

## adAPT NYC RFP Addendum 1

### Pre-Submission Conference

1. **Q: Where can we find a recording of this Q& A session? Will the presentations be uploaded separately and the taped presentation be uploaded on YouTube?**

A: The questions from the pre-submission conference questions and answers are found in this addendum and are posted on the adAPT website: [www.nyc.gov/hpd/adAPT](http://www.nyc.gov/hpd/adAPT). Questions raised after the conference and through August 14<sup>th</sup> will be posted as a second RFP addendum. The pre-submission conference was recorded and a link for the video can also be found on the adAPT website.

2. **Q: Will the presentation given at the pre-submission conference be made public?**

A: The presentation given at the pre-submission conference and the video of the conference are both available at the adAPT website ([www.nyc.gov/hpd/adapt](http://www.nyc.gov/hpd/adapt)).

### Team

3. **Q: Is there a way to be put on a list of interested architects who may want to be teamed up with interested developers for the adAPT NYC RFP?**

A: A list of all those who attended or joined the pre-submission conference and indicated that they would like to share their information is included in this addendum and has been published on the adAPT NYC website ([www.nyc.gov/hpd/adapt](http://www.nyc.gov/hpd/adapt)).

4. **Q: Must teams contain an architect that is registered in the United States?**

A: At the time of submission for the RFP, teams do not need to include an architect registered in the United States. However, the selected Development Team should keep in mind that the Department of Buildings requires that filing for building permits be done by a New York State registered architect or a New York State licensed engineer.

5. **Q: Can you clarify the Comparable Development Experience requirement?**

A: It is a Threshold requirement that at least one Principal of the Applicant has completed, as Principal, a new construction project of at least 75 residential units within the past 7 years. Competitive selection criteria will be used to evaluate that previous development experience beyond the Threshold Criteria, including extent of the Applicant's experience in terms of number, size, type, and scale of projects completed in the last 7 years.

6. **Q: Can an architecture firm submit by itself? Is the city looking for a developer/ architect team that can finance the entire project?**

A: The Development Team must include at a minimum a developer, architect, contractor, managing agent and a marketing agent. Applicants must meet the Threshold Requirements for submission, stated in Section IV. of the adAPT Request For Proposals (RFP), including comparable development experience, comparable management experience, and ability to finance. The Development Team will be responsible for designing, financing and building the project.

7. **Q: Will you accept design proposals that are not affiliated with any particular developer and/or contractor?**

A: All proposals must include a developer. In order for a submission to be considered, it must meet all of the submission requirements detailed in Section V., Submission Requirements of the RFP which include both architectural proposals as well as financing proposals, among other requirements. Only complete submissions will be evaluated.

8. **Q: Does the (75) units have to be all within one development, or can it be comprised of buildings with fewer units but when totaled up equals (75) or more?**

A: The 75 units should be in one development.

- 9. Q: Is there any leniency to the developer threshold requirements? Will a developer with less than (75) residential unit experience in either construction or management be considered?**

A: We would like to see teams that meet or approximate meeting the Comparable Development Experience. If you have experience that does not exactly match the criteria, you may put together a summary of the Development Team's experience and justify how it is capable of executing this project.

- 10. Q: The proposal requires developers to have experience in mixed income development. Do you see loosening that up a bit to open this up to more applicants?**

A: One of our goals for this project is to enhance affordability. If you do not have experience with mixed-income development, please provide a summary of your experience with your proposal submission and we will consider it.

### **Site**

- 11. Q: What lead to the picking of this particular site for development?**

A: The site was picked based on a number of criteria including its prime location and proximity to public transportation. In addition, the site had to be city-owned in order to obtain a zoning override and there are few HPD sites left that are available to be developed.

- 12. Q: What are the site dimensions? Is there a site survey?**

A: The site is approximately 45 ft by 105 ft. No survey has been done, but a tax lot map is included in this addendum for your reference.

- 13. Q: If we want to purchase air rights from NYCHA, to what degree of completion would such a deal have been taken? Would an option have to be signed with NYCHA, or can a proposal be submitted assuming an air rights transfer (at market rate, of course)**

A: For proposals assuming air rights from NYCHA, an option would need to be signed in order for the proposal to be considered.

- 14. Q: Has 27th Street been de-mapped?**

A: No, East 27th Street is a mapped street. It is closed to automobile traffic.

- 15. Q: Is 27th Street under the jurisdiction of DOT or DPR?**

A: It is under the jurisdiction of DOT and is maintained by DPR.

- 16. Q: Will DPR open 27th street to 24-hour access and/or will it grant a right-of-way?**

A: The East 27<sup>th</sup> Street pedestrian walkway is closed at night. Currently, the Department of Parks and Recreation, which maintains the walkway, has no plans to keep the walkway open overnight. It is possible that this policy could change in the future. No vehicles are allowed on the walkway except for Parks or other City agency vehicles.

- 17. Q: What is the distance between the lot line and the existing NYCHA housing?**

A: We do not have a survey that can accurately provide this information. If this information is relevant to you design, you may arrange for a survey or use other data to determine this distance.

- 18. Q: What is the purpose of the equipment that is now located on the site?**

A: The site is currently used for parking, but will be delivered vacant at the time of closing.

- 19. Q: Is district heating / steam / water available on the site?**

A: Municipal services will be accessible from the site.

- 20. Q: Is the site an interior lot or corner lot? The indicative plans in the brief indicate a 30ft rear open space control which seems to only apply if the site were an interior lot.**

A: The site is a corner lot. The 30-foot open area in the illustration is not actually a rear yard. No rear yards are required because the lot is a corner lot and the portion of the lot beyond 100 feet of intersecting streets does not generate a rear yard requirement per 23-471 (c). The 30-foot open area is present to illustrate compliance with 23-861, which establishes the minimum distance between legal windows and a side or rear lot line.

**21. Q: Aerial maps show the site boundary as extending out to the street edge, with the footpath of Mount Carmel Pl and E 27<sup>th</sup> St within the site boundary. Is this the case?**

A: That is not the case. A tax lot map is included in this addendum for your reference.

### **Environmental**

**22. Q: Are there any existing environmental, archaeological, geo-tech or other reports related to the site? If so, when will the City make these available?**

A: No such reports are currently available.

**23. Q: Has there been any environmental testing done on the site?**

A: No, a Phase I Environmental Site Assessment has not been prepared for the site. It will be the selected Developer's responsibility to provide a Phase 1 study, among other potential environmental documentation referenced in the RFP.

### **Design/Zoning**

**24. Q: Is there a parking requirement?**

A: There is no parking requirement for this development.

**25. Q: Will proposals for the adAPT NYC RFP need to comply with uniform federal accessibility standards (UFAS)? How will ADA compliance be considered for the design of the micro-units?**

A: The Development Team must ensure the project is designed and constructed in compliance with all laws regarding accessibility for people with disabilities, including but not limited to the New York City Building Code, the federal Fair Housing Act, the Americans With Disabilities Act and Section 504 of the Rehabilitation Act of 1973 with universal federal accessibility standards (UFAS).

**26. Q: How closely will you look at units regarding ADA guidelines and constructability?**

A: We are looking for proposals that can *actually* be built, therefore it is necessary that the proposals be, and demonstrate that they are, buildable. The proposals must also comply with the federal ADA requirements. The plans that were distributed along with the RFP were meant to be illustrative. We are eager to see your ADA-compliant solutions to the micro-unit design, improved upon from the illustrative plans.

**27. Q: Zoning regulations are being relaxed, are there any other parameters being relaxed? Are you looking for both conforming bid and non-confirming bids?**

A: Zoning overrides will be available for density (23-22) and for minimum unit size (28-21) 400 sf if developed as a Quality Housing building. The availability of additional zoning overrides should not be assumed. However, if the applicant demonstrates a strong need for additional overrides to achieve the project goals, it will be considered. Zoning overrides for maximum floor area, or FAR, will not be available.

**28. Q: Is there a height control for the requirement of fire sprinklers? For example, in Australia, if a buildings top floor level is below 25m high sprinklers are not required. Is there a max floor to ceiling height without a sprinkler system implemented?**

A: The triggers for requiring a sprinkler system can be found in Chapter 9 of the 2008 New York City Building Code ([http://www.nyc.gov/html/dob/html/codes\\_and\\_reference\\_materials/construction\\_code.shtml](http://www.nyc.gov/html/dob/html/codes_and_reference_materials/construction_code.shtml)).

Virtually all newly constructed residential buildings containing multiple dwelling units, regardless of building height or ceiling height, are required to be fully sprinklered.

**29. Q: Is there any green initiative FAR bonus for the use of green technology?**

A: No. The city does not have a zoning incentive program for building green features. To learn more about how zoning regulations facilitate building green features, go to <http://www.nyc.gov/html/dcp/html/greenbuildings/index.shtml>.

**30. Q: Do the various accessibility laws and regulations preclude the provision of a legal loft bed or mezzanine in a Micro-unit?**

A: Where a code-compliant loft or mezzanine is provided for sleeping purposes, and equivalent functional facilities (sleeping areas) are also provided on the designated accessible level below in accordance with Section 1107.2.5 of the 2008 New York City Building Code, such loft or mezzanine need not comply with the accessibility requirements of such code. However, for the units that are subject to Section 504 of the Rehabilitation Act of 1973 (see above answer), the applicable accessibility standards (the Uniform Federal Accessibility Standards (UFAS) do not contain similar exceptions for a loft or mezzanine.

**31. Q: Can some non-accessible bathrooms be designed with showers instead of bathtubs, without triggering the dimensional requirements of a fully accessible bathroom?**

A: All bathrooms in all dwelling units are subject to accessibility requirements. Showers are permitted to serve as bathing fixtures but they must comply with accessibility requirements in various laws and regulations.

**32. Q: Would the rear yard requirements apply to the property if there were no windows?**

A: There are no legally required windows on one side of the lot. You are correct that there would be no 30-foot requirement for open space on the lot if no legal windows were interior to the lot. However, keep in mind that other regulations, such as lot coverage, also apply.

**33. Q: Are there quality housing requirements?**

A: No, the site is zoned R8. The project can be built under Quality Housing regulations or Height Factor regulations. The respondents should follow the RFP Design Guidelines, which include some Quality Housing features.

**34. Q: Is there any limitation to the height of the units?**

A: No, R8 zoning allows for a sky exposure plane but loft space, per chapter 12 of the building code, requires light, air and egress for any mezzanine level. Keep in mind that there are additional requirements for lofts and mezzanines, which are outlined in the HPD guidelines, among which are height requirements, egress for mezzanine, etc. These spaces may also count towards floor area ratio.

**35. Q: Given the nature of the experimental project is there any flexibility to the “should/must” language of the HPD room spaces?**

A: The new experimental piece of the project is that a minimum of 75% of the total units must be micro units. As stated in the RFP, the adAPT Design Guidelines supercede the HPD Design Guidelines for New Construction in the areas where they are in conflict. If there is no conflict then the HPD Design Guidelines should be followed. Deviations from the HPD Design Guidelines may be considered if strong justification is provided.

**36. Q: At the moment, the site is on a narrow street. Would the presence of the playground across the street allow it to be considered a wide street so it could have a larger FAR?**

A: No, it would not be considered a wide street. Zoning overrides will be available for density (23-22) and for minimum unit size (28-21) 400 sf if developed as a Quality Housing building. The availability of additional zoning overrides should not be assumed. However, if the applicant demonstrates a strong need for additional overrides to achieve the project goals, it will be considered. Zoning overrides for maximum floor area, or FAR, will not be available.

**37. Q: If a sleeping loft is proposed above a kitchenette, is the underside of the loft deemed to be a ceiling or a soffit? What type of fire rating would apply? If the sleeping loft is freestanding (i.e., removable and not attached to the wall) what regulations apply, if any?**

A: A sleeping loft is considered a habitable room and is required to comply with natural light and ventilation, minimum height and area, and egress requirements in Chapters 12 and 10 of the 2008 New York City Building Code. In addition, the floor area of such sleeping lofts is counted as floor area under the New York City Zoning Resolution. When a kitchenette is placed below a code-compliant sleeping loft, provided the space above and below such sleeping loft is fully sprinklered as required by code, no fire-resistance-rating is required for the floor of the sleeping loft. All of the above requirements apply to any other sleeping loft that is freestanding, removable, or not attached to the wall. Note that removable sleeping loft may affect the locations, coverage, and installations of the sprinkler system. Unless otherwise exempted by the Building Code, the entire dwelling unit must remain protected by the sprinkler system. Sleeping lofts that are purchased as furniture similar to other furniture commonly found in a living room or bedroom are considered furniture and not subject to the Building Code when placed within a dwelling unit.

**38. Q: Will HPD Design Guidelines, especially those contained in “Section III. Apartment Planning,” (kitchens, baths and storage) apply? Will HPD Design Guidelines with respect to unit size apply to non-Micro and/or market rate units?**

A: Proposals should closely adhere to the adAPT NYC guidelines in Part III, Section D, “Design Guidelines.” In any instance of conflict, the adAPT Design Guidelines should supersede the HPD Design Guidelines for New Construction included as Appendix B. HPD Design guidelines do not apply to the market rate units.

**39. Q: Will the Micro-unit Design Guidelines supersede Section 23.22 of the Zoning Resolution regarding maximum dwelling units permitted in an R8 district?**

A: Yes, there will be a zoning override for Section 23-22 regarding maximum density of dwelling units.

**40. Q: Is the design required to adhere to all requirements by FHA 24 CFR 100.205 (Fair Housing Act Regulations for adaptable kitchens and bathrooms)?**

A: Yes. The building must comply with the accessibility requirements of the Fair Housing Act (FHA), which applies to common areas and all dwelling units in a building with 4 or more units served by an elevator. For further information on FHA requirements, including information on the applicable design and construction standards, see Section 804(f)(3)(C) of the Fair Housing Act (42 U.S.C. 3604(f)(3)(C)) and implementing regulations at 24 CFR 100.205, or visit (<http://www.fairhousingfirst.org>) or call (888)341-7781.

As HPD is a recipient of federal funding, the building must also comply with Section 504 of the Rehabilitation Act of 1973, which requires that 5% of the total number of units be made accessible for persons with mobility impairments and an additional 2% be made accessible for persons with hearing or vision impairments. For further information on Section 504, including information on the applicable design and construction standards, see 24 CFR Sections 8.22 and 8.32.

The public and common areas of the building that are open to the general public must also meet the design and construction requirements of the Americans With Disability Act (ADA). For further information on the ADA, please visit <http://www.ada.gov>.

In addition to the applicable federal requirements, the building must also meet the accessibility standards required by Chapter 11 of the 2008 New York City Building Code, which requires 100% of the units to contain adaptive features within the units and accessible features in all common use areas and entrances. For further information on Chapter 11, please visit ([http://www.nyc.gov/html/dob/html/codes\\_and\\_reference\\_materials/construction\\_code.shtml](http://www.nyc.gov/html/dob/html/codes_and_reference_materials/construction_code.shtml))

In cases where conflicting requirements exist in the accessibility laws and regulations, the Developer Team is responsible for complying with the most stringent requirements.

**41. Q: Is a Murphy bed and other free-standing multi-purpose cabinetry considered furniture to be purchased by the tenant, or, if shown in the proposed furniture layout (as is illustrated in the Micro-unit Design Guidelines) must these be provided by the developer?**

A: The Development Team will not be responsible for providing furniture for the units. A Murphy bed and multi-purpose cabinetry, for example, are considered furniture.

**42. Q: The illustrative building layout from the RFP indicates a “possible roof deck/garden above ground floor use below” within the 30’ rear yard setback required by the zoning code 23-47 (in all districts, as indicated, a “rear yard” with a depth of not less than 30 feet shall be provided at every “rear lot line”), does it fall into one of the “exception” rules to have a rear yard setback start above a certain height?**

A: The 30-foot open area in the illustration is not actually a rear yard. No rear yards are required because the lot is a corner lot and the portion of the lot beyond 100 feet of intersecting streets does not generate a rear yard requirement per 23-471 (c). The 30-foot open area is present to illustrate compliance with 23-861, which establishes the minimum distance between legal windows and a side or rear lot line.

**43. Q: According to article 1 chapter 2 of NYC zoning code, a Rear Lot Line is defined as the following, Lot line, rear (12/15/61) - A "rear lot line" is any #lot line# of a #zoning lot# except a #front lot line#, which is parallel or within 45 degrees of being parallel to, and does not intersect, any #street line# bounding such #zoning lot#. Since the adAPT site is a corner site, does this entail that the site does not have a rear lot line? Thus no rear yard requirement?**

A: The site is a corner lot. No rear yards are required because the lot is a corner lot and the portion of the lot beyond 100 feet of intersecting streets does not generate a rear yard requirement per 23-471 (c). However, the building needs to comply with 23-861, which establishes the minimum distance between legal windows and a side or rear lot line.

**44. Q: When you refer to adAPT NYC as a potential model for future use, does that mean the design should focus on serving as a model?**

A: The idea is that we want a scalable and replicable model. This RFP is for a project that will be built at the site on 27<sup>th</sup> street.

**45. Q: Will there be a variance on the maximum number of units and the density requirements?**

A: Zoning overrides will be available for density (23-22) and for minimum unit size (28-21) 400 SF if developed as a Quality Housing building.

**46. Q: Are there height or ceiling requirements?**

A: There is a building code minimum height of an 8 foot ceiling. For a habitable mezzanine there must be another 8 feet. There is no maximum height per unit.

**47. Q: Can the building have a basement?**

A: It is possible to provide a basement level. Should you wish to include a basement as a common space, you will need to provide access to it and if it is dwelling space it must meet building code requirements, such as light and air. This is another opportunity to emphasize the importance of providing common space in the building, especially when considering the small size of the units.

**48. Q: Why is there a required 30 foot setback?**

A: The site is a corner lot. No rear yards are required because the lot is a corner lot and the portion of the lot beyond 100 feet of intersecting streets does not generate a rear yard

requirement per 23-471 (c). However, the building needs to comply with 23-861, which establishes the minimum distance between legal windows and a side or rear lot line.

**49. Q: Which side of the property is the zoning “front yard” and the zoning “side yard”? Are you considering the pedestrian walkway as a street line?**

A: This property is a corner lot, and has two front lot lines which are located along the street edge. The pedestrian walkway is a street. This property has no “front yard.”

**50. Q: Are there zoning guidelines defining a micro-unit?**

A: Zoning guidelines do not speak to how many rooms are in a micro-unit but DOB requires a minimum room size.

**Programming and Finance**

**51. Q: Is there a required minimum percentage of affordable housing units for any new construction project? If so, please distribute criteria for those units, i.e. even distribution on all floors, income criteria, etc.**

A: There is no minimum percentage of affordable housing units required by this RFP, however, there may be requirements associated with property tax incentives or financing sources utilized in your proposal that will have to be met.

**52. Q: Is there a minimum or maximum amount of apartments required for the proposal?**

A: There is no minimum or maximum number of apartments required.

**53. Q: Property management would suggest many of the residents may want short term leases, is there any limitation with respect to tenure of tenancy?**

A: The project requires that the micro-units be residential units. There is no requirement to adhere to a traditional 12-month lease term. Please keep in mind that residential units may not have lease terms of less than one month.

**54. Q: On page 15 there is a reference to subordinated city debt, is there any contemplation of the city holding paper or issuing installment plan?**

A: It would depend on the proposal that is presented to us, in terms of affordability and purchase price.

**55. Q: If only proceeding under 421-A program, do HPD Design Guidelines apply at all?**

A: No.

**56. Q: Can we generate an inclusionary bonus on this site? If so, will inclusionary bonus minimum room/unit sizes be waived?**

A: No. This is not an inclusionary housing designated area.

**57. Q: The affordable housing units under NYC HPD or NYS HCR carry size requirements in addition to maximum rents for the various types of units. Can we still use the same rent levels for various incomes, even though the size requirements are waived?**

A: Proposals must conform with the rent requirements for any financing sources or tax exemption programs utilized.

**58. Q: Are there any requirements regarding use of union or prevailing wage labor for the construction?**

A: There are no union or prevailing wage requirements tied to this RFP. The use of union or prevailing wage is dictated by the financing utilized and the regulations in place. To reiterate, no HPD or HDC subsidy is available for this development.

**59. Q: Can proposals utilize Tax Exempt Bonds?**

A: While tax exempt bonds are not prohibited, they are a limited public resource. Therefore, proposals that limit the use of public resources, such as tax exempt bonds, while maximizing affordability, will be given preference in consideration of both the affordability and financial feasibility scoring components. As noted in the RFP, neither HPD nor HDC subsidy will be made available for this project

**60. Q: Is the city looking to sell the land?**

A: Yes, HPD will dispose of the land at the time of closing and will enter into a Land Disposition Agreement with the Development Team.

**61. Q: What is the current appraised value of the site?**

A: The appraised value of the site has not been determined.

**62. Q: Are the market rate units tied to any fixed rent? Can the developers charge whatever they want for these units?**

A: Land price and affordability are very important to us in the project. There is no cap on the prices of the market rate apartments. However, a goal of the project is to provide affordable housing. There is no minimum outlined in the RFP.

**Review and Selection Process**

**63. Q: Who will make up the panel selecting the project?**

A: The proposals will be selected by an inter-agency team led by the Department of Housing Preservation and Development (HPD) and will include members from the Department of City Planning (DCP), the Department of Buildings (DOB) and the Mayor's Office. Depending on the financing proposed, the Housing Development Corporation (HDC) may also be part of the inter-agency team.

**64. Q: What is the rationale behind the allotted point system? Why is purchase of land worth 10% and why is design only 30%?**

A: The Competitive Selection Criteria is meant to balance various priorities and to ensure the project selected is not only well designed but is also built. The design has the highest percentage point allocation (30%) and includes both the interior and exterior design, with particular attention to the interior and the light and air into the unit. The percentage allocations included in the RFP will not change.

**Marketing**

**65. Q: In the marketing section, will HPD marketing guidelines apply to all units or only to affordable units?**

A: The HPD Marketing Guidelines will only apply to the affordable units.

**Submission Requirements and Forms**

**66. Q: Form A1 lists Tab N as Commercial or Community Facility Plan. However, page 28 of the RFP lists Tab N as 'Optional New Housing Paradigm Narrative.' Can you clarify what is required?**

A: Form A1 has been corrected to state "Optional New Housing Paradigm Narrative" as the item to be included on Tab N. The corrected form is attached to this Addendum.

**67. Q: Should all proposals include a letter of commitment for financing?**

A: All proposals should include a complete financial proposal as detailed in Section V, Submission Requirements.

**Form A: Completeness Checklist and Applicant's Letter**

**A1 – Completeness Checklist (Tab A)**

Before completing the following forms, please see instructions in **Section V (Submission Requirements and Selection Process)**.

Tab	Form	<input type="checkbox"/>
A	<b>Completeness Checklist and Applicant's Letter</b>	
	1. Completeness Checklist (Form A-1)	
	2. Applicant's Letter (Form A-2)	
B	<b>Project Summary and Project Narrative</b>	
	1. Proposal Narrative ( <i>provided by Applicant</i> )	
	2. Proposal Summary (Form B)	
C	<b>Applicant Description</b>	
	1. Development Team Information (Form C-1)	
	2. Not-For-Profit Organization Description (Form C-2)	
	3. Additional Evidence of Experience and Qualifications ( <i>provided by Applicant</i> )	
D	<b>Development Experience, Management Experience and Current Workload</b>	
	1. Residential Development Experience and Current Workload (Form D-1)	
	2. Residential Management Experience (Form D-2)	
	3. Management Questionnaire (Form D-3)	
E	<b>Assets Statement</b>	
	1. Assets Statement (Form E or alternate statements)	
F	<b>Financing Proposal</b>	
	1. Rental Pro Forma (Form F)	
	2. Financing Narrative ( <i>provided by Applicant</i> )	
G	<b>Letters of Interest for Private and Public Funds</b> ( <i>provided by Applicant</i> )	
H	<b>Environmental Proposal</b> ( <i>provided by Applicant</i> )	
I	<b>Design Team Experience &amp; Narrative</b> ( <i>provided by Applicant</i> )	
J	<b>Architectural Submission</b> ( <i>provided by Applicant</i> )	
K	<b>Sustainability Elements</b>	
	1. Sustainability Narrative ( <i>provided by Applicant</i> )	
	2. Green Communities Intended Methods Workbook (Form K)	
L	<b>Marketing Plan</b> ( <i>provided by Applicant</i> )	
M	<b>Development Schedule</b> ( <i>provided by Applicant</i> )	
N	<b>Optional New Housing Paradigm Narrative</b> ( <i>provided by Applicant</i> )	

Tax Lot Map for Manhattan Block 933, Lot 10

