basement. A separate service entrance should be provided.

6. Dwelling units

Each efficiency unit must contain a private bathroom and kitchenette, and have a minimum net living area of 140 square feet. The average size of all efficiencies must not exceed 270 square feet. Each unit must have one uninterrupted wall space of at least 10 feet. Each unit should contain a closet at least 2'-0" deep and 5'-0" long equipped with a rod and shelves. The unit should accommodate furniture (single bed, dining table, dresser, chair, etc.). The kitchenette should be at least 2'-0" deep and 7'-0" long, and should consist of a 24" refrigerator, microwave oven, 2 burner stove top, sink, residential type wall and base cabinets, and countertop. The bathroom should contain a bathtub with a showerhead, lavatory, and water closet.

Each unit is to have heating and cooling facilities. Each unit should allow the separation of living, sleeping, and dining into a distinct area of the dwelling unit as demonstrated in the prototype.

Only efficiency units will be allowed, with the exception of one unit for a building superintendent. The gross square footage of the building should not exceed 520 gsf/unit. To calculate this, divide the gross construction area, including the basement, by the number of units, including the super's unit.

Specifications Guidelines

The following are considered preferable and should be included in Building Specifications:

1. Building Systems

- Foundation: footing/piles
- Structural system: CMU wall with precast plank
- Roof: built-up/single membrane

2. Exterior materials

- Exterior wall: brick
- Windows: aluminum and glass double hung or slide

3. Interior finishes

- Bathrooms and kitchens to receive hung ceiling
- Walls: painted drywall and block
- Ceilings: painted plank
- Specify hardwood floors in living spaces inside apartments
- Specify VCT in kitchens, common spaces, offices, etc.
- Specify quarry tile in lobbies, public hall floors, and other heavily used public spaces such as security station floor
- Specify post-formed plastic laminate countertop, base, and hung cabinets
- Specify ceramic tile floor to ceiling for bathtub interior and 4' wainscot for walls of the bathroom
- Specify ceramic mosaic for the floor of the bathroom

4. Equipment/Accessories

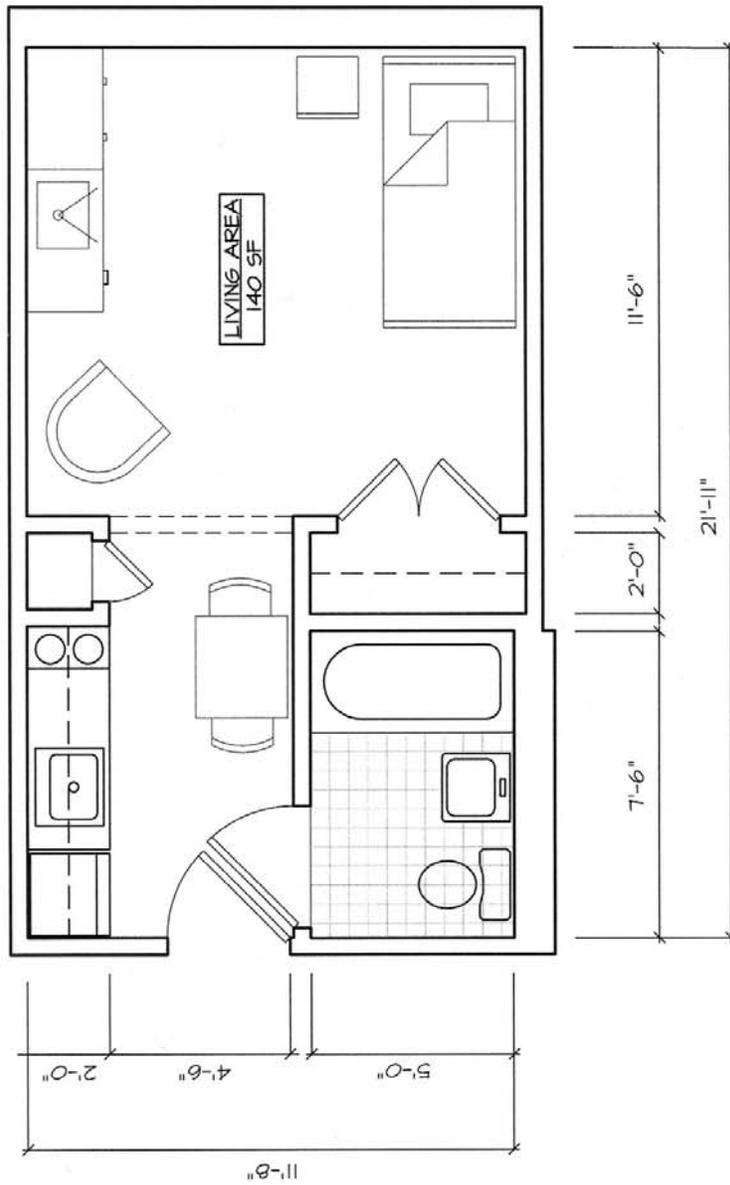
- 24" full height refrigerator
- Under cabinet microwave
- Two burner cook top
- Shower curtain
- Window shades
- Medicine cabinet
- Bathroom accessories

5. Mechanical Systems

- Heating: hot water radiation
- Plumbing: system for entire building
- Cooling: A/C sleeves in dwelling units and program space
- Sprinklers: fully sprinkled
- Electrical: full installation throughout entire building, exterior security and lighting, telephone outlet in every unit and program space, intercom system, master TV system, hard wired smoke detector connected to control panel at security station
- Ventilation: system for bathrooms and kitchen, and program space as required by law
- Elevator: one hydraulic
- Compactor: with refuse chute

6. Systems NOT Recommended:

- Central cooling systems
- Fire alarm system



BDR

**SHP LOAN PROGRAM
EFFICIENCY UNIT - 270 SF
SCALE: 1/4" = 1'-0"**

DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
Division of Architecture, Construction and Engineering
Bureau of Design and Review

C. Term Sheet

Loans have a 30-year term and neither principal nor interest are repaid if the sponsor complies with the terms of a regulatory agreement requiring that the property be used for housing for low income homeless disabled tenants for 30 years. The Division of Special Needs Housing will work with sponsors to secure gap financing, usually through the Low Income Housing Tax Credit Program (LIHTC).

Eligible Borrowers

Not-for-profit organizations. The non-profit sponsor will form an Article 11 HDFC and a Limited Partnership in cases where the project is also funded by LIHTC.

Term and Rate

Construction loan that converts to a 30-year permanent loan. Interest rates vary by project. A typical loan is 1% accrued or higher as required by tax credit regulations.

Repayment

Sponsor signs a regulatory agreement that the property will be used as affordable housing for homeless and disabled tenants for 30 years. The sponsor is required to comply with the terms of the regulatory agreement and the loan is not repaid if those conditions are met.

Loan Amount

Up to \$90,000 per unit. The Division of Special Needs Housing will provide technical assistance in applying for gap financing from LIHTC and/or other sources.

Design

A typical project consists of studio apartments. Projects are filed as Nonprofit with Sleeping Accommodations (Community Facility Use Group 3). Design guidelines and sample apartment layouts are provided above.

Eligible Tenants

100% of the apartments must be for tenants earning less than 60% of AMI. A minimum of 75% of the apartments must be for homeless tenants referred by city agencies such as the New York City Department of Homeless Services, Department of Health and Mental Hygiene, or the HIV/AIDS Services Administration. 25% can be for low-income seniors, community board residents, or other populations.

Social Services

Social Services Contracts are typically obtained from the New York City Department of Homeless Services, HIV/AIDS Services Administration, or the Department of Health and Mental Hygiene.

Eligible Costs

Acquisition, construction, professional fees, and other soft costs. Projects that apply for tax credits may use equity to create operating and social service reserve accounts to enhance ongoing project feasibility.

Developer Fee

\$7,500 per unit for the first 100 units and \$2,500 per unit thereafter, up to a maximum of \$1,000,000

D. Development Guidelines

Construction Cost	Total GC (general contractor) price approved by HPD. Price includes general conditions, applicable labor costs, overhead, profit, asbestos removal, DOB fees, performance and payment bonds, or letter of credit, sales tax, insurance and other requirements of the construction contract.
Architect Fee (Design and Supervision)	A maximum of 7.5% of GC contract excluding contingency. Fee is divided as follows: 4.5% for design and 3% for construction supervision.
Legal Fees	Maximum of \$25,000 per project (legal fees for syndication related costs are listed below)
Land Survey	\$1,200 per building
Environmental Survey	Maximum of \$5,000 per building including asbestos report and radon test
Consultant	\$20,000 maximum per project. Additional \$10,000 for LIHTC project consultant. Extra fees allowable: \$10,000 for HHAP application and grant execution; \$5,000 for AHP application and grant execution
Tax Exemption Filing fee	If LIHTC project, filing is for 420-c calculated at \$100 for the initial application and \$80 per A unit and \$60 per B unit for final processing. If no LIHTC, project should apply for 420-a.
Title Insurance and Recording Costs	.006 of mortgage, plus .002 of TDC, plus another \$5,000 for continuations and recording costs
Lease-Up/Start-Up/Rent-Up Expenses	\$2,400 per unit. Provide sufficient funds to cover operating deficits during first 6 months while leasing up and waiting for rental assistance payments. Funds advanced based on projected revenue and expense statement for first month. Thereafter, actual revenue and expense statements are required
Construction Period Insurance	\$15/\$1,000 of replacement value (value of construction) for 18 month construction period
Furniture and Fixtures	If PWA project, \$2,100 per unit. Otherwise, \$1,500 per unit. (Not a HOME-eligible expense)
Developer Fees	If LIHTC project, \$7,500 per unit for the first 100 units and \$2,500 thereafter, up to a maximum of \$1,000,000. For non-LIHTC, \$5,000 on the first 75 units. Projects (especially those larger than 75 units) are strongly encouraged to apply for tax credits.

Costs Incurred For Projects with Low income Housing Tax Credits

Operating Reserve	As determined by cash flow projections so that project breaks even after 15 years. Minimum \$7,000 per dwelling unit, maximum \$16,500 per dwelling unit.
Social Services	An amount approved by HPD, but not more than \$5,000 per unit
Syndication Legal Costs	\$10,000 per project or other amount approved by HPD on a case-by-case basis. \$15,000 for syndicator's attorney.
Commitment Fee	1% of HPD mortgage
Partnership Publication Fee	\$2,000 per project
Partnership Management Fee	\$10,000 per project. This fee, which is paid to the GP, continues to be paid during operation of the building.
Cost Certification	\$12,000 per project

E. M & O Guidelines

Supplies/Cleaning/Exterminating	\$200 per unit
Heating Fuel	\$0.90 per square foot (based on gross building square footage)
Gas/Electric (master meter)	\$0.90 per square foot
Repairs and Repair Contracts	\$250 per unit
Legal and Auditing	\$90 per unit, but not less than \$4,500 (if syndicated, \$10,000)
Painting/Decorating	\$35 per unit and \$120 per public hallway
Maintenance Salaries	\$25,000 per F/T superintendent, \$18,000 per F/T porter, and \$18,000 per F/T handyman including fringe benefits. Size of maintenance staff related to size of building. One porter added for each 40 units over initial 40 units until 120 units; thereafter, 1 porter added for additional 80 units. One handyman added for first 100 units with 1 additional handyman added for each 70 units thereafter. Maintain an average porter/handyman to number of units ratio of approximately 1:35.
Security	\$8 per hour per day (assume 24-hour security unless building is smaller than 50 units; then coverage for evening, nights, and weekends only. If building is larger than 150 units, assume 2 person coverage.
Elevator	\$4,200 per cab
Management Fee	8% of effective gross income
Water & Sewer	\$300 per unit
Fire/Liability Insurance	\$0.90 per \$100 of total mortgage(s)
Replacement Reserve	\$250 per unit or 2% of annual income
Real Estate Taxes	Should be \$0 due to 420-a or 420-c unless project has commercial space
Interest & Amortization & Servicing Fee	Amortization does not occur. Interest depends upon specific project; may be accrued or charged; servicing fee with HDC is .25% of HPD mortgage
HVAC & Fire System Maintenance Contracts	\$3,000 per year if applicable

F. Contact

Jessica Katz, Production Manager
HPD Supportive Housing Loan Program
100 Gold Street, Room 9-C10
New York, NY 10038
T: (212) 863-8675
F: (212) 863-6488
katzj@hpd.nyc.gov

APPENDIX C: HPD Design Guidelines for New Construction

HPD has outlined a set of design principles and guidelines to foster quality and encourage creative approaches throughout the entire design development process. The design guidelines apply to all new construction housing projects subject to HPD review and approval. In addition to these guidelines, Proposals should comply with all criteria detailed in **Section IV.B. (Development Program)** and **Section IV.C. (Design Guidelines)**. The permanent supportive housing component will also be subject to the design guidelines detailed in **Appendix B (Permanent Supportive Housing Information and Guidelines)**.

The purpose of these guidelines is to establish minimum criteria for the design of quality housing. These guidelines are not intended to supersede the requirements of any other rules or regulations of any other agency having jurisdiction, in which case the more restrictive will govern.

Other agency rules and regulations may include, but are not limited, to: New York City Building Code, New York City Housing Maintenance Code, New York City Zoning Resolution, Local Law 58 Handicap Standards, and particular program requirements. Also, projects must meet Federal, State, and City environmental laws, including those pertaining to: historic preservation; air, water, and noise quality; and flood plain, wetland, coastal zone, and solid waste management.

Guidelines using the word “must” are mandatory. However, the word “should” is advisory and minor deviations from the guidelines will be allowed if necessary to accommodate a clearly superior design. Substantial deviations from the advisory guidelines may disqualify proposals.

A. Site Planning

Relationship to Neighborhood

1. When applicable, the height of a new building should relate to the prevailing heights of the existing buildings in the immediate neighborhood. The street wall and façade materials of any new building should visually and physically harmonize with the immediate neighborhood.
2. To the degree allowable by zoning, any new building should retain a consistent street wall with adjacent buildings.
3. The design should be pedestrian friendly and provide architectural elements that generate activity, interest and interaction at the street level, such as stoops, porches, setbacks, bay windows, etc.

Outdoor Space

1. A variety of outdoor spaces should be programmed and landscaped for specific uses according to the project’s intended population, e.g.:
 - Appropriately landscaped front yards, if provided
 - Toddler play area with matting and safe equipment
 - Infrastructure for tenant gardens
 - Seating and game tables in the shade
2. Outdoor spaces must be buffered from vehicular service areas.

3. Wherever possible, windows should be located to insure surveillance of public and private outdoor spaces.
4. A secure barrier, such as the building or a steel picket fence (chain link fence is not acceptable along the street), should protect the perimeter of the Site. The number of entry points into a building or project Site should be minimized.
5. Street trees must be provided along the street frontage as per the New York City Department of Parks and Recreation and the New York City Department of Transportation standards.

Street Facade/Building Elevation

1. The façade materials of all new buildings should be compatible with the surrounding neighborhood. Brick should be used in neighborhoods with a predominantly brick character.
2. Dimensions and spacing of fenestration should echo neighborhood patterns and maximize daylight into the unit.
3. Color, texture, material, and fenestration should be used to:
 - relate to adjacent buildings;
 - define the base, middle, and top of buildings; and
 - reinforce the human scale at the base level.

Parking

1. Parking should be shielded from the street and from on-site open spaces. Trees should provide a canopy over the parking areas.
2. If a large number of parking spaces are needed, consideration should be given to parking below grade.
3. Front pad parking should be avoided.

B. Building Planning

Lobby

1. The lobby should be treated as an attractive and gracious space with materials and furnishings that are attractive, durable, and easy to maintain.
2. The lobby should be undisrupted by other elements, i.e.:
 - Garbage removal should not pass through the lobby.
 - The compactor chute should not open into the lobby.
 - The janitor's closet and fire stair should not be visible.
3. If a mailroom is provided, it should be located in an area that is visible and accessible from the lobby.
4. Natural light should be maximized, and if possible, a view of the exterior landscaped space should be exploited.

5. The primary vertical circulation/elevator should be visible and accessible from the lobby.
6. The lobby should be visible from the street to insure security. Main residential entry should be clearly articulated and differentiated from retail/commercial entry.
7. Entry from the project's open space, the parking area, and the sidewalk should lead directly into the same lobby.

Interior Circulation

1. Public circulation space should be minimized.
2. The interior circulation system should have a minimal number of changes in corridor direction and minimal recesses or offsets.
3. Natural light should be maximized in circulation spaces.

Residential Communal Spaces

1. A variety of residential community spaces should be programmed for specific uses and sized accordingly with appropriate finishes and furnishings, e.g.:
 - Children's indoor play room with safe and durable play equipment and playful finishes
 - Party room or adult lounge with comfortable furniture, television, bar/kitchenette, in close proximity to laundry room
 - Exercise room with ventilation and natural light
 - Common laundry room conveniently located and directly accessible from the public circulation and in 1- to 3-family houses, laundry hook-up must be provided for the homeowner
2. All residential communal spaces should receive natural light and have direct physical and visual access to the outdoor recreation space.
3. Appropriate relationships between residential communal spaces should be fostered.

Please note: These guidelines refer to communal space in the residential component of the Project. Proposals must also incorporate the community's desired program elements in the community facility component, detailed in **Section IV.B. ("Community Facility Component")**.

Building Services

1. Janitor closets should be provided with slop sinks.
2. Vandal/frost-proof hose bibb must be provided at front and rear of building.
3. Trash chutes, recycling room, and trash compactor must be provided in elevator buildings with 30 or more dwelling units.
4. The compactor room should be located for convenient transport of compacted refuse to the outside, minimizing transportation of garbage through the building's circulation space or across outdoor space.

5. Curb-side storage space for refuse/recycling pick-up should be provided and screened from the sidewalk, street, and building entrance.

C. Apartment Planning

Unit Arrangement

1. There must be no circulation through bedrooms to other bedrooms or to primary bathrooms. Bathrooms should be near the bedrooms. Bathrooms must not open into the Living Room, Dining Room, or Kitchen. Circulation through the Living Room should be avoided.
2. All door placements and wall lengths should accommodate furniture placement.
3. Direct access to private outdoor space should be provided from a living space within the unit, not a bedroom.

Minimum Room Sizes

<u>Name of Space</u>	<u>0-BR</u>	<u>1-BR</u>	<u>2-BR</u>	<u>3-BR</u>	<u>4-BR</u>	<u>Least Dimension</u>
LR	N/A	160	160	170	180	11'-0"
LR/DA	N/A	210	210	230	250	11'-0"
LR/DA/SA	250	N/A	N/A	N/A	N/A	11'-0"
LR/DA/K	N/A	270	270	300	330	11'-0"
LR/SA	210	N/A	N/A	N/A	N/A	11'-0"
K/DA	100	120	120	140	160	8'-0"
DR	N/A	100	100	110	120	8'-0"
BR (primary)	N/A	130	130	130	130	10'-0"
BR (secondary)	N/A	N/A	110	110	110	9'-4"

Abbreviations:

BR	Bedroom
DR	Dining Room
K	Kitchen/Kitchenette
LR	Living Room
SA	Sleeping Area
N/A	Not applicable
0-BR	Apartment with no separate bedroom

Note: The room area must be computed to the inside finished surfaces of the walls and partitions, and exclude columns, pipe chases, and closets.

Kitchen/Kitchenette

1. Kitchen to Living Room visibility should be maximized by pass-through openings, open counters, and half-height partitions.
2. Plumbing and ventilation chase walls should be shared where possible, but not at the expense of the design.

3. Kitchen equipment must consist of a 30" range, refrigerator (14 c.f. min), 24" sink, base cabinets with countertop and wall-hung cabinets. In 1- to 3-family homes, provision for dishwasher and hook-ups should be provided for the homeowner.
4. Countertop work surface should be located on both sides of the sink and both sides of the range.
5. The minimum length of countertop work surface (excluding sink and appliances) and cabinet shelving must be as follows:

<u>Apartment Type</u>	<u>Countertop Work Surface</u>	<u>Shelving</u>
0-BR	5 lin. ft.	30 lin. ft.
1-BR	6 lin. ft.	40 lin. ft.
2-BR	7 lin. ft.	50 lin. ft.
3-BR	8 lin. ft.	55 lin. ft.
4-BR	8 lin. ft.	65 lin. ft.

6. Base cabinets and countertops must be 2'-0" deep. Shelving must be 11^{1/2}" deep.
7. Pantries are desirable, encouraged, and qualify as required shelving.

Dining Area

Every dwelling unit must contain a space for dining, which accommodates a table and chairs for the intended maximum number of occupants.

Bathrooms

1. Every dwelling unit must contain at least one full bathroom containing a bathtub with a showerhead, a sink, and a toilet. Compartmentalizing the bathroom, to enable simultaneous use by more than one person, is encouraged.
2. Three bedroom apartments must have an additional half bathroom containing a sink and a toilet, and possibly a shower.
3. Four bedroom apartments must contain two complete bathrooms.

Storage

1. Every dwelling must contain a coat closet that is convenient to the entrance and is at least 2'-0" deep and 3'-0" wide.
2. Every bedroom must contain a clothes closet that is at least 2'-0" deep and 5'-0" wide.
3. Every dwelling unit must contain storage for linens that is at least 1'-6" deep and 2'-0" wide.
4. Additional general storage space, such as a walk-in-closet, should be provided within each dwelling, especially for units with more than 2 bedrooms.

D. Handicapped/Elderly Requirements

In addition to meeting all other applicable laws and regulations, units designed for elderly and/or handicapped persons must meet the following provisions:

Lobby Seating

In all projects designed for exclusive occupancy by elderly or handicapped persons, adequate sitting space with a view of the street or open space should be provided in the lobby or adjacent lobby of each building.

2 Person 0-BR Units

Every 0-BR dwelling unit designed for occupancy by elderly or handicapped persons must accommodate two persons sleeping separately.

Outdoor Space

1. In all projects designed for exclusive occupancy by elderly or handicapped persons, provisions should be made for sitting space for at least 20% of all residents in appropriate outdoor areas.
2. All outdoor space must be programmed and landscaped for specific uses.
3. All outdoor spaces must be buffered from vehicular service areas.

APPENDIX D: Sustainable Design Elements

For the purposes of this RFP, development principles must demonstrate attention to design and building technologies that maximize sustainability and minimize impacts on the environment. This project will require certification through the LEED Green Building Rating System, which is “a voluntary, consensus-based national standard for developing high-performance, sustainable buildings.” The U.S. Green Building Council’s (USGBC) members, “representing every sector of the building industry, developed and continue to refine LEED...LEED provides a complete framework for assessing building performance and meeting sustainability goals. Based on well-founded scientific standards, LEED emphasizes state of the art strategies for sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality. LEED recognizes achievements and promotes expertise in green building through a comprehensive system offering project certification, professional accreditation, training and practical resources.” The strategies are frequently described as “Green Building Techniques” (“GBT”) or, alternatively, “Low Impact Development Strategies (“LIDS”).

1. High Performance/Green Building Technology and Sustainable Development

Preference will be given to designs that incorporate maximum high performance/green building technology and LEED points, as described below and at <http://www.usgbc.org>.

According to the NAHB Research Center, “green building is the design, construction, and operation of homes according to resource-efficiency standards for energy, water, building design and materials, as well as indoor air quality standards.” These design and construction practices significantly reduce or eliminate the negative impact of buildings on the environment and occupants in five broad areas: sustainable site planning, safeguarding water and water efficiency, energy efficiency and renewable energy, conservation of materials and resources, and indoor environmental air quality.

Examples of these practices include tight construction, tight ducts, improved levels of insulation, high performance windows, and high efficiency heating and cooling systems.

For background information or guidelines for integrating these technologies into buildings, Applicants should visit some of the numerous websites that promote and explain them. Tax credits and funding from State and Federal sources are often available to developers who incorporate such techniques. Some of the most useful sites are:

- U.S. Green Building Council (USGBC): www.usgbc.org
- New York State Energy Research and Development Authority (NYSERDA): www.nyserda.org
- Energy Star: www.energystar.gov
- Green Communities: www.greencommunitiesonline.org
- Partnership for Advancing Technology in Housing (PATH): www.pathnet.org

In addition, DDC established the Office of Sustainable Design (OSD) in 1997 for the purpose of identifying and implementing cost-effective ways to promote greater environmental responsibility in building design. In 1999, OSD published DDC’s High Performance Building Guidelines. This document has been a means of introducing sustainable design to DDC’s projects, and has been recognized internationally as an important green building reference. This document, supplemental in-depth manuals to inform the high performance process, reports, specifications, forms, and examples can be viewed and downloaded at the following site: <http://www.nyc.gov/html/ddc/html/ddcgreen/>. Since sustainable design is such a rapidly evolving technical discipline, DDC established this site to disseminate information and provide

tools for incorporating high performance technology into development projects. Applicants are encouraged to review the information provided by DDC.

2. Smart Building Technology

Smart Building refers to the installation of advanced communication technologies and integrated electronic systems that promote building automation. Preference will be given to designs that incorporate Smart Building technology, as described below.

The installation of a Smart Building system would allow the automation of a building's electronic systems such as lighting, heating, cooling, security, and communications through home run wiring. "Home run" means running all of the wires together vertically through a central PVC (plastic) pipe. Wires serving the first floor should come up from the basement, while wires for the second floor would come down from the attic. The home run approach to clustering the wiring in a centrally located PVC conduit allows homeowners to easily upgrade the electronic systems in their homes.

For background information or guidelines for integrating these energy efficient technologies into residential buildings, Applicants should visit some of the numerous websites that promote and explain them. Some of the most useful sites are:

- EH Publishing Inc.: www.Electronichouse.com
- Home Automation & Networking Association: www.hanaonline.org
- General Electric (GE) Connected Home: www.ge-smart.com/building
- Smart House Inc.: www.smart-house.com
- National Association of Home Builders Research Center: www.nahbrc.org
- One Economy: www.One-Economy.com



**Phase I
Environmental Site Assessment**

**132 and 131 Flushing Avenue
Brooklyn, New York**

December 9, 2004

Prepared For:

**NEW YORK CITY DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
100 Gold Street
New York, NY 10038**

Prepared by:

**CA RICH CONSULTANTS, INC.
17 Dupont Street
Plainview, NY 11803**

1.0 EXECUTIVE SUMMARY

1.1 General

CA RICH CONSULTANTS, INC. ("CA RICH") of Plainview, New York has completed this Phase I Environmental Site Assessment (ESA) of a Property located at 132 and 131 Flushing Avenue, Brooklyn, New York (hereinafter referred to as the "Property" or "Site").

This Assessment was completed in substantive conformance with the suggested informational requirements, scope and limitations of the American Society for Testing & Materials (ASTM) prevailing Standard Practice E 1527-00 for environmental site assessments. Any exceptions to, or deletions from, these practices are described in Section 2.3 of this Report.

The information and findings presented herein are based upon the information obtained during a recent Site visit and through pertinent information obtained from regulatory agencies, and responsible persons knowledgeable about the Property.

The Property located at 132 and 131 Flushing Avenue, Brooklyn, New York consists of an approximate 104,600 square foot lot on which is located an estimated 49,800 square foot five-story with basement former Navy Brig (hereinafter referred to as "The Brig") constructed in 1941. In addition, a portable trailer is located on the northwest corner of the subject Property. The trailer serves as offices to New York City Department of Housing Preservation and Development (NYCDHPD) security guards who monitor the Property 24 hours a day, 7 days a week. Currently, the Property is completely fenced with a locking gate fronting on Flushing Avenue. The NYCDHPD security guard controls access. The Property is currently serviced with municipal sewer and water (New York City Department of Environmental Protection). Consolidated Edison (ConEd) supplies electric. The building is oil-heated with roof-mounted forced air systems.

The Property is currently unoccupied and has been so since December 1994, except for a brief period after September 11, 2001, when the Property was used as a staging area for relief workers. The Property was last occupied as a prison for the New York City Department of Corrections.

The Property is situated on a commercial/industrial road that borders the Brooklyn Navy Yard to the North. Adjoining properties include multi-tenant commercial/residential buildings on the east and west. The Brooklyn-Queens Expressway and a parking lot border the Property to the south.

The subject Property located at 132 and 131 Flushing Avenue is not identified on any Federal or State database. However, the Brooklyn Correctional Facility located at 136 Flushing Avenue, which is the same lot as the subject Property, was identified in the UST, RCRIS-SQG, and FINDS database. The Brooklyn Correctional Facility is listed on the UST database for one (1) 3,500-gallon underground vaulted (with access) steel fuel oil storage tank. The tank is listed as "in service" and is registered (PBS #2-187836). However, the tank registration expired on June 5, 2002. In addition, the Brooklyn Correctional Facility received one (1) RCRIS-SQG violation for annual reporting requirements in March 1994. Compliance was achieved in July 1994 and a monetary penalty was enforced in September 1994. The FINDS listing is due to its SQG status.

It is our understanding that The Brig is to be demolished by the NYCDHPD. It is also our understanding that upon completion of the demolition and before backfilling, drain holes will be installed and the exterior walls will be stabilized. Recycled concrete will be used to backfill the machine room up to the elevation of the first floor slab. The fill will extend from the existing pump pit elevation to the first floor slab elevations. The recycled concrete will consist of granular pieces

of gravel, sand, and concrete with a maximum particle size of four (4) inches and no more than five (5) percent fines (smaller than a number 200 sieve). The recycled concrete will not contain any demolition debris, steel, organics, garbage, or pieces of concrete larger than two (2) inches. The remainder of the site will be backfilled with clean fill to conform to Section 16-130 of the New York Administrative Code. In addition, it is our understanding that the NYCDHPD intends to build affordable housing on the subject Property after demolition.

This ESA has identified the following "Recognized Environmental Conditions" (RECs) in connection with the subject Property:

REC-1 Many of the painted surfaces throughout the building were observed to be peeling. Based upon the age of the building, lead-based paint may be present. The presence or absence of lead-based paint can only be determined through proper analytical testing. Therefore, all painted surfaces should be analytically tested before any construction/demolition activity is conducted.

REC-2 Suspect friable and non-friable asbestos-containing materials (ACM) were observed within the building in the form of boiler insulation, drop ceiling tiles, vinyl floor tiles, and roofing materials. These materials were observed to be in fair to poor condition at the time of inspection. All suspect ACM should be analytically tested prior to any construction/demolition activity that may disturb them. Also, all suspect ACM should be treated as ACM until proper analytical testing proves that asbestos is not present.

REC-3 One (1) 50-gallon fuel oil UST and one (1) 3,500-gallon fuel oil vaulted UST was observed in The Brig. According to the New York State UST database, the 3,500-gallon UST is in service and registered (PBS #2-187836) to the Brooklyn Correctional Facility located at 136 Flushing Avenue, which is the same lot as the subject Property. The tank registration expired on June 5, 2002. No registration information was available for the 50-gallon fuel oil UST. Therefore, the tank registration for the 3,500-gallon UST should be updated and the 50-gallon fuel oil UST should be registered.

In addition, it is our understanding that The Brig is to be demolished. Prior to demolition, it is recommended that any product remaining in the USTs be removed and properly disposed of according to applicable regulations. Once the remaining product has been removed, the USTs should be properly cleaned and disposed of according to applicable regulations. In addition, all tank removal activities should be thoroughly documented and the tank registration information should be updated with the NYC Fire Department and NYSDEC.

REC-4 Black mold was observed on some of the drop-in ceiling tiles. Currently, it should be recognized that there are no applicable Federal, New York State, or County regulations for evaluating the potential human health effects of fungal contamination and remediation. Certain USEPA and New York City guidelines do exist to direct fungal investigations, sampling protocols, and remediation repair efforts, and we recommend that these be followed for cleanups and/or in the event further investigation, testing, or response is deemed prudent in a given situation. However, it is not the intent of this initial inspection and preparation of this report, to render suggestions or associations concerning whether there either has been, or may be, potential health effects to existing or future building occupants (or construction workers) attributable to the presence of mold.

REC-5 Many floor drains were observed throughout the building, especially in the kitchen, generator room, and basement. It is recommended that the floor drains in areas of

concern be dye tested to confirm that they are connected to the municipal sewer. If it is determined that the floor drains are not connected to the municipal sewer, the bottom soil of the floor drains should be analytically tested to determine if materials discharged from the drains have impacted the subsurface soil.

- REC-6** One (1) open 5-gallon bucket of an unknown brown liquid was observed in the generator room. It is recommended that this bucket be disposed of according to applicable regulations.
- REC-7** Five (5) incinerators, with moderate to significant amounts of residue, were observed in the basement next to the boiler room. It is recommended that the interior construction of the incinerator be tested for asbestos before any construction/ demolition activity. In addition, the remaining incinerator ash should be disposed of according to applicable regulations.

2.0 INTRODUCTION

2.1 Purpose

The purpose of this Phase I ESA is to identify ASTM-defined recognized environmental conditions (RECs) associated with the Property. This assessment was conducted in substantive conformance with ASTM "*Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*" E 1527-00. This standard is designed to constitute "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice" as defined in CERCLA 42 USC 9601 (35)(B). Consequently, this assessment investigates the historical land use and present-day condition of the Property in accordance with accepted standards prevailing within the lending industry and the environmental assessment profession. The term *recognized environmental conditions* does not include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate regulatory agencies.

2.2 Detailed Scope of Services

The following general activities were performed by CA RICH as part of this Phase I ESA:

- Visual and physical inspection of representative reasonably accessible areas of the Property by an experienced CA RICH environmental scientist, including a review of apparent present land use practices of adjacent properties.
- Investigation of historical land use practices for the previous 50 years including review of the available aerial photographs, Sanborn fire insurance maps and historical topographic maps, discussions with knowledgeable parties associated with the Property and other readily available records and environmental reports.
- Review and inquiry of relevant Federal, State, and County database records pertaining to the subject Property and properties located within an approximate minimum search distance for the purposes of identifying potential sources of any migrating hazardous substances or petroleum products.
- Review of the Property's proximity to ecologically sensitive areas or media (i.e. wetlands, rivers, ground water, etc.) using records and maps published by the United States Geological Survey (USGS) and neighborhood reconnaissance.

2.3 Certification and Disclaimer

CA Rich Consultants, Inc. has performed this Phase I ESA of the subject Property in accordance with good commercial and customary practice and generally accepted protocols within the consulting industry as set forth in ASTM E1527-00. CA RICH has included a review of some non-ASTM issues for this assessment including asbestos, PCBs, lead paint and radon gas, otherwise there have been no intentional deviations or deletions from this practice in the conductance of this assessment. The assessment included a visual inspection of representative areas of the Property, the examination of readily ascertainable and practically reviewable public records concerning the current and prior use of the Property, and discussions with responsible and knowledgeable parties associated with the Property.

The findings and conclusions set forth in this environmental report are based upon limited information that was available to CA Rich Consultants, Inc. during the assessment period. If new information becomes available concerning the Property after the date of this report, the findings and conclusions contained herein may have to be modified. While this investigation was performed in accordance with good commercial and customary practice and generally accepted protocols within the consulting industry, CA Rich Consultants, Inc. cannot guarantee that the Property is completely free of hazardous substances or other materials or conditions that could subject the Owner(s) to potential liability. The presence or absence of any such condition can only be confirmed through the collection and analysis of stored waste materials, underlying soils and/or groundwater or other suspect building material samples, which is beyond the scope of this investigation, with exceptions as reported herein.

This assessment has been performed diligently in consideration of the accepted practices of the environmental assessment profession. CA RICH cannot warrant site-wide conditions because there may remain unknown or hidden conditions that could not be revealed during the limited inspection performed. The undersigned cannot be held responsible for either innocent or intentional misrepresentations, inaccurate statements, claims, or information furnished to CA RICH regarding the environmental integrity of this Property.

Additionally, because there are limitations to the amount of time and resources that can be expended at this level of a Phase I Assessment, CA RICH cannot guarantee that all existing Property information has been reviewed. As such, there may remain additional information, which was not discovered through the standard level of appropriate inquiry employed at this time. However, we do acknowledge that to the best of our belief, the information supplied is true, complete and correct, and that facts or figures that may have an adverse effect upon the validity of this environmental site assessment have not purposely been omitted.

CA RICH has no interest other than professional in this Assessment and neither its performance, nor compensation for same, is contingent upon the findings and recommendations that are represented herein.

3.0 FINDINGS

We have performed this Phase I Environmental Site Assessment in substantive conformance with the scope and limitations set forth in ASTM Practice E 1527-00 for the Property located at 132 and 131 Flushing Avenue, Brooklyn, New York.

The information and findings presented herein are based upon the information obtained during a recent Site visit and through pertinent information obtained from regulatory agencies, responsible persons knowledgeable about the Property, and other historical information sources.

This ESA has identified the following "Recognized Environmental Conditions" (RECs) in connection with the subject Property:

- REC-1** Many of the painted surfaces throughout the building were observed to be peeling. Based upon the age of the building, lead-based paint may be present. The presence or absence of lead-based paint can only be determined through proper analytical testing. Therefore, all painted surfaces should be analytically tested before any construction/demolition activity is conducted.
- REC-2** Suspect friable and non-friable asbestos-containing materials (ACM) were observed within the building in the form of boiler insulation, drop ceiling tiles, vinyl floor tiles, and roofing materials. These materials were observed to be in fair to poor condition at the time of inspection. All suspect ACM should be analytically tested prior to any construction/demolition activity that may disturb them. Also, all suspect ACM should be treated as ACM until proper analytical testing proves that asbestos is not present.
- REC-3** One (1) 50-gallon fuel oil UST and one (1) 3,500-gallon fuel oil vaulted UST was observed in The Brig. According to the New York State UST database, the 3,500-gallon UST is in service and registered (PBS #2-187836) to the Brooklyn Correctional Facility located at 136 Flushing Avenue, which is the same lot as the subject Property. The tank registration expired on June 5, 2002. No registration information was available for the 50-gallon fuel oil UST. Therefore, the tank registration for the 3,500-gallon UST should be updated and the 50-gallon fuel oil UST should be registered.
- In addition, it is our understanding that The Brig is to be demolished. Prior to demolition, it is recommended that any product remaining in the USTs be removed and properly disposed of according to applicable regulations. Once the remaining product has been removed, the USTs should be properly cleaned and disposed of according to applicable regulations. In addition, all tank removal activities should be thoroughly documented and the tank registration information should be updated with the NYC Fire Department and NYSDEC.
- REC-4** Black mold was observed on some of the drop-in ceiling tiles. Currently, it should be recognized that there are no applicable Federal, New York State, or County regulations for evaluating the potential human health effects of fungal contamination and remediation. Certain USEPA and New York City guidelines do exist to direct fungal investigations, sampling protocols, and remediation repair efforts, and we recommend that these be followed for cleanups and/or in the event further investigation, testing, or response is deemed prudent in a given situation. However, it is not the intent of this initial inspection and preparation of this report, to render suggestions or associations concerning whether there either has been, or may be, potential health effects to existing or future building occupants (or construction workers) attributable to the presence of mold.
- REC-5** Many floor drains were observed throughout the building, especially in the kitchen, generator room, and basement. It is recommended that the floor drains in areas of concern be dye tested to confirm that they are connected to the municipal sewer. If it is determined that the floor drains are not connected to the municipal sewer, the bottom soil of the floor drains should be analytically tested to determine if materials discharged from the drains have impacted the subsurface soil.

REC-6 One (1) open 5-gallon bucket of an unknown brown liquid was observed in the generator room. It is recommended that this bucket be disposed of according to applicable regulations.

REC-7 Five (5) incinerators, with moderate to significant amounts of residue, were observed in the basement next to the boiler room. It is recommended that the interior construction of the incinerator be tested for asbestos before any construction/demolition activity. In addition, the remaining incinerator ash should be disposed of according to applicable regulations.

4.0 PROPERTY DESCRIPTION

4.1 Location and Legal Description

The subject Property is located on the south side of Flushing Avenue between Clermont Avenue and Vanderbilt Avenue (see Figure 1). The Property spans an entire city block. The New York City Tax Map designation for the Property is Block 2033, Lot 1.

4.2 Description of Property

The Property located at 132 and 131 Flushing Avenue, Brooklyn, New York consists of an approximate 104,600 square foot lot on which is located an estimated 49,800 square foot five-story with basement former Navy Brig constructed in 1941. In addition, a portable trailer is located on the northwest corner of the subject Property. The trailer serves as offices to NYCDHPD security guards who monitor The Brig 24 hours a day, 7 days a week. Currently, the Property is completely fenced with a locking gate fronting on Flushing Avenue. The NYCDHPD security guard controls access. The Property is currently serviced with municipal sewer and water (New York City Department of Environmental Protection). Consolidated Edison (ConEd) supplies electric. The building is oil-heated with roof-mounted forced air systems.

4.3 Current Uses of the Property

The Property is currently unoccupied and has been so since December 1994, except for a brief period after September 11, 2001, when the Property was used as a staging area for relief workers. The Property was last occupied as a prison for the New York City Department of Corrections.

4.4 Current Uses of Adjoining Properties

The Property is situated on a commercial/industrial road that borders The Brooklyn Navy Yard to the North. Adjoining properties include multi-tenant commercial/residential buildings on the east and west. The Brooklyn-Queens Expressway and a parking lot border the Property to the south.

4.5 Site Geology & Hydrogeology

According to the United States Geological Survey (USGS Open File Report 81-1186; *Reconnaissance of the Ground-Water Resources of Kings and Queens Counties, New York*; 1981) the Site is underlain by a series of unconsolidated deposits of clay, sand, and gravel of late Cretaceous and Pleistocene age, which rest unconformably on crystalline bedrock of Precambrian age. The unconsolidated materials contain corresponding hydrogeologic units consisting of three separate aquifers including the upper glacial aquifer, the Magothy aquifer, and the Lloyd aquifer, which are separated by two confining units- the Gardiners Clay and the clay member of the Raritan formation (Raritan Clay). Observations during site inspection activities indicate that the

upper several feet of soils underlying the property likely contain a significant percentage of fill materials including brick, asphalt, and concrete and other anthropogenic debris attributable to the demolition of the previous on-site residential buildings.

To the east, on Long Island, the underlying aquifers are highly regulated and relied upon as the "sole source" of potable water. Overpumping of groundwater resources in both Kings and Western Queens Counties in the early to mid 1900s (through 1947) caused saltwater intrusion and thereby the deterioration of the quality of groundwater in these areas. Currently, these areas rely upon the New York City surface water supply system (from upstate reservoirs) to meet most water supply needs.

According to maps published by the United States Geological Survey and the EDR Radius Map, groundwater underlying the Property is estimated to be at a depth of approximately 14 feet below land surface. Regionally, groundwater flow is generally in accordance with topographic relief and, as such, groundwater is expected to flow to the north with eventual discharge into the Navy Yard basin located approximately 800 feet north of the Property. However, the actual depth to groundwater and groundwater flow direction can only be obtained through physical installation of soil borings and wells on the Site, which is beyond the scope of this Phase I ESA.

5.0 PROPERTY INSPECTION

5.1 General

Deborah Shapiro of CA RICH inspected the Property on November 9, 2004. Mr. Derek Parsons of the NYCDHPD provided access. The inspection of the Property included a walkthrough of accessible interior areas, as well as the general outside surrounding areas. In addition, photographs were taken to document Property observations at the time of the assessment. Selected photographs illustrating salient observations are included in Appendix (A).

5.2 Exterior Observations

The Brig is located centrally on the Property with an asphalt parking lot in the front. In addition, a portable trailer is located on the northwest corner of the subject Property. The trailer serves as offices to NYCDHPD security guards who monitor The Brig 24 hours a day, 7 days a week. Currently, the Property is completely fenced with a locking gate fronting on Flushing Avenue. One (1) driveway on Flushing Avenue provides access, which is controlled by the NYCDHPD security guard. Numerous on-site storm drains (dry wells) were observed in the parking area. Most of the storm drains contained water, as it had recently rained heavily in the area. An oily sheen was observed in only one (1) of the storm drains. There were no indications of stains on the asphalt in the vicinity of these drains. Exterior building materials include brick faced walls, concrete block, and concrete floors.

5.3 Interior Observations

While The Brig is currently unoccupied, its interior still includes most of the facilities from when it served as a prison for New York City Department of Corrections; such as the prison, prison hospital, dorms, kitchen, basement, incinerator room, generator room, visiting areas, counseling center, indoor and outdoor basketball courts, and auditorium. Interior building materials are consistent throughout the building and include concrete block, concrete floors, 12x12 vinyl tile floors, drop-in ceiling tiles, and concrete ceilings. In addition, the roof of the kitchen was covered with metal sheeting. All of these materials, except the kitchen roof, were observed to be in poor condition at the time of inspection. Holes, cracks, and missing pieces were noted in all walls, floors, and the ceiling.

A sump with one (1) sump pump controlled by a circuit breaker was observed in the basement of the building near the boiler. Upon inspection, the sump was filled with water and the sump pump was operating. No sheen was apparent. According to Mr. Parsons of NYCDHPD, the sump pump discharges to the municipal sewer. In addition, Mr. Parsons noted that when the sump pump is off, the basement immediately floods.

Water seeping through the basement walls near the floor was also observed. This seepage, combined with cracks in the concrete floor, was creating a small stream of water that flowed along the basement floor. Upon inspection, the flow of water was observed to be approximately one (1) centimeter high by four (4) to six (6) inches wide. No sheen was apparent on the water.

Three (3) boilers were observed in the basement. According to Mr. Parsons, only one (1) boiler is currently in use. A hole in the insulation of this boiler was observed. The two (2) boilers no longer in use were in fair to poor condition.

Many floor drains were observed throughout the building, especially in the kitchen, generator room, and basement. Mr. Parsons was unaware of their purpose and if they were connected to the public sewer.

One (1) vaulted (with access) fuel oil UST was observed on the first floor of The Brig and one (1) 50-gallon UST was observed near the back-up electrical generators. Petroleum odors were apparent at least two (2) rooms away from the vaulted UST. Strong petroleum odors were observed inside the vault.

Five (5) incinerators were observed next to the boiler room. Moderate to significant amounts of residue were observed in all five (5) incinerators. According to Mr. Parsons, the five (5) incinerators are not currently in use and were only used when the subject Property operated as a prison. Mr. Parsons was unaware of what materials were burned in the incinerator.

One (1) open 5-gallon bucket of an unknown brown liquid was observed in the generator room. Mr. Parsons did not know what the liquid was and was unaware of whence it originated.

5.4 Storage Tanks

Storage tanks, both aboveground and underground, are often used for storing fuel, waste oils, solvents, and other waste and hazardous materials. The principal concern from storage tanks is leakage of contents due to corrosion of the tanks or lines. The leakage may result in migration of the stored material onto the subject and/or neighboring properties via soil migration or underlying shallow groundwater flow. Soil and groundwater contaminated by leaks from storage tanks may constitute an environmental or health hazard.

One (1) 3,500-gallon vaulted steel fuel oil UST was observed on the first floor of The Brig and one (1) 50-gallon steel fuel oil UST was observed near the back-up electrical generators. The vaulted UST is accessible for inspection within the cement block vault that acts as a secondary containment structure and prevents any spilled oil from entering the subsurface soils. Despite the vault, petroleum odors were observed outside of the vault from at least two rooms away. In addition, strong petroleum odors were observed inside the vault.

According to the New York State UST database, the 3,500-gallon UST is "in service" and registered (PBS #2-187836) to the Brooklyn Correctional Facility located at 136 Flushing Avenue, which is the same lot as the subject Property. The tank registration expired on June 5, 2002. No registration information was available for the 50-gallon fuel oil UST.

5.5 Toxic / Hazardous Materials

According to Mr. Parsons, the correctional facility did not use any hazardous materials during its operations other than fuel oil for heating and medical supplies in the hospital. The only containerized materials observed during our inspection were the fuel oil USTs and the 5-gallon bucket of an unknown brown liquid that was observed in the generator room.

5.6 Proximity to Environmentally Hazardous Areas

The computerized database search reported 102 sites in several categories of government reported sites located in proximity to the Property in accordance with ASTM E 1527-00 approximate minimum search distance. Some of these sites may be classified as *known hazards*, although most involve *potential hazards* related to the on-site use, manufacture, handling, storage, transport or disposal of toxic chemicals. All locatable sites are mapped on the radius search maps in Appendix (C). These sites are discussed further in section 7.0 of this report.

5.7 Proximity to Environmentally Sensitive Areas

The Property is located on the south side of Flushing Avenue, which is part of a mixed-use industrial/commercial/residential area of Brooklyn, New York. Properties to the east and west of the subject Property are mainly residential/commercial. The Brooklyn Navy Yard is located across Flushing Avenue to the North. The database map does not indicate any public water supply wells within one-mile downgradient of the property. There are no visually obvious streams, wetlands or other environmentally sensitive media adjacent to the Property. However, the Navy Yard Basin, an inlet of the East River, is approximately 700 feet from the site. There are no on-site bodies of water, wetlands or other environmentally sensitive areas with the exception of the underlying soils and ground water. There are Federal and State Wetlands mapped within 1 mile of the subject Property. In addition, the site is on the border of a 500-year FEMA Flood Zone.

6.0 HISTORICAL LAND USE PRACTICES

6.1 Aerial Photographs

Historical aerial photographs were reviewed as part of the historical property use investigation. These detailed photographs may contain information regarding historical land usage. EDR Sanborn, Inc. (EDR) provided aerial photographs covering the site area for the years 1954, 1966, 1976, 1984 and 1994.

The following table summarizes the findings of the aerial photograph review:

Year	Description & Comments
1954	The subject Property is developed with a building matching the size and configuration of the current structure. The neighboring properties are also developed.
1966	The Property and surrounding buildings appears similar to present-day conditions.
1976	The Property and surrounding buildings appears similar to present-day conditions.
1984	The Property and surrounding buildings appears similar to present-day conditions.
1994	The Property and surrounding buildings appears similar to present-day conditions.

Review of historical aerial photographs revealed that the subject property was developed during or prior to 1954. No other land usage is apparent other than the present-day building. Copies of the aerial photographs reviewed for this Report are attached as Appendix (D).

6.2 Topographic Map

Topographic map coverage of the Property exists for the years 1900, 1947, 1956, 1967, 1967-1979 (photorevision), and 1995. The following table summarizes the findings of the topographic map review.

Year	Description and Comments
1900	The Property and surrounding area appears as developed.
1947	The Property and surrounding area appears as developed. Area wide development density has increased.
1956	The Property and surrounding area appear developed with the buildings that are present today.
1967	The Property and surrounding area appear developed with the buildings that are present today.
1967-1979 (photorevision)	The Property and surrounding area appear developed with the buildings that are present today.
1995	The Property and surrounding area appear developed with the buildings that are present today.

Review of the historical topographic maps dating back to 1900 indicates that Property was developed during or prior to 1900 with the existing building appearing by 1956. A copy of each topographic map is attached to this report as Appendix (E).

6.3 Historical Sanborn Fire Insurance Maps Review

Microfilm collections of fire insurance maps available through the Library of Congress, University Publications of America, and various public local sources were searched for local area coverage. Sanborn Maps are detailed maps that show the lot configuration and improvements and may contain information regarding historical ownership; land use, and hazardous or regulated materials storage.

The following table summarizes the findings of the Sanborn® Fire Insurance Maps review:

Year	Description and Comments
1887	The subject Property and surrounding properties appear developed. The subject Property is divided up into dwellings, stores, and a chapel. The U.S. Navy Yard is shown to the North of the Property across Flushing Avenue. A mixed commercial/residential area surrounds the property to the west, south and east.
1904	The subject Property is still primarily divided up into dwellings and stores. The chapel has been removed. The 157 th Precinct Police Station is now present at the corner of Clermont Avenue and Vanderbilt Avenue. The usage of the surrounding properties remains the same.
1915	The subject Property and surrounding properties remain relatively unchanged since 1904.
1938	The police station is no longer present and that portion of the subject Property is now vacant. The other half of the northern edge of the Property is now a Garage. The remainder of the subject Property is divided up into dwellings, stores, and industrial storage facilities. The usage of the surrounding properties remains relatively unchanged since 1915.
1950	The subject Property is no longer divided and is now developed as the U.S. Navy Receiving Barracks. The U.S. Navy Receiving Barracks were built in 1941 with fire proof construction except for the 12" cinderblock in the walls, concrete floors and roof. The construction also consists of 4" brick-faced walls. All walls are parapetted 8 feet. In addition, the stairway, halls and elevator shafts are constructed of cinderblock. The building is shown to have three sets of open elevators. The surrounding properties are still divided into commercial/residential/industrial properties. A gas station is now present east of the Property at the corner of Vanderbilt Avenue and Flushing Avenue.
1969	The subject Property remains the same as it appeared in 1950. The surrounding properties remain relatively unchanged.
1977	The subject property appears unchanged since 1969. The mixed commercial/residential/industrial usage of the surrounding properties remains the same even though individual tenants have changed.
1979-1996	The subject property appears unchanged from 1977-1996.

Review of Sanborn® Map coverage of the Property revealed that the U.S. Navy Receiving Barracks were built on the subject Property in 1941. Copies of the Sanborn® Maps are attached to this report as Appendix F.

6.4 City Directories

EDR Sanborn conducted a search of selected national repositories of business directories for available city directories listing the subject Property. According to EDR Sanborn, the subject Property was listed in the City Directory as McEwen WM AR in 1928. From 1934 through 2000, the address was not listed in the City Directory. A copy of the City Directory is attached to this report as Appendix G.

7.0 ENVIRONMENTAL AGENCY REVIEW

This Section discusses database records maintained by Federal, State and local environmental agencies for the Property and for sites located within an approximate minimum search distance. Available information was compiled from computerized database sources of regulatory agency records. The purpose of this database records review is to help assess the likelihood of problems from migrating hazardous substances or petroleum products. The minimum search distances are specified within ASTM Practice E 1527-00.

The database searches were conducted by EDR Sanborn, Inc. at the request of CA RICH on November 5, 2004 (Inquiry Number: 1302161.2s). The existence of an actual toxic hazard at a specific site can be concluded only when government authorities make that determination or when that conclusion is fully documented by the findings of an appropriate site investigation undertaken by licensed professionals.

The resulting database information is briefly summarized below. A complete copy of the database report and radius maps is included in Appendix (C). CA RICH requested additional site-specific information under the provisions of the Freedom of Information Law (FOIL) and direct contact with local Departmental representatives.

7.1 Federal Records

The number of ASTM federally listed database sites identified in proximity to the Property is tabulated below. The search categories and database review findings are discussed in greater detail below the summary table.

Federal ASTM Database Search Category	Approx. Minimum Search Distance	Subject Property	Total Sites Plotted
EPA National Priority List Sites (NPL)	1 mile	Not identified	0
EPA DELISTED NPL	1 mile	Not identified	0
EPA CERCLIS Sites	1/2 mile	Not identified	0
EPA CERCLIS-NFRAP	1/4 mile	Not identified	1
CORRACTS	1 mile	Not identified	1
RCRIS-TSD	1/2 mile	Not identified	0
RCRIS Lg. Quan. Gen.	1/4 mile	Not identified	2
RCRIS Sm. Quan. Gen.	1/4 mile	Not identified	24
ERNS	TP	Not identified	0
FINDS	TP	Not identified	0
CONSENT	1 mile	Not identified	0
ROD	1 mile	Not identified	0

♦ **EPA Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS), National Priorities List (NPL)**

The CERCLIS list is a compilation by the USEPA of sites that the USEPA has investigated or is currently investigating for a release or threatened release of hazardous substances pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), commonly known as the Superfund Act.

Once sites are designated on the CERCLIS list, the USEPA uses its Hazard Ranking System to determine potential risks to human health and the environment. Those CERCLIS sites that present the greatest risk are placed on the National Priority List (NPL), which qualifies the sites to receive remedial funding.

The subject Property was not identified as a CERCLIS or NPL site. There are no NPL or CERCLIS sites within a 1-mile radius of the Property.

◆ **Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), No Further Remedial Action Planned (NFRAP)**

As of February 1995, CERCLIS sites designated "No Further Remedial Action Planned" (NFRAP) have been removed from CERCLIS. NFRAP sites may be sites where, following an initial investigation, no contamination was found, contamination was quickly removed without the need for the site to be placed on the NPL, or the contamination was not serious enough to require Federal Superfund action or NPL consideration. EPA has removed approximately 25,000 NFRAP sites to lift the unintended barriers to the redevelopment of these properties and has archived them as historical records so EPA does not needlessly repeat these investigations in the future. This policy change is part of the EPA's Brownfields Redevelopment Program to help cities; states, private investors and affected citizens promote economic redevelopment of unproductive urban sites.

The subject Property is not identified as a CERCLIS-NFRAP site. There is one (1) CERCLIS-NFRAP site, Naval Station NY located at 207 Flushing Avenue, within the approximate search radius from the Property. The Naval Station NY was archived on January 31, 1997.

◆ **Delisted National Priority List (Delisted NPL)**

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425. (e), sites may be deleted from the NPL where no further response is appropriate.

The subject Property does not appear as a Delisted NPL site. There are no Delisted NPL sites located within the approximate search radius from the Property.

◆ **Corrective Action Activity (CORRACTS)**

CORRACTS is a list of handlers with RCRA Corrective Action Activity. It reports which nationally defined corrective action core events have occurred for every handler that has had a corrective action activity.

The subject Property is not identified as a CORRACTS site. There is (1) CORRACTS site located within the approximate search radius from the Property. Specifically, Techtronics Ecological Corp. located at 8 Walworth Street appears on the CORRACTS database. Based upon database information reviewed in Appendix (C) and the fact that Techtronics Ecological Corp. is located in Manhattan, not Brooklyn, there is no reasonable basis to conclude that the identification of the subject Property on the CORRACTS database have had or will have a negative impact upon the subject Property.

◆ **Resource Conservation and Recovery Act (RCRA) (RCRIS-TSD)
Large and Small Quantity Generators (LQG/SQG)**

RCRA was enacted to regulate facilities that generate, store, transport, or dispose of hazardous waste. These facilities must file notification forms with the EPA, which maintain the records in the RCRA Information System (RCRIS) Notifiers database. Inclusion on the RCRIS list does not signify contamination or mishandling of hazardous materials by hazardous waste Notifiers. RCRIS-listed sites are not indicative of an environmental concern unless an actual hazard is known to exist.

The subject Property is not listed as a LQG/SQG site. There are two (2) LQG sites and twenty-four (24) SQG sites located within the search radius of the subject Property. One (1) of the SQG

sites listed is the NYC Brooklyn Correctional Facility located at 136 Flushing Avenue, which is the same lot as the subject Property. In addition, the subject Property served as a prison for NYC Department of Corrections until December 1994. According to the EDR report, the NYC Brooklyn Correctional Facility had one (1) violation in March 1994. Compliance was achieved in July 1994 and a penalty was enforced in September 1994. Database records indicate that the LQG/SQG sites, other than the NYC Brooklyn Correction Facility, generally do not have outstanding violations and are in compliance with Federal regulations.

◆ **Emergency Response Notification System (ERNS)**

The Emergency Response Notification System (ERNS) is a national database used to collect information on reported releases of oil and hazardous substances. Pursuant to the ASTM Practice E 1527-97, the ERNS database is searched only for the subject Property.

The subject Property is not identified in the U.S. EPA ERNS database.

◆ **Facility Index System/Facility Identification Initiative Program Summary Report (FINDS)**

The Facility Index System (FINDS) contains both facility information and 'pointers' to other sources that contain more detail. EDR includes the following FINDS databases in this report: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).

The subject Property is not identified in the U.S. EPA FINDS database.

◆ **Records of Decision (ROD)**

ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid cleanup.

There have been no RODs documented for the subject Property. There have been no ROD documents associated with sites located within the approximate search radius from the Property.

◆ **EPA CERCLIS Consent Order**

A signed Order on Consent signifies major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites.

There have been no Consent Orders signed with respect to the subject Property. There have been no Consent Orders associated with sites located within the approximate search radius from the Property.

7.2 State Records

The number of state-listed database sites identified in proximity to the Property are tabulated below. The search categories and database review findings are discussed in greater detail below the summary table.

State ASTM Database Search Category	Approx. Minimum Search Distance	Subject Property	Total Sites Plotted
NYS Inactive Hazardous Waste Sites (SHWS)	1 mile	Not identified	0
NYS Landfills	1/2 mile	Not identified	0
NYS Leaking Underground Storage Tanks (LTANKS)	1/2 mile	Not identified	29
NYS Registered Storage Tank (UST)	1/4 mile	Not identified	13
NYS Chemical Bulk Storage Facilities (CBS UST)	1/4 mile	Not identified	1
NYS Major Oil Storage Facilities (MOSF UST)	1/2 mile	Not identified	0
NYS Hazardous Substance Waste Disposal Sites (HSWDS)	1/2 mile	Not identified	0
NYS Registered Storage Tank (AST)	TP	Not identified	0
NYS Chemical Bulk Storage Facilities (CBS AST)	1/4 mile	Not identified	4
NYS Major Oil Storage Facilities (MOSF AST)	1/2 mile	Not identified	0
NY Spills (NYSPIILLS)	1/4 mile	Not identified	13

◆ **New York State Inactive Hazardous Waste Sites (SHWS)**

NYSDEC publishes an annual directory of Inactive Hazardous Waste Disposal Sites currently being investigated or requiring investigation. Sites are assigned a Classification number from 1 to 5. Class 1 sites are believed to be an imminent danger to the public health or environment and Class 5 sites have been properly closed and require no further action.

The subject Property is not identified as a SHWS site. There are no SHWS sites within a 1-mile radius of the Property.

◆ **New York State Landfills**

State landfill type records typically contain an inventory of solid waste disposal facilities or landfills. These may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

The subject Property is not identified as a solid waste disposal facility or landfill. There are no State operated solid waste handling facilities within the search radius of the Property.

◆ **New York State LUST Sites (LTANKS) and Spills (SPILLS)**

The Leaking Storage Tank Incident Reports contain an inventory of reported leaking storage tank reported from 4/1/86 through the most recent update. Causes of the incidents include tank test failures, tank failures and tank overfills or releases determined during the removal of USTs that have leaked.

A review of the LTANKS and SPILLS list has identified twenty-nine (29) LTANKS sites and thirteen (13) NY Spills site within the search distance from the Property. These sites have been either cleaned up to the satisfaction of NYSDEC or are currently undergoing corrective action.

Based upon information contained in Appendix C, there is no reasonable basis to conclude that the open spill case sites have had a direct negative impact on the subject Property.

◆ **New York State Registered Storage Tank List (UST/AST)**

New York State requires the registration of all bulk petroleum storage tank facilities with a combined storage capacity that is greater than 1,100 gallons and less than 400,000 gallons.

A review of the UST/AST list has revealed that no tanks are registered for the subject Property at its current address and thirteen (13) UST sites are located within approximately 0.25 miles of the subject Property. However, one (1) of the thirteen (13) UST sites listed is the NYC Brooklyn Correctional Facility. According to the EDR report, one (1) 3,500 gallon vaulted fuel oil steel UST was installed on December 1, 1983 (PBS #2-187836). The tank is still listed in the database as "In Service".

The presence of registered storage tank facilities does not indicate an area of environmental concern unless the tanks have leaked product into the subsurface. Based upon database information reviewed and contained in Appendix (C), there is no reasonable basis to conclude that these registered storage tank sites have had a negative impact upon the subject Property.

◆ **New York State Chemical Bulk Storage Facilities (CBS UST/AST)**

New York State requires the registration of all facilities storing hazardous substances listed in 6 NYCRR Part 597, in aboveground tanks with capacities of 185-gallons or greater, and/or in underground tanks of any size. The presence of Chemical Bulk Storage facilities does not indicate an area of environmental concern unless the tanks have leaked product into the subsurface.

The subject Property is not identified on the CBS UST/AST list. There is one (1) CBS UST and four (4) CBS AST sites located within approximately 0.25 miles of the subject Property. The Brooklyn Navy Yard Cogeneration Facility is listed for containing eight (8) underground benzene tanks, eight (8) aboveground ammonia tanks, eight (8) aboveground sulfuric acid tanks, and eight (8) above ground hydrochloric acid tanks. The Brooklyn Navy Yard Cogeneration is a 300-megawatt combined cycle cogeneration Plant. The plant generates power, which it sells to the utility grid, via gas turbine waste heat. The plant also exports steam to the Con Edison New York City steam distribution system.

The Red Hook Water Pollution Control Plant is listed as containing sixteen (16) 12,000-gallon and eight (8) 1,000-gallon aboveground sodium hypochlorite tanks, and eight (8) aboveground ferric chloride tanks. The Red Hook Water Pollution Control Plant is a wastewater treatment plant managed by the New York City Department of Environmental Protection (NYCDEP).

The City of New York/NYCDEP is listed as containing one (1) aboveground ferric chloride tank located at the Red Hook WPCP.

The Brooklyn Navy Yard is listed as previously containing one (1) aboveground sodium hydroxide tank and one (1) aboveground hydroquinone tank. Both tanks were closed in April 1999.

The presence of CBS UST/AST facilities does not indicate an area of environmental concern unless the tanks have leaked product into the subsurface. Based upon the database information contained in Appendix (C), there is no reasonable basis to conclude that the Brooklyn Navy Yard Cogeneration Facility, Red Hook Water Pollution Control, City of New York/NYCDEP, and Brooklyn Navy Yard UST/ASTs have had a negative impact upon the subject Property.

◆ **New York State Major Oil Storage Facilities (MOSF UST/AST)**

These are facilities that may be onshore facilities or vessels, with petroleum storage capacities of 400,000 gallons or greater.

The subject Property is not identified on the MOSF UST/AST list and there are no MOSF UST/AST sites located within approximately 0.5 miles of the subject Property.

◆ **New York State Hazardous Substance Waste Disposal Sites (HSWDS)**

The Hazardous Substance Waste Disposal Site Inventory includes any known or suspected hazardous substance waste disposal sites. Also included are sites delisted from the Registry of Inactive Hazardous Waste Disposal Sites and non-registry sites which the U.S. EPA Preliminary Assessment reports or Site Investigation reports were prepared.

The subject Property is not identified as a HSWDS site and there are no HSWDS located within the approximate search radius from the Property.

◆ **Orphan Sites**

The Federal and State database records search also revealed the presence of forty-eight (48) sites that were not mapped. These sites are listed on page 144-145 of Appendix (C). Based on the limited information reviewed for this report, there is no indication that these Orphan Sites represent a significant environmental liability to the subject Property.

7.3 Local Records

New York City Department of Health and Mental Hygiene (NYCDOH)

CA RICH requested a site-specific search via the Freedom of Information Law (FOIL) of the New York City Department of Health and Mental Hygiene (NYCDOH) records for information regarding bulk storage tanks, violations, spills, leaks, inspections, and solid waste. As of the date of this report, we have not received a response from NYCDOH to review pertinent City records. Upon receipt of City approval to review NYCDOH records, we will forward any pertinent information as an addendum to this report.

New York City Department of Environmental Protection (NYCDEP)

CA RICH requested a site-specific search via the Freedom of Information Law (FOIL) of the New York City Department of Environmental Protection (NYCDEP) records for any information regarding the subject Property. As of the date of this report, we have not received a response from NYCDEP to review pertinent City records. Upon receipt of City approval to review NYCDEP records, we will forward any pertinent information as an addendum to this report.

New York State Department of Environmental Conservation (NYSDEC)

CA RICH requested a site-specific search via the Freedom of Information Law (FOIL) of the New York State Department of Environmental Conservation (NYSDEC) records for any information regarding the subject Property. As of the date of this report, we have not received a response from NYSDEC to review pertinent City records. Upon receipt of City approval to review NYSDEC records, we will forward any pertinent information as an addendum to this report.

8.0 ADDITIONAL CONSIDERATIONS

8.1 Asbestos

The U.S. EPA defines asbestos material as any material containing greater than 1% asbestos by weight. Asbestos-containing materials (ACM), in a form which can crumble or be reduced to powder under hand pressure (friable), can release asbestos fibers which are proven to be carcinogenic and cause respiratory illness. Although asbestos was not manufactured after the late seventies, it was still being used in, but not limited to, insulating materials, fireproofing, flooring, and decorative building materials.

Suspect friable (easily crushed by hand pressure), asbestos-containing materials (ACM) including one (1) of the old boilers in the basement and drop ceiling tiles were observed during the walk-through inspection of the building. These materials were observed to be in poor condition at the time of inspection.

Although the roof was not accessible for inspection, roofing materials typically contain asbestos. During our inspection, Mr. Parsons stated that he believes that the roof contains asbestos. However, typical asbestos-containing roofing materials are usually tightly bound in a tar matrix and, like the floor tiles, are considered non-friable provided they remain in good condition and are not disturbed during renovation activities.

Suspect non-friable ACM was observed in the entrance and some hallways in the form of cream and gray 12"x12" vinyl floor tiles. Although floor tiles of this type often contain asbestos, they are not considered friable as long as they are not sanded, grinded, or otherwise disturbed in a manner that results in the release of asbestos fibers.

No sampling and analysis was performed on any of the suspect materials as such testing was beyond the scope of our Assessment. The presence of asbestos can only be ascertained through analytical testing. All suspect ACM should be analytically tested prior to any construction or demolition activity that may disturb them. Also, all suspect ACM should be treated as ACM until proper analytical testing proves that asbestos is not present.

8.2 Polychlorinated Biphenyl's (PCBs)

Polychlorinated biphenyl's (PCBs) have commonly been used as dielectric (insulating) fluids in transformers, capacitors and fluorescent light ballast's up through the 1970's. PCB dielectric fluid, if released or ignited from a leaking or malfunctioning transformer, could present a hazard. Research has shown that short-term exposure to PCBs may induce reactions such as eye irritation, skin swelling, and gastrointestinal disturbances. With chronic exposure, PCBs are believed to be carcinogenic.

It is suspected that many of the older fluorescent lights in The Brig may date to pre-1979. Small capacitor light ballasts are not considered a "listed hazardous waste" in New York State and the disposal of non-leaking, PCB-containing light ballasts are not regulated under the Toxics Substances Control Act (TSCA). A general inspection of the ballasts did not identify leaks or stains. However, future construction or demolition activities, which require the removal of the existing light fixtures, should examine the ballasts to determine if they are PCB-containing prior to their disposal.

8.3 Lead Paint

Research has shown that, when ingested, lead can cause permanent neurological problems and brain damage. Federal regulations were promulgated in 1978 that ban the sale of paint containing more than 0.06 percent lead by weight. Consequently, any paint known to contain lead in excess of 0.06 percent is considered to be lead-based.

The painted surfaces throughout the building were observed to be in extremely poor condition with many of the surfaces badly peeling, especially in the stairways and lower levels. Considering the age of the structure, lead based paint may be present (note: more commonly found on "trim" including window and door frames). No sampling and analysis was performed on any of the painted surfaces as such testing was beyond the scope of our Assessment. The presence or absence of lead-based paint can only be determined through proper analytical testing.

8.4 Radon Gas

Radon is a naturally occurring, invisible, odorless, carcinogenic gas that is generated by the decay of radioactive elements found in certain crystalline rock types or derivatives thereof. Inhalation of radon gas represents the principal exposure pathway. In outdoor air, radon is diluted to such low concentrations that it does not pose a health hazard. However, once inside an enclosed space such as basements, pipe chases, drains and foundation crawl spaces, radon gas may accumulate to dangerous concentrations. Confirmation of the presence or absence of radon gas is possible through testing.

Based upon our review of geologic maps prepared by the United States Geological Survey and the findings of an EPA Residential Radon Survey (Appendix C, page A-49), the potential for naturally occurring radon gas contamination at the Property is considered to be very low and unlikely.

8.5 Mold

It is important to recognize that fungi are present almost everywhere in indoor and outdoor environments and that certain moisture-associated molds on building materials are not unusual where either moisture or water has been introduced into an interior environment. According to the United States Environmental Protection Agency (USEPA) guidelines – "Mold Remediation in Schools and Commercial Buildings", protecting the health and safety of building occupants, the prompt remediation of contaminated materials and infrastructure repair are the primary responses to fungal contamination in buildings. In short, building materials supporting fungal growth, such as the black mold on the drop-in ceiling tiles, must be properly remediated as rapidly as possible in order to ensure a healthy environment.

Naturally, efforts to correct, repair or mitigate those building condition(s) or defect(s) that may have led to outside water entry, leakage, and/or the accumulation of moisture condensation or water (or elevated humidity) within mold contaminated structures, should be implemented – either in conjunction with, or prior to, a fungal remediation(s). Typically, the common building material substrates that may enhance or accelerate mold growth, if and when introduced to moisture, include the paper-related materials such as sheetrock, air conditioning HVAC-related filters, and/or interior cellulose insulation, etc. Mold is also known to thrive on out-of-sight building in-wall insulations subjected to moisture and given the right conditions for growth.

Currently, it should be recognized that there are no applicable Federal, New York State, or County regulations for evaluating the potential human health effects of fungal contamination and remediation. Certain USEPA and New York City guidelines do exist to direct fungal investigations,

sampling protocols, and remediation repair efforts, and we recommend that these be followed for cleanups and/or in the event further investigation, testing, or response is deemed prudent in a given situation. However, it is not the intent of this initial inspection and preparation of this report, to render suggestions or associations concerning whether there either has been, or may be, potential health effects to existing or future building occupants (or construction workers) attributable to the presence of mold.

9.0 SUMMARY OF PROFESSIONAL OPINION AND RECOMMENDATIONS

We have performed this Phase I Environmental Site Assessment in substantive conformance with the scope and limitations of ASTM Practice E 1527-00 for the subject Property. Any exceptions to, or deletions from, this practice are described in Section 2.3.

This ESA has identified the following "Recognized Environmental Conditions" (RECs) in connection with the subject Property.

REC-1 Many of the painted surfaces throughout the building were observed to be peeling. Based upon the age of the building, lead-based paint may be present. The presence or absence of lead-based paint can only be determined through proper analytical testing. Therefore, all painted surfaces should be analytically tested before any construction/demolition activity is conducted.

REC-2 Suspect friable and non-friable asbestos-containing materials (ACM) were observed within the building in the form of boiler insulation, drop ceiling tiles, vinyl floor tiles, and roofing materials. These materials were observed to be in fair to poor condition at the time of inspection. All suspect ACM should be analytically tested prior to any construction/demolition activity that may disturb them. Also, all suspect ACM should be treated as ACM until proper analytical testing proves that asbestos is not present.

REC-3 One (1) 50-gallon fuel oil UST and one (1) 3,500-gallon fuel oil vaulted UST was observed in The Brig. According to the New York State UST database, the 3,500-gallon UST is in service and registered (PBS #2-187836) to the Brooklyn Correctional Facility located at 136 Flushing Avenue, which is the same lot as the subject Property. The tank registration expired on June 5, 2002. No registration information was available for the 50-gallon fuel oil UST. Therefore, the tank registration for the 3,500-gallon UST should be updated and the 50-gallon fuel oil UST should be registered.

In addition, it is our understanding that The Brig is to be demolished. Prior to demolition, it is recommended that any product remaining in the USTs be removed and properly disposed of according to applicable regulations. Once the remaining product has been removed, the USTs should be properly cleaned and disposed of according to applicable regulations. In addition, all tank removal activities should be thoroughly documented and the tank registration information should be updated with the NYC Fire Department and NYSDEC.

REC-4 Black mold was observed on some of the drop-in ceiling tiles. Currently, it should be recognized that there are no applicable Federal, New York State, or County regulations for evaluating the potential human health effects of fungal contamination and remediation. Certain USEPA and New York City guidelines do exist to direct fungal investigations, sampling protocols, and remediation repair efforts, and we recommend that these be followed for cleanups and/or in the event further investigation, testing, or response is deemed prudent in a given situation. However, it is not the intent of this initial inspection and preparation of this report, to render suggestions or associations concerning whether there either has been, or may be, potential health effects to

existing or future building occupants (or construction workers) attributable to the presence of mold.

- REC-5** Many floor drains were observed throughout the building, especially in the kitchen, generator room, and basement. It is recommended that the floor drains in areas of concern be dye tested to confirm that they are connected to the municipal sewer. If it is determined that the floor drains are not connected to the municipal sewer, the bottom soil of the floor drains should be analytically tested to determine if materials discharged from the drains have impacted the subsurface soil.
- REC-6** One (1) open 5-gallon bucket of an unknown brown liquid was observed in the generator room. It is recommended that this bucket be disposed of according to applicable regulations.
- REC-7** Five (5) incinerators, with moderate to significant amounts of residue, were observed in the basement next to the boiler room. It is recommended that the interior construction of the incinerator be tested for asbestos before any construction/ demolition activity. In addition, the remaining incinerator ash should be disposed of according to applicable regulations.

10.0 ASSESSMENT LIMITATIONS

The subsurface conditions were not field-investigated and were outside the scope of this Phase I ESA and therefore, may differ from the conditions implied by the surficial observations and reports prepared by others. Soil contamination, waste emplacement, or groundwater contamination would be disclosed to CA RICH only by surficial indications, interviews, or regulatory records. These data are accessible only by subsurface soil and groundwater sampling through the completion of soil borings and the installation of monitoring wells or other subsurface sampling methodology. The scope of work, in accordance with our agreement, did not include these activities.

In addition, our conclusions regarding the potential environmental impact of nearby, off-site facilities on the subject Property are based upon readily available information from the environmental databases and the assumed shallow groundwater flow direction. A detailed file review of each facility was beyond the approved scope of work. Actual groundwater conditions, including direction of flow and quality, can only be determined through the installation of groundwater monitoring wells.

This Report is intended for the sole use of the parties as stated and may not be used or relied upon by any other party without the written consent of CA RICH. The scope of services performed in execution of this evaluation may not be appropriate to satisfy the needs of other users, and use or re-use of this document or the findings, conclusions, or recommendations is at the risk of said user.

This concludes the discussion of this Phase I ESA for the subject Property. Additional detail, if needed, can be provided upon request.

APPENDIX F: Groundwater

SECTION

GROUNDWATER

PART 1 – GENERAL

1.0 SCOPE:

- 1.1 This section specifies the monitoring and maintenance of the groundwater level and hydrostatic pressures in the work area in order to permit all demolition under this contract to be performed in the dry with stable subgrade. Maintenance of the groundwater levels consists of all work necessary to maintain the existing groundwater level and control the hydrostatic pressures in order that all demolition and backfilling is performed in the dry. The Contractor shall implement, maintain and operate adequate surface and subsurface drainage methods to the satisfaction of GZA GeoEnvironmental of New York (GZANY). The purpose is to keep the construction site dry, prevent loss of soil from surrounding properties during the demolition of the structure prior to backfilling, and reduce hydrostatic pressure.
- 1.2 The Contractor shall develop and submit to GZANY a groundwater dewatering plan at least 30 days to the start of demolition. The plan shall include the proposed action to maintain or remove groundwater from interfering with the proposed work.
- 1.3 The dewatering work shall include obtaining, installation, operation, maintenance, dismantling and removal of dewatering equipment from the site, including proper site restoration as approved by GZANY.

2.0 JOB CONDITIONS:

- 2.1 The Contractor must familiarize himself with the potential precipitation, site conditions, subsurface conditions, and groundwater conditions. There is a potential for seepage of groundwater to occur during demolition.
- 2.2 The Contractor will have on site such equipment as pumps, well points, etc. as necessary to maintain the current groundwater condition. Contractor shall maintain the existing dewatering system throughout the demolition and backfilling process until directed otherwise by GZANY. Dewatering system shall be properly constructed to prevent removal of soil fines from the site during dewatering operation. The Contractor shall monitor the dewatering system. Any dewatering system that does not properly perform, leaks or removes fines from the soil shall be immediately modified or replaced, as required by GZANY.

3.0 SUBMITTALS:

- 3.1 Submit proposed plan to maintain the existing dewatering of groundwater

throughout the demolition and backfill of the site.

- 3.2 Submit weekly groundwater observation readings the Monday afternoon following the Friday, or the following business afternoon following a reading to GZANY.
- 3.3 Submit weekly survey of top of wall reporting lateral and vertical movement. Frequency of report may be increased or decreased by GZANY. Contractor shall provide a written report each survey to GZANY within one working day. The report shall include the location, elevation, total change in elevation from baseline, incremental change in elevation, total lateral movement from baseline, incremental change in lateral displacement from previous reading.

PART 2 – PRODUCTS

No specific materials are specified. The Contractor, however, shall provide all equipment, facilities and materials necessary to maintain the dewatering. Such equipment, facilities and materials shall be suitable for the intended use, have sufficient capacity and shall not leak. Use of leaking pumps, hoses, pipes, storage tanks, etc. shall not be permitted.

PART 3 – EXECUTION

1.0 PUMP MAINTENANCE:

- 1.1 Contractor shall maintain the existing dewatering pump or equivalent at the current pump rate through out demolition process. The pumps shall be protected from damage, maintain power and discharge locations prior to the demolition of all floors, except the floor slab(s) and other structural elements that support exterior walls.
- 1.2 Relocate the electrical supply board and supply lines of the pump(s) to at least the adjacent sidewalk elevation or higher. The pump(s), electrical supply board, and the supply lines should be accessible 24 hours a day.
- 1.3 Protect the pumps, discharge lines, pipes, electrical lines, and electrical panel such that they are protected against pressure from the recycled concrete backfill, which will be placed later, and in a manner that isolates these components from “excessive” vibration resulting from the demolition and backfilling processes.

2.0 GROUNDWATER MONITORING:

- 2.1 Install five piezometers (open standpipes) at locations to be determined by GZANY. The piezometers shall extend to a minimum Elevation -10, Brooklyn Highway Datum (BHD). The piezometers shall be accessible and protected from damage throughout the demolition project. The piezometers shall be constructed of 2 inch diameter PVC pipe, extending from Elevation -10 with 10 feet of slotted screen followed by riser to the sidewalk level or higher. The piezometers should be installed in a minimum of a 4 inch diameter annulus and backfilled with well

sand to the top of the riser. Four of the piezometers will be located outside of the existing structure, in the sidewalk. One will be located adjacent to the existing pumps in the middle of the building, casing may be required to stabilize and allow access to the piezometers.

3.0 TEMPORARY BRACING:

- 3.1 Install a properly designed by a New York State Professional Engineer a temporary wall support system to support the exterior walls of the building that are below the adjacent sidewalk elevation. Install a temporary support system for all parts of the exterior walls, which are to remain after the demolition work is finished and the site is backfilled. Wall support shall be designed to prevent lateral movement of the exterior walls below the sidewalk level prior to the placement of backfill.
- 3.2 Monitor the vertical and lateral position of the top of the existing, exterior wall at sidewalk level. Monitoring locations shall be set at a maximum of 50-foot intervals at the sidewalk level of the exterior walls. Contractor shall survey each point prior to the removal of existing lateral support as defined by GZANY as a baseline reading. Readings of each point shall be performed on a weekly basis, or as directed by GZANY.

4.0 FLOOR SLAB:

- 4.1 Contractor shall maintain the groundwater level below the existing floor and exterior walls sections that are located below the sidewalk level. Prior to the placement of backfill, following placement of the temporary bracing, the Contractor shall move sections of the slab or wall as directed by GZANY to allow future drainage. Contractor will remove fifteen 5-foot by 5-foot panels, or equivalent square footage, of either wall or floor slab, as directed by GZANY.
- 4.2 Contractor shall remove sections of the exterior walls, existing first floor and machine room slab, prior to the placement of the backfill. GZANY shall direct the locations of the removed sections. Removal of sections, drilling holes or saw cutting of slabs and walls shall only be performed under the direction of GZANY once the temporary bracing is placed and the stabilized groundwater levels are available.

5.0 BACKFILL PLACEMENT:

- 5.1 Upon completion of demolition, installation of drain holes and stabilizing the exterior walls, backfill the machine room with recycled concrete (backfill) up to the elevation of the first floor slab. The fill should extend from the existing pump pit elevation to the first floor slab elevation.
- 5.2 The recycled concrete shall consist of granular pieces of gravel, sand, concrete with a maximum particle size of 4-inches and no more than 5 percent fines (smaller than #200 sieve). The recycled concrete shall not contain any demolition

debris, steel, organics, garbage, or pieces of concrete larger than 2 inches. Contractor shall remove and replace any material not meeting the provided criteria, as directed by GZANY. Contractor shall provide gradation analysis of each supply of recycled concrete to GZANY, or as requested by GZANY.

- 5.3 Leave room around the shaft that protects the pump(s) in the mechanical room and their connection to the electrical panel and the point of water discharge.
- 5.4 Continue backfilling until the lateral pressure that the recycled concrete provides is adequate to support the exterior walls.
- 5.5 Continue backfilling to the level of top of adjacent sidewalk. When the backfilling process is finished, adjust pumping rates as provided in Section 6.0 and 7.0. Upon completion of dewatering backfill shaft with recycled concrete.

6.0 STAGING GROUNDWATER PUMPING:

- 6.1 The Contractor shall reduce the groundwater pumping rate, such that the groundwater level becomes stabilized over a period of time. When the thickness of backfill placed on top of the first floor slab, reduce the pumping rate to 80 percent of the initial pumping rate, as directed by GZANY. Monitor water levels in all piezometers (standpipe) hourly until stabilized. The pumping rate reduction will be modified to stabilize the rate of groundwater rise, as directed by GZANY.
- 6.2 When water level is stabilized, reduce pumping rate to 60 percent of the initial pumping rate, as directed by GZANY. Monitor water levels in all piezometers (standpipe) hourly until stabilized. The pumping rate reduction will be modified to stabilize the rate of groundwater rise, as directed by GZANY.

7.0 PUMP DISSASSEMBLY:

- 7.1 Upon completion of demolition, placement of backfill as required, and a stable level groundwater table is established, as directed by GZANY, the Contractor shall disassemble the pump. The contractor shall remove the pumps, pipes, electrical lines, and electrical panel as required from the site. Any encasement or remaining excavations shall be backfilled to the surrounding elevation.

END OF SECTION

APPENDIX G: HPD Marketing Guidelines

All units in HPD development projects are sold or leased through a lottery system monitored by HPD's Marketing Unit. Market-rate units may be subject to the HPD lottery. Permanent supportive housing units will not be subject to the HPD lottery, but will be subject to the requirements detailed in **Appendix B (Permanent Supportive Housing Information and Guidelines)**.

A. Citywide Advertising

The units must be advertised in citywide, local, and other relevant newspapers that will indicate the location of the homes, the price or rent of the units, estimated minimum income requirements, and the process for obtaining an application. All applications must be returned to a post office box.

The ad format must be approved by HPD's Marketing Unit and the ads must run a minimum of three days, including a weekend. The ads must appear at least 60 days prior to the application deadline. Any applications postmarked after the application deadline will be set aside for possible consideration only after all applications postmarked by the deadline have been exhausted.

B. Local Outreach

Local presentations to local community organizations, churches, civic groups, block and tenant associations, and institutions are encouraged.

C. Contents of Application and Cover Letter

The application must be accompanied by a cover letter. The format of the application and the cover letter must be approved by HPD's Marketing Unit. The letter must state the due date by which the application must be postmarked and highlight the post office box to which the application must be mailed.

The application must request information regarding income, assets, liabilities, current address, and permission to do credit checks. The application information requested may also include certain information which may be required from the bank. The application must state that the confidentiality of the information will be preserved except where disclosure is required by applicable law.

Applications will be available at the office of the marketing agent or may be requested by mail or phone to the marketing agent.

D. Picking Up Applications

Applications will be picked up from the post office box by the marketing agent one week after the stipulated deadline. Applications must be picked up in the presence of HPD Marketing staff.

If the post office requires that the box be emptied on a regular basis due to the large volume of mail, the marketing agent must notify HPD's Marketing Unit prior to picking up the mail and place all envelopes, unopened, in one secure location.

E. Opening Applications and Creating a Log

The log format will be provided by HPD's Marketing Unit.

All applications will be randomly selected by the marketing agent and entered, in ink, in a log book ("Master Log") in the order in which they were randomly chosen. HPD Marketing staff will be present when the applications are opened and the log created.

The marketing agent must submit copies of the log to HPD's Marketing Unit for review and approval prior to notifying applicants of their selection status (offering units to those who are eligible) and after sales or leasing are completed.

The marketing agent will review all applications received by the closing date of the marketing period in the order in which they are ranked in the log. The review will determine each applicant's eligibility. Ineligible applicants will be notified in writing and will have 10 days to appeal. Applicants deemed initially eligible based upon the information given on their application will be interviewed by the marketing agent. After demonstrating the ability to meet bank underwriting criteria, applicants will be given an opportunity to submit bank application and any other necessary documentation.

F. Marketing Preferences

Eligible applicants who are residents of the Community District in which the Site is located will receive preferential consideration for 50% of the units.

Eligible mobility-impaired applicants will receive preferential consideration for 5% of the units.

Eligible visually and hearing impaired applicants will receive preferential consideration for 2% of the units.

Eligible active New York City Police Officers will receive preferential consideration for 5% of the homeownership units.

Eligible Municipal employees will receive preferential consideration for 5% of the units.

G. Residency Preference

Preference for all the units will be given to purchasers or renters who are New York City residents at the time the application to purchase or rent the unit is submitted to the marketing agent. If any units remain available after all New York City residents have been considered, non-residents will be offered units in log order.

H. Other Requirements

The marketing agent must comply with all applicable Federal, State and City equal opportunity and nondiscrimination laws. Ranking and determination of eligibility must be non-discriminating.

HPD Marketing staff will monitor to insure that applicants are being notified in log order. An "Applicant's Log" will be created to track the date and time of paper work submission, telephone contact, outstanding documentation, and issues. Tracking sheets will be kept in the individual

applicant files and updated on the Master Log on a weekly basis. The Master Log will indicate where each applicant is in the process at a given time.

No employee of the marketing agent, relative of any employee, or person residing with any employee of the marketing agent may purchase or rent a unit.

I. Execution of Contracts

The marketing agents will send letters inviting all those who appear mortgage eligible, and pass the credit check to submit a bank application and any other documentation deemed necessary for submission to the bank providing the end loan. Offers will go out first to those who meet the marketing preference requirements, and these applications will be processed first to ensure that these requirements are met.

J. Waiting List

If, after contracts are executed for all units, there remain eligible applicants who are still interested in purchasing or renting a unit, the marketing agent must place their names on a waiting list.

The marketing agent must offer any unit that an applicant fails to close or lease to eligible applicants on the waiting list, if any.

APPENDIX H: Equal Opportunity



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EXECUTIVE ORDER NO. 50

APRIL 25, 1980

BUREAU OF LABOR SERVICES

By the power vested in me as Mayor of the City of New York,
it is hereby ordered:

Section 1. Purpose. It is the purpose of this Order to ensure compliance with the equal employment opportunity requirements of City, State and Federal law in City contracting.

§ 2. Bureau Continued. The Bureau of Labor Services shall continue to serve such purposes and to have such responsibilities as restated by this Order.

§ 3. Definitions. Whenever used in this Executive Order, the following terms shall have the following meanings:

(a) Bureau means the Bureau of Labor Services;

(b) construction project means any construction, reconstruction, rehabilitation, alteration, conversion, extension, improvement, repair or demolition of real property contracted by the City;

(c) contract means any written agreement, purchase order or instrument whereby the City is committed to expend or does expend funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing;

*amended
E.C. 94*

(i) Unless otherwise required by law, the term "contract" shall include any City grant, loan, guarantee or other City assistance for a construction project.

(ii) The term "contract" shall not include:

(A) contracts for financial or other assistance between the City and a government or government agency;

(B) contracts, resolutions, indentures, declarations of trust, or other instruments authorizing or relating to the authorization, issuance, award, and sale of bonds, certificates of indebtedness, notes or other fiscal obligations of the City, or consisting thereof; or

(C) employment by the City of its officers and employees which is subject to the equal employment opportunity requirements of applicable law.

(d) contracting agency means any administration, board, bureau, commission, department or other governmental agency of the City of New York, or any official thereof, authorized on behalf of the City to provide for, enter into, award or administer contracts;

(e) contractor means a person, including a vendor, who is a party or a proposed party to a contract with a contracting agency, first-level subcontractors of supply or service contractors, and all levels of subcontractors of construction contractors;

(f) Director means the Director of the Bureau of Labor Services;

(g) economically disadvantaged person means a person who, or a member of a family which, is considered economically disadvantaged under applicable law.

(h) employment report means a report filed by a contractor containing information as to the employment practices, policies and programs, employment statistics and collective bargaining agreements, if any, of the contractor in such form as the Bureau may direct by regulation;

(i) equal employment opportunity means the treatment of all employees and applicants for employment without unlawful discrimination as to race, creed, color, national origin, sex, age, handicap, marital status, sexual orientation or affectional preference in all employment decisions, including but not limited to recruitment, hiring, compensation, training and apprenticeship, promotion, upgrading, demotion, downgrading, transfer, lay-off and termination, and all other terms and conditions of employment except as provided by law;

(j) trainee means an economically disadvantaged person who qualifies for and receives training in one of the construction trades pursuant to a program other than apprenticeship programs, approved by the Bureau and, where required by law, the State Department of Labor or the United States Department of Labor, Bureau of Apprenticeship and Training.

§ 4. Responsibilities of Bureau. The responsibilities of the Bureau shall be as follows:

(a) To implement, monitor compliance with, and enforce this Order and programs established pursuant to City, State and Federal law requiring contractors to provide equal employment opportunity;

(b) To implement, monitor compliance with, and enforce on-the-job training requirements on construction projects;

(c) To monitor compliance by contractors with State and Federal prevailing wage requirements where required;

(d) To advise and assist contractors and labor unions with respect to their obligations to provide equal employment opportunity;

(e) To advise and assist persons in the private sector with respect to employment problems;

(f) To establish advisory committees, including representatives of employers, labor unions, community organizations and others concerned with the enforcement of this Order; and

(g) To serve as the City's principal liaison to Federal, State and local contract compliance agencies.

§ 5. Contract Provisions.

(a) Equal Employment Opportunity. A contracting agency shall include in every contract to which it becomes a party such provisions requiring the contractor to ensure equal employment opportunity as the Bureau may direct by regulation.

(b) On-the-Job Training. A contracting agency shall include in every contract concerning a construction project to which it becomes a party such provisions requiring the contractor to provide on-the-job training for economically disadvantaged persons as the Bureau may direct by regulation.

(c) Subcontractors. A contracting agency shall include in every contract to which it becomes a party such provisions requiring the contractor not to discriminate unlawfully in the selection of subcontractors as the Bureau may direct by regulation.

§ 6. Employment Reports.

(a) Submission Requirements. No contracting agency shall enter into a contract with any contractor unless such contractor's employment report is first submitted to the Bureau for its review. Unless otherwise required by law, an employment report shall not be required for the following:

(i) a contract in the amount of \$50,000 or less;

(ii) an emergency contract or other exempt contract except as the Bureau may direct by regulation; and

(iii) a contract with a contractor who has received a certificate of compliance with the equal employment opportunity requirements of applicable law from the Bureau, or an appropriate agency of the State of New York or the United States within the preceding twelve months, except as the Bureau may direct by regulation.

(b) Bureau Review. The Bureau shall review all employment reports to determine whether contractors are in compliance with the equal employment opportunity requirements of City, State and Federal law and the provisions of this Order. The contracting agency shall transmit the employment report to the Bureau within ten business days after the selection of a proposed contractor. A contracting agency may thereafter award a contract unless the Bureau gives prior written notice to the contracting agency and the contractor as follows:

(i) If the Bureau notifies the contracting agency and the contractor within five business days after the receipt by the Bureau of the employment report that the contractor has failed to submit a complete employment report, the Director may require the contracting agency to disapprove the contractor unless such deficiency is corrected in a timely manner;

(ii) If the Bureau notifies the contracting agency and the contractor within fifteen business days of the receipt by the Bureau of the completed employment report that the Bureau has found reason to believe that the contractor is not in substantial compliance with applicable legal requirements and the provisions of this Order, the Bureau shall promptly take such action as may be necessary to remedy the contractor's noncompliance as provided by this Order.

Provided that a contracting agency may award a requirements contract or an open market purchase agreement prior to review by the Bureau of the contractor's employment report, but may not make a purchase order against such contract or agreement until it has first transmitted such contractor's employment report to the Bureau and the Bureau has completed its review in the manner provided by this Section.

(c) Employment Program. The Bureau may require a contractor to adopt and adhere to a program designed to ensure equal employment opportunity.

(d) Periodic Reports. Contractors shall file periodic employment reports after the award of a contract in such form and frequency as the Bureau may direct by regulation to determine whether such contractors are in compliance with applicable legal requirements and the provisions of this Order.

§ 7. Training Programs. The Bureau shall monitor the recruitment, training and placement of economically disadvantaged persons in on-the-job training programs on construction projects. Contracting agencies shall require contractors to make a good faith effort to achieve the ratio of one trainee to four journey-level employees of each craft on each construction project.

(a) The Bureau shall determine the number of trainees and hours of training required by each contractor or subcontractor for each construction project.

(b) In the event that a contractor fails to make a good faith effort to train the required number of individuals for the required amount of hours, the Bureau, after consultation with the contracting agency, shall direct such agency to reduce the contractor's compensation by an amount equal to the amount of wages and fringe benefits which the contractor failed to pay to trainees.

(c) On-the-job training of economically disadvantaged persons shall not be required on construction contracts in the amount of \$125,000 or less.

§ 8. Compliance Investigations and Hearings. The Bureau shall conduct such investigations and hold such hearings as may be necessary to determine whether contractors are in compliance with the equal employment opportunity requirements of City, State and Federal law and the provisions of this Order.

(a) Voluntary Compliance. The Bureau shall seek to obtain the voluntary compliance of contractors and labor unions with applicable legal requirements and the provisions of this Order.

(b) Noncompliance. Upon receiving a complaint or at its own instance, the Bureau shall determine whether there is reason to believe a contractor is not in compliance with applicable legal requirements and the provisions of this Order.

(c) Hearings. The Bureau shall hold a hearing on prior written notice to a contractor and the contracting agency before any adverse determination is made with respect to such contractor's employment practices or imposing any sanction or remedy for non-compliance with applicable legal requirements and the provisions of this Order. The hearing shall be held before a City hearing officer, or such other person designated by the Director, who shall submit a report containing findings of fact and recommendations to the Director. Based on the record as a whole, the Director shall determine whether a contractor has failed to comply with applicable legal requirements or the provisions of this Order and the appropriate sanctions for noncompliance.

(d) Notices. The Bureau shall give prior notice of any hearing and shall provide a copy of any hearing report and determination of the Director under paragraph (c) of this Section to the contracting agency, the Corporation Counsel and the Comptroller. The Bureau shall notify appropriate City, State and Federal agencies of violations of law and may, with the approval of the Corporation Counsel, initiate proceedings in such agencies.

§ 9. Sanctions and Remedies. After making a determination that a contractor is not complying with applicable legal requirements and the provisions of this Order, the Director may direct that such sanctions as may be permitted by law or contractual provisions be imposed, including the disapproval of a proposed contractor, the suspension or termination of a contract and the reduction of a contractor's compensation, except as follows:

(a) Within five business days of the issuance of a determination by the Director under Section 8(c), a contracting agency head may file with the Director written objections to the sanctions to be imposed. Where such objections have been filed, the Director and the contracting agency head shall jointly determine the appropriate sanctions to be imposed.

(b) In lieu of any of the foregoing sanctions, the Director may require a contractor to adopt and adhere to a program to ensure equal employment opportunity.

§ 10. Public Agencies. Any administration, board, bureau, commission, department or other public agency, not subject to this Order, which imposes by rule, regulation or order equal employment opportunity requirements, may, with the consent of the Mayor, delegate such responsibilities to the Bureau as may be consistent with this Order.

§ 11. Confidentiality. To the extent permitted by law and consistent with the proper discharge of the Bureau's responsibilities under this Order, all information provided by a contractor to the Bureau shall be confidential.

§ 12. Regulations. The Bureau shall promulgate such regulations, subject to the approval of the Mayor, as may be necessary to discharge its responsibilities under this Order, including regulations increasing the dollar amounts referred to in this Order. Any regulations of the Bureau establishing terms and conditions for contractors shall be approved as to form by the Corporation Counsel.

§ 13. Annual Report. The Bureau shall submit an annual report to the Mayor concerning its responsibilities under this Order.

§ 14. Separability. If any provision of this Order or the application thereof is held invalid, the remainder of this Order and the application thereof to other persons or circumstances shall not be affected by such holding and shall remain in full force and effect.

§ 15. Revocation of Prior Orders. Executive Orders No. 71 (1968), No. 20 (1970), No. 23 (1970), No. 27 (1970), No. 31 (1971), No. 74 (1973), No. 7 (1974), and No. 80 (1977) are hereby revoked and the first paragraph of Section 2 of Executive Order No. 4 (1978) is hereby deleted. Nothing in this Order shall be deemed to relieve any person of any obligation not inconsistent with this Order assumed or imposed pursuant to an Order superseded by this Order.

§ 16. Effective Date. This Order shall take effect immediately.


EDWARD I. KOCH
M A Y O R

EQUAL EMPLOYMENT OPPORTUNITY

This contract is subject to the requirements of Executive Order No. 50 (1980) as revised ("E.O.50") and the Rules and Regulations promulgated thereunder. No contract will be awarded unless and until these requirements have been complied with in their entirety. By signing this contract, the contractor agrees that it:

(1) will not engage in any unlawful discrimination against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability, marital status or sexual orientation with respect to all employment decisions including, but not limited to, recruitment, hiring, upgrading, demotion, downgrading, transfer, training, rates of pay or other forms of compensation, layoff, termination, and all other terms and conditions of employment;

(2) the contractor agrees that when it subcontracts it will not engage in any unlawful discrimination in the selection of subcontractors on the basis of the owner's race, color, creed, national origin, sex, age, disability, marital status or sexual orientation;

(3) will state in all solicitations or advertisements for employees placed by or on behalf of the contractor that all qualified applicants will receive consideration for employment without unlawful discrimination based on race, creed, color, national origin, sex, age, disability, marital status or sexual orientation, or that it is an equal employment opportunity employer;

(4) will send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or memorandum of understanding, written notification of its equal employment opportunity commitments under E. O. 50 and the rules and regulations promulgated thereunder; and

(5) will furnish all information and reports including an Employment Report before the award of the contract which are required by E. O. 50, the rules and regulations promulgated thereunder, and orders of the Director of the Bureau of Labor Services ("Bureau"), and will permit access to its books, records and accounts by the Bureau for the purposes of investigation to ascertain compliance with such rules, regulations, and orders.

The contractor understands that in the event of its noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, such noncompliance shall constitute a material breach of the contract and noncompliance with the E.O. 50 and the rules and regulations promulgated thereunder. After a hearing held pursuant to the rules of the Bureau, the Director may direct the imposition by the contracting agency held of any or all of the following sanctions:

- (i) disapproval of the contractor;
- (ii) suspension or termination of the contract;
- (iii) declaring the contractor in default; or
- (iv) in lieu of any of the foregoing sanctions, the Director may impose an employment program.

The Director of the Bureau may recommend to the contracting agency head that a Board of Responsibility be convened for purposes of declaring a contractor who has repeatedly failed to comply with E.O. 50 and the rules and regulations promulgated thereunder to be nonresponsible.

The contractor agrees to include the provisions of the foregoing paragraphs in every subcontract or purchase order in excess of \$50,000 to which it becomes a party unless exempted by E.O. 50 and the rules and regulations promulgated thereunder, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Director of the Bureau of Labor Services as a means of enforcing such provisions including sanctions for noncompliance.

The contractor further agrees that it will refrain from entering into any contract or contract modification subject to E.O. 50 and the rules and regulations promulgated thereunder with a subcontractor who is not in compliance with the requirements of E.O. 50 and the rules and regulations promulgated thereunder."



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Executive Order No. 108
December 29, 1986

Amendment of Executive Order No. 50
(April 25, 1980)

BUREAU OF LABOR SERVICES

By the power vested in me as Mayor of the City of New York,
it is hereby ordered:

Section 1. Prior Order Amended.

a. Section 6(a) of Executive Order No. 50, dated
April 25, 1980, is amended to read as follows:

"Submission Requirements. No contracting
agency shall enter into a contract with any
contractor unless such contractor's
employment report is first submitted to the
Bureau for its review. Unless otherwise
required by law, an employment report shall
not be required for the following:

(i) a construction contract in the
amount of less than \$1 million; a
construction subcontract in the amount of
less than \$750,000; or a supply and service
contract in the amount of \$50,000 or less
or of more than \$50,000 in which the
contractor employs fewer than 50 employees
at the facility or facilities involved in
the contract;

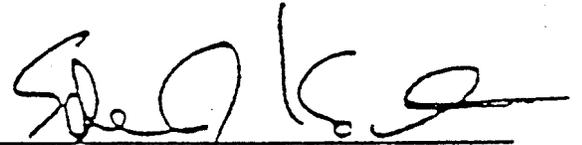
(ii) an emergency contract or other
exempt contract, except as the Bureau may
direct by regulation; and

(iii) a contract with a contractor who has received a certificate of compliance with the equal employment opportunity requirements of applicable law from the Bureau within the preceding twenty-four months, or an appropriate agency of the State of New York or of the United States within the preceding twelve months, except as the Bureau may direct by regulation."

b. Section 7(c) of such Order is amended to read as follows:

"On-the-job training of economically disadvantaged persons shall be required on all construction contracts covered by the submission requirements of this Order."

Section 2. Effective Date. This Order shall take effect immediately, but shall have no retrospective effect with respect to the two (2) year approval period provided for in Section 1(a) of this Order, amending Section 6(a) (iii) of Executive Order No. 50, dated April 25, 1980.



Edward I. Koch
M A Y O R



JUN 23 1986

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Executive Order No. 94
June 20, 1986

Amendment of Executive Order No. 50
(April 25, 1980)

BUREAU OF LABOR SERVICES

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Prior Order Amended.

a. Section 1 of Executive Order No. 50, dated April 25, 1980, is amended to read as follows:

"Purpose. It is the purpose of this Order to ensure equal employment opportunity in City contracting."

b. Section 3(i) of such Order is amended to read as follows:

"equal employment opportunity means the treatment of all employees and applicants for employment without unlawful discrimination as to race, creed, color, national origin, sex, age, disability, marital status or sexual orientation in all employment decisions, including but not limited to recruitment, hiring, compensation, training and apprenticeship, promotion, upgrading, demotion, downgrading, transfer, lay-off and termination, and all other terms and conditions of employment;"

c. Section 5(a) of such Order is amended to read as follows:

"Equal Employment Opportunity. A contracting agency shall include in every

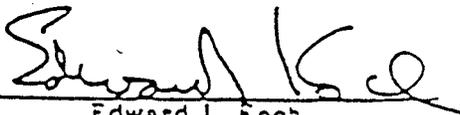
contract to which it becomes a party such provisions requiring the contractor to ensure equal employment opportunity as the Bureau may direct, consistent with this Order."

- d. Section 12 of such Order is amended to read as follows:

"Regulations. The Bureau shall promulgate such regulations, subject to the approval of the Mayor, as may be necessary to discharge its responsibilities under this Order, including regulations increasing the dollar amounts and number of employees referred to in this Order. Any regulations of the Bureau establishing terms and conditions for contractors shall be approved as to form by the Corporation Counsel.

Nothing contained herein shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting employment or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained. The regulations shall set forth this exemption for religiously-sponsored organizations and provide for the discharge of the Bureau's responsibilities in a manner consistent with such exemption."

Section 2. Effective Date. This Order shall take effect immediately.



Edward I. Koch
M A Y O R

EXHIBITS: PROPOSAL FORMS

- A. Completeness Checklist and Applicant's Letter**
- B. Proposal Summary**
- C. Development Team Information and Applicant Questionnaire**
- D. Development Experience and Current Workload**
- E. Individual's Property Listing**
- F. Assets Statement**
- G. Project/Design Narrative**
- H. Financing Proposal**
- I. Environmental Proposal**
- J. Design/Architectural Elements**
- K. Marketing Plan**
- L. Development Schedule**
- M. Additional Evidence of Experience and Qualifications**

EXHIBIT A: Completeness Checklist and Applicant's Letter

Form A1 – Completeness Checklist (Tab A)

Before completing the following forms, please see instructions in **Section VI (Submission Requirements)**.

Tab	Form	✓
	Completeness Checklist and Applicant's Letter (Exhibit A)	
A	1. Completeness Checklist	
	2. Applicant's Letter	
B	Proposal Summary (<i>to be provided by Applicant</i>)	
C	Development Team Information and Applicant Questionnaire (Exhibit C)	
	1. Development Team Information	
	2. Principal Questionnaire	
	3. Not-For-Profit Organization: Applicant Description	
	4. Not-For-Profit Organization: Directors, Officers, and Key Staff	
	5. Not-For-Profit Organization: Major Sources of Funding	
	6. Not-For-Profit Organization: Social Service Contracts	
D	Development Experience and Current Workload (Exhibit D)	
E	Individual's Property Listing (<i>to be provided by Applicant</i>)	
F	Ability to Finance (Exhibit F)	
	1. Assets Statement: Personal Information (or alternative statements)	
	2. Assets Statement: Statement of Financial Conditions (including Schedules A1, A2, B, and C) (or alternative statements)	
	3. Lender and Tax Credit Syndicator Letter(s) (<i>to be provided by Applicant</i>)	
G	Project/Design Narrative (description in Exhibit G, <i>to be provided by Applicant</i>)	
H	Financing Proposal (Exhibit H)	
	1. Townhouse Project Income and Affordability	
	2. Condo/Co-op Project Income and Affordability	
	3. Rental Project Income and Affordability	
	4. Purchase Price and Affordability Calculations	
	5. Rent and Affordability Calculations	
	6. Construction Period Uses of Funds	
	7. Construction Financing Sources	
	8. Permanent Financing Sources	
	9. Condo/Co-op Pro Forma Income and Expense Schedule	
	10. Rental Pro Forma Income and Expense Schedule	
	11. Permanent Supportive Housing Pro Forma Income and Expense Schedule	
I	Environmental Proposal (<i>to be provided by Applicant, if applicable</i>)	
J	Design/Architectural Documents (<i>to be provided by Applicant</i>)	
K	Marketing Plan (<i>to be provided by Applicant</i>)	
L	Development Schedule (<i>to be provided by Applicant</i>)	
M	Additional Evidence of Experience and Qualifications (including Design Team Portfolio, <i>to be provided by Applicant</i>)	

Form A2 – Applicant’s Letter (Tab A)

NYC Department of Housing Preservation and Development
Office of Development
Division of Planning and Pipeline Development
100 Gold Street, Room 9G-4
New York, NY 10038
Attention: Carolyn Zern

Re: Proposal in Response to RFP for Former Brig Site

Dear Ms. Zern:

This letter is being submitted in connection with my proposal (“Proposal”) submitted in response to the Request for Proposals (“RFP”) issued by the Department of Housing Preservation and Development (“HPD”) of the City of New York (“City”) for mixed-use development on Block 2033, Lot 1 (“Development Site”) in Brooklyn.

I have received, read, and understand the provisions of the RFP. I understand that selection of an Applicant (“Applicant”) under the RFP for disposition of the Development Site and the development of the Project described in the RFP (“Project”) will mean only that HPD will commence negotiations with such Developer regarding the development of the Development Site.

I recognize that any negotiations with HPD will be subject to the following terms and conditions:

1. The commencement of negotiations will not represent any obligation or agreement on the part of the City, which may only be incurred or entered into by a written agreement which has been (i) approved as to form by the City’s Law Department, (ii) approved by the Mayor after a hearing on due notice; and (iii) duly executed by the Applicant and the City. The Negotiation Letter will only indicate HPD’s intention to commence negotiations, which may ultimately lead to the execution of such an agreement.
2. The Applicant will not have permission to enter upon the Development Site, which permission will only be granted, if at all, in the form of a license agreement duly executed by the Applicant and the City. The execution of any such license agreement, if it occurs, will only indicate that the City has granted permission for the Applicant to enter onto the Development Site for the limited purposes stated in the scope of work set forth therein, and will not indicate that the City reached any other agreement with the Applicant regarding the Development Site or the Project.
3. The following requirements will have to be satisfied prior to the disposition of the Development Site:

The disposition of the Development Site and tax exemptions to be granted, if any, must be reviewed and approved in accordance with all applicable HPD and City policies, which include, but are not limited to, the following:

- a. The Applicant, any other potential grantee of the Development Site, and their respective Principals must successfully undergo a background check concerning their suitability to do business with the City.

- b. The Development Site will not be sold to any person or entity which, or to any entity with a Principal who: (i) has not fulfilled development responsibilities undertaken in connection with the City or other governmental entities, (ii) is in default on any obligations to the City, (iii) is a former owner of the Development Site, or (iv) has lost real property to the City in tax or lien enforcement proceedings.
 - c. The price and other terms for the disposition of the Development Site and the tax exemption(s) to be provided, if any, will be consistent with applicable City policies.
 - d. The grantee must execute legal documents in form and substance acceptable to HPD and in form approved by the City's Law Department.
4. During negotiations, the Applicant must diligently, competently, and expeditiously comply with all requirements communicated to the Applicant by HPD.
 5. The design of the Project must comply with any applicable HPD development requirements and guidelines.
 6. Either HPD or the Applicant may terminate negotiations at any time with or without cause. Negotiations will be terminated if Applicant does not commence construction within eighteen (18) months from the date of the Negotiation Letter.
 7. If negotiations are terminated by either HPD or the Applicant, whether with or without cause, or if negotiations terminate automatically, then neither the City nor the Applicant will have any rights against or liabilities to the other.
 8. The City is not obligated to pay, nor will it in fact pay, any costs or losses incurred by the Applicant at any time, including, but not limited to, the cost of: (i) any prior actions by the Applicant in order to respond to any selection process, or (ii) any future actions by the Applicant in connection with the negotiations, including, but not limited to, actions to comply with requirements of HPD, the City, or any applicable laws.

Very truly yours,

Signature

Title

Applicant

To be provided by Applicant

EXHIBIT C: Development Team Information and Applicant Questionnaire

Form C1 – Development Team Information (Tab C)

If the Applicant is a joint venture, a separate Applicant Questionnaire must be provided for each entity that comprises the joint venture, as identified below. If additional space is needed, please submit separate sheet(s), stating the question(s) being answered on each sheet. All responses must be typed.

1. Applicant Information

Name of Applicant: _____

Address: _____

Name of Contact for Applicant Entity: _____

Address: _____

Telephone: _____ Fax: _____

E-mail: _____

2. Composition of Applicant Entity

Is the Applicant a joint venture? Yes [] No []

If yes, list below each Principal (individual and/or organization) that comprises the joint venture. Include the names, addresses, telephone and fax numbers, e-mail addresses, and percentages of ownership of the proposed development.

Name/Organization	Address	Telephone/Fax/E-mail	% Ownership

3. Development Team Consultants

List below each consultant (individual and/or organization) that comprises the Development Team. Include the names, addresses, telephone and fax numbers, and e-mail addresses. The Development Team may include other Team Roles that are not listed below; please include all known Team Roles. If unknown, enter "N/A".

Team Role	Name/Organization	Address	Telephone/Fax/E-mail
General Contractor			
Architect			
Landscape Architect			
Engineer			
Managing Agent (Residential and/or Retail/Commercial)			
Marketing Agent (Residential and/or Retail/Commercial)			
Legal Counsel			
Other			
Other			
Other			

Form C2 – Principal Questionnaire (Tab C)

If a joint venture, a separate Principal Questionnaire must be provided for each individual and/or organization that comprises the Applicant Entity.

1. Principal Information

Name of Principal: _____

2. Individual/Organization Information

Provide the following information about all individuals that make up the Principal completing this questionnaire. State the role that each would play in the development of the Site, using the categories specified below. For corporations, provide the names of the officers and any shareholders owning 10% or more. For partnerships, provide the names of all general partners.

Name/Position/Title	Home Address	Role*	% Owned	Social Security #

*Role categories:

- GP = General/Managing Partner
- GC = General Contractor
- F = Provides Financing, Inactive
- A = Architect
- L = Legal Services
- MR = Marketing Agent, Residential
- MC = Marketing Agent, Retail/Commercial
- O = Other (specify)

3. References

For each of the following categories, provide the name, address, and telephone and fax numbers of at least three business references that we may contact regarding your experience. For each reference, identify the property or properties with which the individual is familiar.

- New Construction Experience
- Marketing Experience – Residential
- Leasing Experience – Retail/Commercial, Community/Institutional
- Management Experience
- Financial Capacity

4. Other

Has any individual identified in Section 2 of this questionnaire, or any organization in which the Individual is or was a general partner, corporate officer, or owned more than 10% of the shares of the corporation, been the subject of any of the following:

1. Arson conviction or pending case? Yes [] No []
2. Harassment complaint by the New York State Division of Rent Control or the New York State Division of Housing and Community Renewal? Yes [] No []
3. Had an ownership or management interest in a property that was taken in rem by the City or assigned by a judge of Landlord and Tenant Court to a 7A administrator or receiver? Yes [] No []
4. City mortgage foreclosure or currently more than 90 days in arrears on any City loan? Yes [] No []
5. Default on any contract obligation or agreement of any kind or nature entered into with the City or one of its agencies? Yes [] No []
6. In the past 10 years, failed to qualify as a responsible bidder, or refused to enter into a contract after an award has been made, privately or with any government agency? Yes [] No []
7. In the last 7 years, filed a bankruptcy petition or been the subject of involuntary bankruptcy proceedings? Yes [] No []
8. In the last 10 years, failed to file any required tax returns, or failed to pay any applicable Federal, State of New York, or City taxes or other charges? Yes [] No []
9. Been convicted of fraud, bribery, or grand larceny? Yes [] No []

If the answer to any question is yes, provide the following information about each instance: name(s) of individual(s), name(s) of organization(s) or corporation(s), individual's title(s) or role(s) in the organization (e.g. officer), date of the action(s), and current status and disposition.

Name of Principal: _____

Signature of Individual: _____

Print name and Title of Individual: _____

5. Certification

This certification must be signed by one of the individuals listed above. If the Applicant Entity is a joint venture, an individual representing each Principal of the joint venture must sign it.

I certify that the information set forth in this application and all attachments and supporting documentation is true and correct. I understand that the City of New York will rely on the information in or attached to this document and that this document is submitted to induce the City of New York to select this Proposal for development of the Site.

I understand that this statement is part of a continuing application and that until such time that the subject Project is finally and unconditionally approved by the City of New York, I will report any changes in or additions to the information herein, and will furnish such further documentation or information as may be requested by the City of New York or any agency thereof.

I understand that if I receive preliminary designation to develop this site, I must submit all additional disclosure forms required.

Name of Principal: _____

Signature of Individual: _____

Print Name and Title of Individual: _____

Name of Principal: _____

Signature of Individual: _____

Print Name and Title of Individual: _____

Name of Principal: _____

Signature of Individual: _____

Print Name and Title of Individual: _____

Form C3 – Not-For-Profit Organization: Applicant Description (Tab C)

This form should be completed for the not-for-profit organization that will develop, own, and manage the permanent supportive housing component. Attach additional pages as necessary for any additional not-for-profit organizations included in the Development Team.

Name of Applicant: _____

Name of Organization: _____

Office Address: _____

Executive Director: _____

Contact Person: _____ Title: _____

Phone: _____ Fax: _____

Describe Role of Organization in Project (e.g., Developer, Managing Agent, Marketing Agent, etc.):

Certification: I certify that the information set forth in this disclosure statement and its attachments is true and correct.

Signature of Officer

Print Name and Title

Date

EXHIBIT D: Development Experience and Current Workload

Form D – Development Experience and Current Workload (Tab D)

The most recent projects should be listed first. Additional pages may be attached as necessary.

Name of Principal or individual whose experience is described below: _____

	Project 1	Project 2
Project Name and Address		
Role (a)		
Type (b)		
Category (c)		
# of Buildings in Project		
# of Stories		
Total # of Units		
Retail Space (sq. ft.)		
Office Space (sq. ft.)		
Total Development Cost		
Start Date (month/year)		
Completion Date (month/year)		
Status (d)		
Government Program (e)		
Construction Lender (f)		
Permanent Lender (f)		
Marketing Method (g)		
Marketing Period (h)		
Initial Occupancy & 90% Leased (i)		
Management (j)		

- (a) **ROLE:** Indicate the role or roles you played in the development of each property listed. If developed as part of a joint venture, indicate such by adding JV to the respective role (e.g., D/JV).
D=Developer; B=Builder; GC= General Contractor; CM=Construction Manager; F=Provided Financing; O=Other (specify)
- (b) **TYPE:** Project Type: RH=Rental Housing; CH=Coop/Condo Housing; SF=Single Family Housing; O=Office; R=Retail; M=Mixed Use
- (c) **CATEGORY:** NC=New Construction; SR=Substantial Rehab; MR=Moderate Rehab
- (d) **STATUS:** Indicate if project is Pre=Pre-development; UC=Under Construction; Com=Completed
- (e) **GOVERNMENT PROGRAM:** Provide the name of the program, contact name, and telephone number.
- (f) **CONSTRUCTION/PERMANENT LENDER:** Provide the name of the institution.
- (g) **MARKETING METHOD:** Indicate if you marketed the project directly or used a marketing agent. Provide the name of the marketing agent used, if any.
- (h) **MARKETING PERIOD:** Provide the month/year for the start and completion of marketing.
- (i) **INITIAL OCCUPANCY & 90% LEASED:** Provide the month/year for the date of initial occupancy and the date that 90% of the project was under contract or leased.
- (j) **MANAGEMENT:** Indicate if you manage the project directly or use a property manager. Provide the name of the property manager used, if any. Indicate N/A if you no longer own the project.

EXHIBIT E: Individual's Property Listing

To be provided by Applicant

EXHIBIT F: Assets Statement

Form F1 – Personal Information (Tab F)

The Assets Statement must describe financial status within the last 12 months. The Assets Statement must be signed and dated.

Name of Principal or individual whose assets are described below: _____

Name: _____

Business Name: _____

Business Phone: _____

Marital Status: _____

Residence Address: _____

Business Address: _____

Position (Title) _____ Years of Service: _____

Salary: _____ Bonus/Commission: _____

Other Income: _____ Source: _____

Gross Life Insurance: _____

Beneficiaries: _____

Are you a defendant in any lawsuits or legal actions? If so, please describe:

Do you have any contingent liabilities? If so, please describe:

Form F2 – Statement of Financial Condition (Tab F)

Assets	Dollars (Omit Cents)	Liabilities	Dollars (Omit Cents)
Cash On Hand and in Banks		Notes Payable to Banks <i>Secured</i>	
Notes Receivable		Notes Payable to Banks <i>Unsecured</i>	
Real Estate <i>See Schedule A</i>		Notes Payable to Others <i>Secured</i>	
Mortgages Owned <i>See Schedule B</i>			
Marketable Securities <i>See Schedule C</i>		Notes Payable to Others <i>Unsecured</i>	
Cash Value of Life Insurance			
Other Assets* (Itemize)		Debt Balances in Margin	
		Accounts with Brokers	
		Loans Against Life Insurance	
		Mortgages on Real Estate <i>See Schedule A</i>	
		Other Liabilities (Itemize)	
Total Assets		Total Liabilities	
		Net Worth	

* Any interest in a closely held business must be documented by providing a current balance sheet for that business and stating the percent of interest held by the Applicant.

Schedule A2: Income From Properties

Property No. (Refer to Schedule A1)	1	2	3	4	5	6
Present Annual Gross Income Not Including Vacancies and Concessions						
Less Total Operating Expenses and Property Taxes						
Net Income						
Less Amortization and Income Payments						
Net Profit						
Net Rental Value of Present Vacancies						
Annual Rental Value of Space on which Lease Expires During Next Six Months						
Net Profit Last Year						
Amount & Classes of Insurance Carried						

List other encumbrances, debts, taxes, mortgage installments or interest past due:

List (circumstances of) any litigation or judgment(s) pending in connection with the above listed properties.

If additional room is needed, attach Supplemental Schedule A.

Schedule B: Mortgages Owned

List separately and check (✓) next to those pledged as collateral.

Mortgages Owned	Dollars (Omit Cents)	Collateral?

If additional room is needed, attach Supplemental Schedule B.

Schedule C: Marketable Securities

List separately and check (✓) next to those pledged as collateral.

Marketable Securities	Dollars (omit cents)	Collateral?

If additional room is needed, attach Supplemental Schedule C.

For the purpose of procuring and maintaining credit from time to time in any form whatsoever with you, the undersigned hereby represents the above to be a true and accurate Statement signed as of the date herein before set forth and agrees (I) that, if said Statement or any part thereof proves false or misleading in any particular, each and all of the obligation and/or liabilities of the undersigned of every kind to you, whether joint or several, primary or secondary, direct or contingent, shall, at your option, become immediately due and payable all without demand or notice of any kind and (II) that you will be notified promptly in writing of any materially unfavorable changes in the financial conditions herein set forth and, in the absence of such notice or the submission to you of a new and full written Statement that may be considered as a continuing Statement and substantially correct. Whenever the undersigned may apply to you for credit, and until a substitute Statement may have been submitted to you, this Statement shall have the same force and effect as if delivered at the time such further credit is requested.

Name of Principal: _____

Signature of Individual: _____ Date: _____

Print Name and Title of Individual: _____

EXHIBIT G: Project/Design Narrative

Applicants must provide a detailed narrative description outlining the proposed concept and methodology of the Project and include, among other things, the Applicant's approach to the Project, critical Project issues and problem solving techniques, primary design objectives of the Project intended to meet the standard of design and construction excellence described throughout this RFP (including approach to streetscape and minimizing the impact of off-street parking accommodations), level of engagement anticipated by the Applicant, and specific high performance and sustainable design opportunities appropriate for this Project. This description should identify:

- A rationale for the design concept chosen for the new development that includes circulation (private and public), new building configuration and lot coverages, heights, orientation and relationship to surroundings, primary building materials, major architectural features, and sustainable design elements
- Type, location, and total Project square footage (gross and saleable or rentable, including basement(s), if applicable), as well as total square footage breakdown for each use, of residential units, permanent supportive housing, retail/commercial space, community facilities, open space, and parking
- Type, number, and characteristics of the residential units, including unit distribution, number of bedrooms, approximate square footages, amenities, and pricing structures
- Cable/Internet and any other voice/data communications wiring and any design features incorporated into the residential units to facilitate live/work arrangements
- Number of units and characteristics of the permanent supportive housing component and Sponsor, including population to be served, proposed on-site services, service provider, description of Sponsor activities including past development and supportive housing projects, list of Sponsor's previous HPD projects and contracts from other City agencies, proposed community outreach, social services and other operating funding, other projected sources of development funding, Sponsor's program for facility operations, and outline cost estimate
- Detailed description of the relevant aspects of the retail/commercial and community facility components of the project, including size, expected uses (proposed commercial uses must be supported with tangible evidence of market demand), type and number of tenants, rental rate by size, and a list of potential and committed tenants for the proposed Project along with letters of interest and/or intent from tenants and lease terms
- Detailed description of construction methods, foundation type(s), and building systems for all new buildings
- Description and location of all mandatory infrastructure and other public improvements, including public and private open spaces, landscaping, and parking
- If applicable, a general discussion of the rationale for the proposed phasing of residential, retail/commercial, and community facility development and how this phasing plan is impacted by the requirements for providing infrastructure and other public improvements
- Description of how development complies with all zoning and other legal requirements
- Brief description and experience of Development Team Principals involved in the Project, including the role and experience of the not-for-profit partner
- Description of ownership structure (current and future) and financial agreements
- Employment generation analyses (construction and permanent jobs); affirmative steps to include local-, minority-, and women-owned business enterprises when issuing solicitations from subcontractors; and proposed wages (i.e., living or prevailing) for construction workers

This description should also address the following questions:

- How did you choose this design concept? Why is it appropriate?
- Where are there similar developments? How successful have they been?
- How will this plan effectively position the Development Site as a desirable location to live/work/shop/visit?
- How will the new residents of the Site:
 - Get the goods and services they need?
 - Get to and from their place of employment?
 - Interact with each other?
 - Access public and open space and amenities?
- What type of jobs will be provided at the Site? How will this positively impact the surrounding community?

Applicants should provide any additional pertinent information that is not addressed above.

EXHIBIT H: Financing Proposal

Form H1 – Townhouse Project Income and Affordability (Tab H)

Financing outlined below must reflect the guidelines outlined in **Section VII (Submission Requirements)**.

Residential Gross Square Feet:					
Housing Type	# of Units	# of Rooms	Avg. sq. ft. per Unit	Affordability (% of AMI)	Average Sales Price
1-Family					
2-Family					
3-Family					
4-Family					
Other					
Total					

Complete below table for each type of townhouse.

Residential Gross Square Feet:						
Average Sales Price:						
Unit Size	# of Units	# of Rooms	Avg. sq. ft. per Unit	Affordability (% of AMI)	Rental Income*	Monthly Housing Expenses*
Studio						
1 BR						
2 BR						
3 BR						
Other Type						
Other Type						
Total						

* On a separate page, briefly describe how the monthly mortgage payment, other housing expenses, and rental income were calculated. Use assumptions from **Section VII.C. (Contents of Proposal and Tabbing)** and include additional assumptions regarding the end loan interest rates, downpayment requirements, mortgage terms, taxes, insurance, and housing expense ratios.

Form H2 – Condo/Co-op Project Income and Affordability (Tab H)

Financing outlined below must reflect the guidelines outlined in **Section VII (Submission Requirements)**.

Ownership Type: [] Condo [] Co-op

Residential

Residential Gross Square Feet: _____

Residential Saleable Square Feet: _____

Unit Size	# of Units	# of Rooms	Avg. sq. ft. per Unit	Affordability (% of AMI)	Avg. Sales Price	A	B	C	Total Monthly Housing Cost (sum of columns A, B, and C)	Total Annual Revenue to Co-op/Condo***
						Owner Monthly Mortgage Payment*	Monthly Utilities (Gas and Electric)	Maintenance to Condo/Co-op**		
Studio										
1 BR										
2 BR										
3 BR										
Other Type										
Other Type										
Super										
Total										

* On a separate page, briefly describe how the monthly mortgage payment, other housing expenses, and rental income were calculated. Use assumptions from **Section VII.C. (Contents of Proposal and Tabbing)** and include additional assumptions regarding the end loan interest rates, downpayment requirements, mortgage terms, taxes, insurance, and housing expense ratios.

** Maintenance payments to the Condo/Co-op should include debt service on any underlying mortgage.

*** # of units x Maintenance x 12

Retail/Commercial and Community

	Retail/Commercial	Community	Total
Gross Square Feet			
Rentable Square Feet			
Average Annual Rent per Square Foot			
Gross Annual Rent			
		Less 10% Vacancy	
		Total Annual Rent	

Parking

	Retail/Commercial/Community	Residential	Total
Number of Spaces			
Purchase or Average Annual Rent Price per Space			
Gross Annual Rent (if applicable)			
		Less 10% Vacancy (if applicable)	
		Total Annual Rent (if applicable)	

Form H3 – Rental Project Income and Affordability (Tab H)

Financing outlined below must reflect the guidelines outlined in **Section VII (Submission Requirements)**.

Residential

Residential Gross Square Feet:						
Residential Rentable Square Feet:						
Unit Size	# of Units	# of Rooms	Avg. sq. ft. per Unit	Affordability (% of AMI)	Avg. Monthly Net Rent per Unit	Annual Rent
Studio*						
1 BR						
2 BR						
3 BR						
Permanent Supportive Housing Units						
Other Type						
Other Type						
Super						
Total						
					Less 5% Vacancy	
					Total Annual Rent	

* Do not include Permanent Supportive Housing units in this row. Include these units separately in indicated row.

Retail/Commercial and Community

	Retail/Commercial	Community	Total
Gross Square Feet			
Rentable Square Feet			
Average Annual Rent per sq. ft.			
Gross Annual Rent			
		Less 10% Vacancy	
		Total Annual Rent	

Parking

	Retail/Commercial/Community	Residential	Total
Number of Spaces			
Avg. Annual Rent per Space			
Gross Annual Rent			
		Less 10% Vacancy	
		Total Annual Rent	

Form H4 – Purchase Price and Affordability Calculations (Tab H)

Financing outlined below must reflect the guidelines outlined in **Section VI (Submission Requirements)**. Purchase price and affordability levels must be calculated using the assumptions included in the tables below. Percent AMI affordability for given purchase prices must be calculated using the formulas in the tables below.

Provide calculations on separate worksheets for each unit model type, including unit count, room counts, and net square footages of living space.

Unit Count: _____ Room Count: _____ Net SF Living Space: _____

		Assumptions	Calculation
A	Unit Price		
B	Down Payment	10%	$A \times .1$
C	Mortgage Finance Basis		$A - B$
D	Annual Fixed Interest Rate	7%	
E	Length of Mortgage Term in Years	30	
F	Monthly Payment Principal and Interest		PMT Calculation
G	Monthly Maintenance Charges	Include monthly taxes for co-ops only, including assumptions for any proposed tax exemptions.	
H	Monthly Taxes (condos only) and Insurance	Include assumptions for any proposed tax exemptions.	
I	Total Monthly Gross Payment (PITI)		$F + G + H$
J	Total Annual Gross Payment		$I \times 12$
K	Percent of Income to Housing Deemed Affordable	33%	$J / .33$
L	Area Median Income for Purposes of Purchase Calculations	\$70,900 (NYC AMI for a family of four)	$K / 70,900$
M	Household Factor	See table below for appropriate household size	
N	% AMI Affordability		L / M

Apartment Size	Household Size	Household Factor
0-BR	1	.7
1-BR	1.5	.75
2-BR	3	.9
3-BR	4.5	1.04
4-BR	6	1.16
5-BR	7.5	1.28

Form H5 – Rent and Affordability Calculations (Tab H)

Financing outlined below must reflect the guidelines outlined in **Section VI (Submission Requirements)**. All rents by apartment size and affordability levels must be calculated using the assumptions and formulas included in the tables below. Reference the table below for household factors and utility allowances.

Provide calculations on separate worksheets for each unit model type, including unit count, room counts, and net square footages of living space.

Unit Count: _____ Room Count: _____ Net SF Living Space: _____

		Assumptions	Calculation
A	Household Factor	See table below for appropriate household size	
B	Area Median Income for Purposes of Rent Calculations	\$70,900 (NYC AMI for a family of four)	A x 70,900
C	% AMI Affordability		B x % AMI
D	Percent of Income to Housing Deemed Affordable	30%	C x .3
E	Total Monthly Gross Rent		D / 12
F	Utility Allowances	See table below for appropriate electricity and gas allowances by household size	
G	Total Monthly Net Rent to Development		E – F

Apartment Size	Household Size	Household Factor	Electricity Allowance	Gas Allowance
0-BR	1	.7	\$44	\$16
1-BR	1.5	.75	\$48	\$18
2-BR	3	.9	\$54	\$20
3-BR	4.5	1.04	\$62	\$20
4-BR	6	1.16	\$69	\$20
5-BR	7.5	1.28	\$69	\$20

Form H6 – Construction Period Uses of Funds (Tab H)

Complete separate forms for total development and each component that will be separately financed. Attach a detailed explanation of all assumptions used in calculations.

	Amount
I. PROPOSED CASH PURCHASE PRICE	\$1
II. HARD COSTS	
Contractor's Price for Residential Component	
Contractor's Price for Retail/Commercial/Community Component	
Hard Cost Contingency @ ____%	
TOTAL HARD COSTS	
III. SOFT COSTS	
A. Financing Costs	
Construction Interest	
Bank Commitment Fee	
Bank Letter of Credit Fee	
Bank Mortgage Insurance Premium	
Bond Issuance	
Negative Arbitrage	
Partnership Publication Fee (if utilizing LIHTC)	
Partnership Management Fee (if utilizing LIHTC)	
Cost Certification (if utilizing LIHTC)	
Other:	
Other:	
B. Pre-Construction Costs	
Appraisal	
Surveys	
Borings	
Title and Recording	
Mortgage Recording Tax	
Mortgage Insurance Premium	
Real Estate Taxes	
Water & Sewer, Utilities	
Permits & Fees (including tax exemption filing fee)	
Insurance	
Bonding/Letter of Credit	
Other:	
C. Professional Fees	
Architect & Engineer	
Landscape Architect/Urban Designer	
Lender Engineering Fee	
Environmental Services (CEQRA)	
Borrower Legal	
Lender Legal	
Syndication Legal (if utilizing LIHTC)	
Accounting	
Other:	
D. Sales/Lease-Up Costs	
Marketing / Sales	
Transfer Taxes (City and State)	
Other:	
Lease-Up/Start-Up Expenses (for permanent supportive housing)	

Furniture and Fixtures (for permanent supportive housing)	
Operative Reserve (if utilizing LIHTC)	
TOTAL SOFT COSTS	
IV. DEVELOPER FEE	
V. TOTAL DEVELOPMENT COST	

Form H7 – Construction Financing Sources (Tab H)

	Amount			
Equity		Description of Equity Source		
Cash Equity				
Other Equity Source				
Other Equity Source				
Total Equity				
Loans		Lender	Rate	Term
Bank Construction Loan				
2 nd Construction Loan				
3 rd Construction Loan				
Total Loans				
Total Sources of Funds*				

*This amount should be equal to the Total Development Cost.

Form H8 – Permanent Financing Sources (Tab H)

If the residential development is financed separately from the retail/commercial/community development, please estimate the retail/commercial/community Total Development Cost, and complete Permanent Sources of Financing for the residential component and Permanent Sources of Retail/Commercial/Community Financing for the retail/commercial/community component.

If the residential and retail/commercial/community components are financed together, only complete Permanent Sources of Financing.

Permanent Sources of Financing

	Amount			
Sales Proceeds				
Equity	Description of Equity Source			
Cash Equity				
Other Equity Source				
Other Equity Source				
Total Equity				
Loans		Lender	Rate	Term
Bank 1 st Mortgage				
2 nd Mortgage				
Other				
Total Loans				
Total Sources of Funds*				

*This amount should be equal to the Total Development Cost.

Permanent Sources of Retail/Commercial/Community Financing

	Amount			
Estimated Retail/Commercial/Community Total Development Cost				
Equity	Description of Equity Source			
Cash Equity				
Other Equity Source				
Other Equity Source				
Total Equity				
Loans		Lender	Rate	Term
Bank Permanent Loan				
2 nd Permanent Loan				
3 rd Permanent Loan				
Total Loans				
Total Sources of Funds*				

*This amount should be equal to the Estimated Retail/Commercial/Community Total Development Cost.

Form H9 – Condo/Co-op Pro Forma Income and Expense Schedule (Tab H)

Attach a detailed explanation of all assumptions used in calculations.

	Amount	Per DU	Per Room
I. REVENUES			
Gross Residential Income (This amount must correspond to estimates for Total Annual Revenue in Financing Proposal Form H2.)			
Less Vacancy @ _____%			
Net Residential Income			
Gross Retail/Commercial Income (This amount must correspond to estimates for Gross Income in Financing Proposal Form H3.)			
Less Vacancy @ _____%			
Net Retail/Commercial Income			
Laundry Income			
Parking Income			
Other Income:			
EFFECTIVE GROSS INCOME			
II. EXPENSES			
Janitorial/Cleaning Supplies			
Repairs & Replacements			
Painting			
Grounds Maintenance			
Heating			
Cooking Gas & Electric			
Office Supplies & Equipment			
Elevator Maintenance & Repairs			
Superintendent & Maintenance Staff Salaries			
Security @ _____ hours/day			
Management Fee			
Legal & Accounting/Auditing			
Fire/Liability Insurance			
Real Estate Taxes			
Water & Sewer Charges			
Capital Replacement Reserve			
Other (identify)			
TOTAL EXPENSES			
NET OPERATING INCOME			
III. DEBT SERVICE			
First Mortgage @ _____ DCR			
TOTAL DEBT SERVICE @ _____ DCR			
IV. TOTAL EXPENSES + TOTAL DEBT SERVICE			
V. NET CASH FLOW (NOI less TOTAL DEBT SERVICE)			

Form H10 – Rental Pro Forma Income and Expense Schedule (Tab H)

Attach a detailed explanation of all assumptions used in calculations.

	Amount	Per DU	Per Room
I. REVENUES			
Gross Residential Income (This amount must correspond to estimates for Total Annual Revenue in Financing Proposal Form H3.)			
Less Vacancy @ _____%			
Net Residential Income			
Gross Retail/Commercial Income (This amount must correspond to estimates for Gross Income in Financing Proposal Form H3.)			
Less Vacancy @ _____%			
Net Retail/Commercial Income			
Laundry Income			
Parking Income			
Other Income:			
EFFECTIVE GROSS INCOME			
II. EXPENSES			
Janitorial/Cleaning Supplies			
Repairs & Replacements			
Painting			
Grounds Maintenance			
Heating			
Cooking Gas & Electric			
Office Supplies & Equipment			
Elevator Maintenance & Repairs			
Superintendent & Maintenance Staff Salaries			
Security @ _____ hours/day			
Management Fee			
Legal & Accounting/Auditing			
Fire/Liability Insurance			
Real Estate Taxes			
Water & Sewer Charges			
Capital Replacement Reserve			
Other (identify)			
TOTAL EXPENSES			
NET OPERATING INCOME			
III. DEBT SERVICE			
First Mortgage @ _____ DCR			
Second Mortgage			
Third Mortgage			
TOTAL DEBT SERVICE @ _____ DCR			
IV. TOTAL EXPENSES + TOTAL DEBT SERVICE			
V. NET CASH FLOW (NOI less TOTAL DEBT SERVICE)			

Form H11 – Permanent Supportive Housing Pro Forma Income and Expense Schedule (Tab H)

Please refer to the SHLP **Development Guidelines** in **Appendix B (Permanent Supportive Housing Information and Guidelines)** for development and operating budgets. Attach a detailed explanation of all assumptions (i.e., subsidies, social service expenses, etc.) used in calculations.

	Amount	Per DU
I. REVENUES		
Gross Residential Income (This amount must correspond to estimates for Total Annual Revenue in Financing Proposal Form H3.)		
Less Vacancy @ _____%		
Net Residential Income		
Laundry Income		
Other Income:		
EFFECTIVE GROSS INCOME		
II. EXPENSES		
Janitorial/Cleaning Supplies		
Repairs & Replacements		
Painting/Decorating		
Grounds Maintenance		
Heating		
Cooking Gas & Electric (master meter)		
Office Supplies & Equipment		
Elevator Maintenance & Repairs		
Superintendent & Maintenance Staff Salaries		
Security @ _____ hours/day		
Management Fee		
Legal & Accounting/Auditing		
Fire/Liability Insurance		
Real Estate Taxes		
Water & Sewer Charges		
Capital Replacement Reserve		
HVAC and Fire System Maintenance Contracts (if applicable)		
Social Services		
Other (identify)		
TOTAL EXPENSES		
NET OPERATING INCOME		
III. DEBT SERVICE	\$0	\$0
IV. TOTAL EXPENSES + TOTAL DEBT SERVICE		
V. NET CASH FLOW (NOI less TOTAL DEBT SERVICE)		

EXHIBIT I: Environmental Proposal

To be provided by Applicant, if applicable

EXHIBIT J: Design/Architectural Documents

To be provided by Applicant

EXHIBIT K: Marketing Plan

To be provided by Applicant

EXHIBIT L: Development Schedule

To be provided by Applicant

EXHIBIT M: Additional Evidence of Experience and Qualifications

To be provided by Applicant