

Livonia Avenue Initiative Phase II RFP Addendum 1

RFP issue date: April 7, 2014

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Contents of the Addendum

A. Questions and Answers – Enclosed is a summary of questions and answers discussed at the pre-submission conference that took place April 23, 2014. Also included are questions and answers that were sent to the Livonia email address.

B. Contact Information – Contact Information is provided for those individuals who attended the pre-submission conference and indicated that they are willing to share their contact information.

C. Guidelines for Approval of Projects within the Influence of Existing NYC Transit Structures – Enclosed is a copy of NYC Transit Guidelines for Projects within a close proximity to transit structures.

D. 2011 Enterprise Green Communities Overlay – Please print, complete, and submit Appendix H (Green Communities Overlay for HPD Projects) in Tab I. Do *not* submit Form I (Intended Methods Excel workbook).

E. Financing Proposal – The Instructions page for the Financing Proposal (Form K) has been updated. **Please download** the most recent version of Form K from HPD's website: <http://www.nyc.gov/html/hpd/html/developers/Livonia-Ave-Initiative-Phase2.shtml>

A. Questions and Answers – Enclosed is a summary of questions and answers discussed at the pre-submission conference that took place April 23, 2014. Also included are questions and answers that were sent to the Livonia email address.

A. Questions and Answers

Sites / Community Engagement and Non-Profit Partnership

Q1: Can an applicant apply for some but not all of the sites?

A1: No. Applicants must submit proposals for all four sites.

Q2: Will there only be one winner selected for all the sites? Or a combination of different developers for each site?

A2: We anticipate selecting one Developer. The RFP defines Developer as the “entity or entities selected by the City to commence negotiations regarding the development of the Sites 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.” In other words, it is up to the Applicant to determine who to partner with and how the responsibilities will be divided.

Q3: The Mayor has emphasized neighborhood planning. Wouldn't rewarding the inclusion of a local CDC partner help to promote that goal?

A3: We will consider the respondents' local ties, engagement with the community and its local organizations, and experience working in the community.

Q4: Is there any requirement or preference to include a non-profit partner? And if so, must it be a specific partner/organization?

A4: We will consider the respondents' local ties, engagement with the community and its local organizations, and experience working in the community. We do not prescribe partnering with a specific organization.

Q5: How will you quantify the community engagement/partnership preference? Will it be part of the threshold criteria or points in the competitive review?

A5: We will evaluate community engagement/partnership with a locally-based organization that has a track record of improving the quality of life for the community via tangible social services and/or financial investments and will be evaluated as a part of the competitive selection criteria.

Financing

Q6: There are a number of references to homeownership/for sale housing in the RFP. HPD does not currently have a term sheet on its website for homeownership projects though the RFP requires that applications comply with the terms of any subsidy program being used. If an applicant wants to propose affordable homeownership as part of the RFP, what subsidy and underwriting terms should it assume?

A6: There are no term sheets for a homeownership program. If homeownership units are proposed, we will evaluate each Proposal based on its assumptions and financial feasibility.

Q7: It would be helpful if HPD would provide at least a couple of specific terms for homeownership scenarios in the absence of a homeownership term sheet.

A7: If homeownership units are proposed, we will evaluate each Proposal based on its assumptions and financial feasibility.

Q8: The RFP, it states that the residential component “must have mixed-income and affordable housing unit.” As this is a requirement, please define “mixed-income” as used in the RFP.

A8: We do not have prescribed AMIs, but there should be a range of affordable housing that is suitable to this neighborhood and which is financially feasible.

Q9: On page 17 of the RFP, it provides a link to HPD subsidy term sheets. While the low income term sheet is updated as of March 2014, the mixed income term sheet is from February 2011 and has very outdated rent limits, etc. Is the Feb. 2011 term sheet the one we should be complying with?

A9: We anticipate that the term sheet will be updated and released in the next month.

Q10: Can Reso A funds be included as a source in the Financing Proposal?

A10: No, Reso A funds are considered a competitive funding source.

Residential Program and Affordability Term

Q11: There are no references to supportive housing in the RFP? Is supportive housing allowed? Is it encouraged?

A11: HPD is open to reviewing proposals that include a supportive housing component. Proposals should include a primary financing scenario that does not rely on competitive sources.

Q12: Was there supportive housing proposed in Phase I?

A12: Yes, there was supportive housing in Phase I.

Q13: Will there be a consideration of unit size mixes?

A13: The RFP requires that proposals provide that at least 40% of the housing units will be family-size units: 30% of the housing units will be 2-bedroom and 10% of the housing units will be 3-bedrooms.

Q14: Is the particular mix of proposed income bands be evaluated by individual sites or in the aggregate?

A14: In the aggregate.

Q15: Livonia I had a blanket 50-year affordability restriction. Is there an addendum planned addressing long-term affordability?

A15: In considering the extent of affordability, we will take into account the length of affordability guaranteed in exchange for any subsidy required.

Ground-Floor Use

Q16: In the RFP, under “Commercial Space” it states that “Sites must be developed with ground-floor retail.” Under “Community Facility” is says that “The Project may include a community facility component....” To be clear, is the requirement that each of the 4 sites include ground floor retail and that in addition to that you can include a community facility component? Or would it be okay if two sites had ground floor retail and two sites had ground floor community facility space?

A16: All sites must include an active, ground-floor use. All sites do not need to have retail, but retail must be a component of the submission.

Q17: Has there been any additional retail study/community input since the one completed during Phase I?

A17: HPD met with the land use committee of Community Board 5 prior to the release of this RFP. Community Input, found in Appendix F, captures feedback from the community for Phase I and Phase II.

Q18: Should the required active ground-floor uses be targeted for residents of the buildings only or for the whole community?

A18: Active ground-floor uses should seek to transform the corridor into a vibrant, mixed-use area by creating retail opportunities and local services for the community.

Design, Sustainability and Resiliency

Q19: Will resiliency initiatives be evaluated in the selection process?

A19: Although there is no specific preference for resiliency, the competitive phase rewards designs that exceed all of the relevant guidelines. Design features that promote resiliency would fall under that category.

Q20: Are there examples of affordable housing projects that exhibit active design guidelines and criteria?

A20: Yes, there are case studies available on the Center for Active Design's website: <http://centerforactivedesign.org/case-studies/>.

Q21: Tab H /fifth paragraph states: "Typical and Atypical Floor Plans: It is not required that design and architectural documents submitted include full apartment layouts for the floor plans. Submissions, however must show blocked out units...." "Unit plans must be 1/8"=1'-0". Unit and bedroom dimensions should be computed to the inside of the finished surfaces of walls excluding columns pipe chases, kitchen, kitchenettes, entryways and closets." Please clarify whether the typical and atypical apartment layouts must be fully developed, including all internal spaces within the apartments.

A21: Typical and atypical apartment layouts do not need to be fully developed, but they must include unit and bedroom dimensions. The dimensions should be computed based on the inside of the finished surfaces of the walls and that computation of the dimensions should exclude the space that would be occupied by "columns, pipe chases, kitchen, kitchenettes, entryways and closets," even though those features do not need to be rendered in the plans.

Evaluation Criteria

Q22: What is the threshold for the developer's retail experience? i.e. the square footage of retail that they've developed in the past.

A22: The retail experience is primarily captured in the competitive review phase and will be evaluated based on experience of comparable size and scope to what is being proposed in the Submission.

Timeline/Phasing

Q23: In the Tab F section of the RFP, it says to assume one year for HPD design review. What did that intend to say?

A23: The one year is an approximate timeline for predevelopment work.

Q24: Are there any requirements on how project will be phased?

A24: There are no specific requirements; however, the Applicant should describe the phasing plan, if applicable, as part of your proposal.

Q25: Can HPD provide a summary of the selected project for Livonia Phase I RFP, e.g. breakdown of units, income level, retail, and other specificity?

A25: Sites 1-4 have approximately 278 residential units, including four units for superintendents, with a range of affordability. The units are affordable to households earning up to 40 percent Area Median Income (AMI), 50 percent AMI, and 60 percent AMI. Sites 1-4 also include approximately 13,772 square feet of commercial space, 11,546 square feet of community facility space, and 12,678 square feet of open space. In addition, Site 5 will include approximately 60,000 square feet of community facility space.

Zoning/Land Use Approvals

Q26: Will low-income housing parking requirements have to be later approved by city planning?

A26: Once an applicant is selected, HPD would support the selected Development Team's request for pre-consideration by the DOB of this interpretation of the Zoning Resolution.

Q27: Will the selected Phase II project have to go through ULURP?

A27: No, Phase II projects will not go through ULURP. Due to prior approvals pursuant to ULURP, including a zoning map amendment and the amendment to the ENY I URP, additional ULURP approvals are not required. Proposals shall conform to current zoning, as additional zoning map amendments are not contemplated. The Project will require Mayoral approval following a public hearing to be convened by the Mayor's Office of Contract Services.

Transportation

Q28: Why weren't elements of Vision Zero incorporated into this RFP?

A28: A traffic study was conducted as part of the Environmental Assessment Statement (EAS) for the Livonia Phase I project that also included Phase II sites. That information was shared with the Department of Transportation.

Additionally, once a developer has been designated, we may explore ways to incorporate elements of Vision Zero into the development.

Wages

Q29: Is prevailing wage a requirement in this project?

A29: It is not a specific requirement of this RFP unless a funding source that mandates it is proposed.

B. Contact Information – Contact Information is provided for those individuals who attended the pre-submission conference and indicated that they are willing to share their contact information.

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C. Guidelines for Approval of Projects within the Influence of Existing NYC Transit Structures – Enclosed is a copy of NYC Transit Guidelines for Projects within a close proximity to transit structures.

**GUIDELINES FOR APPROVAL OF
PROJECTS WITHIN THE INFLUENCE OF EXISTING NYC TRANSIT STRUCTURES**

1. The Applicant should search for NYC Transit as-built structure and utility drawings adjacent to the proposed project site and submit the following:
2. A complete set of architectural and structural drawings and two sets of structural and foundation drawings of ground floor and floors below. The drawings should show key plan, north direction, lot (property) lines, street names, ventilation gratings and station entrances, existing NYC Transit structures on plan and sections and NYC Transit reference drawing numbers.
3. A column schedule showing foundation loads, shear walls and/or wind bracings showing horizontal and vertical loads due to wind and seismic loadings.
4. Foundation plan(s) showing:
 - a) **For Spread Footings:** sizes, layout (horizontal & vertical) and design pressures.
 - b) **For Pile Foundation:** type, size, length and capacity of piles, spacings, pile cap details, casing and pile tip elevations, etc.
 - c) Location of existing NYC Transit structure relative to foundation(s) in plans and sections.
 - Clearly indicate the influence line.
5. Boring data, including location and depth of each boring and method of drilling.
6. Working drawings for excavation support system, showing:
 - a) Vertical and horizontal layout of excavation support system, including all sheeting, walers, rakers, bracing, etc.
 - b) Footblock supports of rakers.
 - c) Individual sizes and spacing of structural members, connection and splice details.
 - d) Underpinning piers and excavation procedures.
7. Construction procedures for pile foundation and procedures for the installation of steel sheet piling and its support system, including dewatering operations and removal of temporary supports.
8. Excavation support system and structural calculations as required.
9. Architectural details of first or ground floor to determine building's relationship to existing entrances, vent structures, etc.
10. Sidewalk reconstruction drawings as soon as building plans have been approved.
11. Site safety plan showing construction fence installation, ramp, truck route, crane location, etc. and NYC Transit facilities including high roof area to restrict the loading.
12. NYC Transit General Notes, as applicable and NYC Transit Insurance Clauses shown on the drawing.
13. For demolition see NYCT Guidelines.
14. An approval fee of \$250.00 is required payable by check or money order *only*, made out to 'New York City Transit.'

NEW YORK CITY TRANSIT
GENERAL NOTES

NOTE: The appropriate notes are to be made part of the Project's Contract Drawings.

1. The NYC Transit (NYCT) reserves the right to place inspectors, flagmen or other personnel in the subway structures during construction of the project linked by a telephone system, if deemed necessary, to observe the effects of the construction on the transit facilities. It is expected that such personnel will be necessary when the construction comes within twenty-five feet of the subway structure. However, NYCT further reserves the right to place such personnel whenever, in its opinion, the project conditions warrant such placement, regardless of distance. The cost of such personnel, telephone installation and any re-routes, diversions of service, work trains, etc., made necessary by the project, must be borne by the project or the responsible New York City/State Agency.
2. All rock excavation adjacent to the transit structure is to be channel drilled two feet below subgrade.
3. If top of rock is found below subway structure, the subway structure must be underpinned in accordance with drawings to be submitted to NYCT for approval.
4. If rock is soft or seamy, lateral supports must be provided below the subway structure in accordance with drawings to be submitted to NYCT for approval.
5. Blasting will be permitted only with light charges subject to the approval of NYCT's Engineer and in accordance with the regulations of the Fire Department. The Contractor shall provide a detailed monitoring plan, providing for measurements of both particle velocity and displacements at critical locations of the NYCT structure. The monitoring plan shall include threshold and upset levels of both particle velocity and settlement together with an action plan for their implementation. The contractor shall secure an approved seismologist to install and operate suitable velocity gauges to continuously monitor particle velocity and an independent licensed surveyor to monitor displacements. The threshold maximum particle velocity above ambient caused by the blasting will be 0.5 inch per second. Values exceeding this level will be reviewed and evaluated by NYCT's Engineer. In no case will particle velocities exceed the upset level of 2.0 inches per second.
6. Before placing concrete, the subgrade of the foundations in the vicinity of the subway structure is to be inspected and approved by NYCT's Engineer.
7. If any portion of the subway structure or finish is damaged, it shall be repaired or replaced with the same materials in place, subject to the approval of NYCT's Engineer and at the expense of the project.
8. Excavation embankments are to be shored and braced. Drawings indicating a suggested method of construction are to be submitted to NYCT for approval in conjunction with the project's contract drawings. In case of excavation undermining the subway structure, underpinning may be required. Drawings for underpinning are to be submitted to NYCT for approval.

9. Temporary shoring may be placed in direct contact with NYCT structures only if the NYCT structure is shown to be able to support all anticipated loads that can be transferred through the temporary structures without damaging the existing structure. At the completion of the project, these temporary shoring and bracing systems are to be removed or cut-off as approved by NYCT.
10. When piles are to be driven adjacent to the subway structure, boring data, pile layouts, specifications and installation procedures are to be submitted to NYCT for approval. Velocity meters are to be installed in the subway tunnel at critical locations to monitor induced vibrations. Induced displacements along the tunnel structure and track invert are to be monitored during driving. The threshold maximum particle velocity above ambient caused by the driving will be 0.5 inch per second. Values exceeding this level will be reviewed and evaluated by NYCT's Engineer. In no case will particle velocities exceed the upset level of 2.0 inches per second.
11. No piles are permitted to be installed by any method within three feet of subway structure, measured from the edge of the pile or casing to the wall. Closed-end piles will not be permitted to be driven within ten feet of the subway structure.
12. All piles are to be placed within a preaugered cased hole to the influence line. The casing shall be cleaned without disturbing the soil outside the casing and the pile to be placed within the casing for installation. The piles may then be driven beyond the influence line within the casing.
13. The Influence line shall start at the bottom of the subway structure and extend at a 1:1 slope. For piles installed within ten feet of the subway structure, the casing shall be extended up to the bottom of the subway structure.
14. At the completion of pile installation, the space between the pile and the casing is to be filled with either clean sand or grout. If the casing is to be removed, the filling must be completed prior to removal of the casing.
15. All piles are to be driven a minimum of ten feet below the intersection of the pile centerline and the influence line of the subway structure.
16. The use of "down-the-hole hammers" for installation of piles through overburden and fill will be permitted only to remove boulders. It will not be permitted as a matter of course to advance the hole. Their use to construct rock sockets will not be allowed within 5 feet of the NYCT structure.
17. Vibratory hammers will not be permitted within 75 feet of subway structures. Hoerams will not be permitted within 25 feet of subway structures.
18. Dynamic compaction methods using dropped heavy weights cannot be conducted within 1000 feet of any NYCT structure unless it is shown that induced settlements and vibrations will not damage these structures. A suitable monitoring plan including settlement and vibration measurements must be approved by NYCT's Engineer for all such operations within these distances.

19. There shall be no machine excavation within 3 feet of NYCT structures, power duct lines, or any other facilities until they have been carefully exposed by hand excavation.
20. All dewatering operations conducted within 500 feet of the NYCT structure must be performed in accordance with drawings and procedures submitted to NYCT for approval. The distance from the structure to the dewatering operation can be reduced provided that soil conditions at the site indicate that the radius of influence of the dewatering is less than 500 feet. For dewatering within the radius of influence, the dewatering program must be shown to have negligible influence on settlements of the NYCT structure.
21. Subway entrances (ventilators, etc.) are to be underpinned or shored and braced if directed by NYCT's Engineer.
22. NYCT, at its discretion, reserves the right to require the project to close or maintain and protect existing subway entrances, ventilators, etc. adjacent to the project during construction. Such construction may include underpinning, shoring, bracing and erection of suitable barricades and/or canopies and shields. Such protection shall be in accordance with drawings submitted to NYCT for approval.
23. If shields are to be installed to protect NYCT facilities and/or the public, plans showing the location, type and method of attachment to the transit structure must be submitted to NYCT for approval.
24. All lumber and plywood used for protection of subway facilities must be fire retardant.
25. Subway emergency exits must be kept clear at all times.
26. In excavating over or near the subway roof, special care shall be exercised so that the thin concrete protection of the subway waterproofing is not damaged.
27. Burning of, welding to or drilling through existing steel structures will not be permitted except as shown on drawings approved by NYCT.
28. Horizontal and vertical control survey data of the existing NYCT structure is to be taken by a Licensed Land Surveyor to monitor any movements that occur during construction and to show that the induced movements are within allowables provided and approved by NYCT's Engineer. If any movements exceed allowables, remediation as approved by NYCT shall be performed.
29. Bus routes affected by the project will or may require bus diversions. These arrangements shall be made through:

Mr. Paul Gawkowski
Director, Operations Planning
New York City Transit
2 Broadway, Room A17.50
New York, New York 10004
Telephone Number 646/252-5624

When impacting any bus stop, Special Operations must be notified two weeks in advance.

30. Duct lines must be maintained and protected during construction. Any interference with duct lines should be reported to NYCT Inspector. When a duct line containing cables is to be removed, or when masonry adjacent thereto is to be removed, penetrated, or drilled, the work shall be done with hand labor entirely, using hammer and chisel. Jackhammers, bull points or other power equipment shall not be used.
31. Where manholes are encountered:
- a) They shall be protected and raised or lowered as required, to match the new street grade.
 - b) If manhole covers are raised or lowered, protect cables in manhole by wood sheeting of 2" nominal thickness.
 - c) Prior to the start of construction operations affecting manholes and duct lines, seven days notice must be given to Mr. John Malvasio, P.E., Director, Department of Maintenance of Way, at 718/694-1358.
32. Construction work done near vent gratings and hatches shall be as follows:
- a) Unless approved by the NYCT's Engineer, all vent gratings and hatches should remain outside the construction site, separated by a construction fence. Protective shields must be provided over vent gratings as required by NYCT's Engineer.
 - b) No building material, vehicles or construction equipment is to be stored or run over vent, gratings, hatches or emergency exits.
 - c) Details of sidewalk reconstruction around vent gratings, hatches and emergency exits are to be submitted to NYCT for approval.
33. Tractors, cranes, excavators, etc. used in the vicinity of the elevated structures shall be isolated from the ground. Since the elevated structure is used as a negative return path, with a consequent potential between it and the ground, any contact between the structure and grounded equipment could result in burning of the steel.
34. Temporary construction sheds, barricades or plywood partitions must be a minimum of 5'-0" from edge of finished platform.
35. Station Areas or Stairway/Closings: The general requirements for Station Areas or Stairway/Closings are as follows:
- a) Only one stairway at each station will be permitted to be closed at the same time. Approvals for closing any stairway must be obtained from the Division of Station Operations at least three weeks in advance.

- b) Mr. Ashok Patel, Director, Office of Station Programs; Telephone 718/694-1695 of the Division of Stations must be notified one week prior to the actual closing and reopening of the entrance.
 - c) Ample signage must be supplied and posted at least one week in advance, advising the public of the proposed subway stair closing.
 - d) The street entrance stairway should not be closed unless manpower and materials are available to commence work on dates permitted.
 - e) Once the closing is effected, construction signs must be placed at appropriate locations on the barricades at the street and mezzanine levels, stating the contractor's name, 24 hour emergency telephone number, contract number, the duration of the closing, direction to an alternate entrance/exit, and an apology for the inconvenience to our customers.
 - f) Existing station signage must be adjusted to reflect any changes in access/egress.
 - g) Barricades are to be painted and kept graffiti free at all times. The contractor must maintain the barricaded area clean of all debris.
 - h) All materials are to be properly stored and secured away from passenger traffic.
 - i) The Contractor must remove all waste material and barricades from all station areas when construction is completed.
 - j) Inspection of the area under construction by authorized Station Department employees shall not be inhibited.
 - k) If streetlights on the sidewalks are affected, temporary lights shall be provided.
36. If new concrete construction is joined to existing concrete, dowels and keyways are to be used in accordance with NYCT Standards.
37. If the project involves construction or alteration of a subway facility on private property, the property owners will be required to enter into an agreement with NYCT pertaining to all work affecting the transit facilities and clearly defining limits and responsibility for maintenance and liability.
38. Wherever a new sidewalk is being placed adjacent to NYCT structures the following will be required:
- a) The top of the new sidewalk shall be flush with the subway vent gratings, hatches and emergency exits.
 - b) The slope of the new sidewalk shall be such that the drainage be away from these structures.
 - c) A 1/2" premolded filler shall be installed between the new sidewalk and NYCT structure.

- d) Where sidewalk elevations are being changed details of proposed work around NYCT structures are to be submitted for approval.
39. Before the start of any work, the Contractor shall make an examination, in the presence of NYCT's Engineer, of the Interior and exterior of NYCT subway or other structure adjacent to the proposed work. The person or persons authorized by the Contractor to make these examinations shall be approved by the Engineer. The Contractor shall take all photographs as may be necessary or ordered to indicate the existing condition of NYCT structure. One copy of each photograph, eight inches by ten inches in size, and the negative is to be submitted to Mr. John Malvasio, P.E., Director, Department of Maintenance-of-Way, 130 Livingston Street, Room 8044D, Brooklyn, New York 11201, Telephone 718/694-1358 before the start of construction.
40. All architectural details (token booths, railings, doors, etc.) are to conform to the latest NYCT Standards. These standards are available at NYCT.
41. Standard NYCT Insurance Clauses are to be made part of the Project's Contract Drawings. Proof that the necessary insurance is in effect will be required before work can commence.
42. At the close of any project involving construction or alterations to transit facilities, one set of vellums or mylars, five sets of 35mm microfilm, and electronic copies complying to microstation.dgn format of "approved as-builts" must be provided to NYCT for its records. For details of specific requirements contact NYCT Outside Projects.
43. At least seven working days prior to the start of construction operations, **notification must be given** to Mr. John Malvasio, P.E., Director, Department of Maintenance-of-Way, at 718/694-1358. The contractor to provide temporary quarters near the job site for NYCT inspectors containing a desk and telephone.

NYCT "OUTSIDE CONTRACT" INSURANCE REQUIREMENTS

1. The Permittee at its sole cost and expense shall carry or cause to be carried and shall maintain at all times during the period of performance under this Agreement policies of insurance as herein below set forth below:

- A. Workers' Compensation Insurance (including Employer's Liability Insurance) with limits of not less than \$2,000,000, which limit may be met by a combination of primary and excess insurance meeting the statutory limits of New York State. The policy shall be endorsed to include Longshoreman's and Harbor Workers' Compensation Act/Maritime Coverage Endorsement and/or Jones Act Endorsement when applicable.
- B. Commercial General Liability Insurance (I.S.O. 2001 Form or equivalent) approved by Permitter in the Permittee's name with limits of liability in the amount of at least \$3,000,000 for each occurrence on a combined single limit basis for injuries to persons (including death) and damage to property, \$3,000,000 General Aggregate and \$3,000,000 in the Aggregate with respect to Products/Completed Operations. The limits may be provided in the form of a primary policy or combination of primary and umbrella/excess policy. When the minimum contract amounts can only be met when applying the umbrella/excess policy, the Umbrella/Excess Policy must follow form of the underlying policy and be extended to "drop down" to become primary in the event primary limits are reduced or aggregate limits are exhausted. Such insurance shall be primary and non-contributory to any other valid and collectible insurance and must be exhausted before implicating any Permitter/MTA policy available.

Such policy should be written on an occurrence form, and shall include:

- Contractual coverage for liability assumed by the Permittee under this agreement;
- Personal and Advertising Injury Coverage;
- Products-Completed Operations;
- Independent Contractors Coverage;
- "XCU" coverage (Explosion, Collapse, and Underground Hazards) where necessary;
- Contractual Liability Exclusion, applicable to construction or demolition operations to be performed within 50 feet of railroad tracks, must be voided, where necessary; and
- Additional Insured Endorsement (I.S.O. Form CG 20 26 07/04 version or equivalent) approved by the Permitter naming:

New York City Transit Authority (NYCTA), the Manhattan and Bronx Surface Transit Operating Authority (MaBSTOA), the Staten Island Rapid Transit

Operating Authority (SIRTOA), MTA Capital Construction Co., the Metropolitan Transportation Authority (MTA) including its subsidiaries and affiliates, and the City of New York (as Owner).

- C. **Business Automobile Liability Insurance Policy** - (I.S.O. Form CA 00 01 10 01 or equivalent) approved by the Permittee is required if Permittee's vehicle enters Permittee property. The insurance must be in the name of the Permittee or its contractor entering the Permittee property with limits of liability in the amount of \$2,000,000 each accident for claims for bodily injuries (including death) to persons and for damage to property arising out of the ownership, maintenance or use of any owned, hired or non-owned motor vehicle.
- D. **Railroad Protective Liability Insurance** (ISO-RIMA or equivalent form) approved by Permittee covering the work to be performed at the designated job site and affording protection for damages arising out of bodily injury or death, physical damage to or destruction of property, including damage to the Insured's own property and conforming to the following:
- The following are the "Named Insureds" for this coverage:

New York City Transit Authority (NYCTA), the Manhattan and Bronx Surface Transit Operating Authority (MaBSTOA), the Staten Island Rapid Transit Operating Authority (SIRTOA), MTA Capital Construction Co., the Metropolitan Transportation Authority (MTA) including its subsidiaries and affiliates, and the City of New York (as Owner).
 - The limit of liability shall be \$2,000,000 at least each occurrence, subject to a \$6,000,000 annual aggregate;
 - Policy Endorsement CG 28 31 - Pollution Exclusion Amendment is required to be endorsed onto the policy when environmental-related work and/or exposures exist.
 - Indicate the Name and address of the Contractor to perform the work, the Contract # and the name of the railroad property where the work is being performed and the Agency Permit.
 - Evidence of Railroad Protective Liability Insurance, must be provided in the form of the Original Policy. A detailed Insurance Binder (ACORD or Manuscript Form) will be accepted pending issuance of the Original Policy. which must be provided within 30 days of the Binder Approval.

E. Environmental/Pollution Exposures

In the event environmental or pollution exposures exist; the Permittee shall require the environmental contractor or sub-contractor to provide the applicable insurance covering such exposure. The limits and type of insurance provided shall be satisfactory to the Permittor and will be confirmed to the parties prior to the start of the work.

2. General Requirements Applicable to Insurance Policies

- a) All of the insurance required by this Article shall be with Companies licensed or authorized to do business in the State of New York with an A.M. Best Company rating of not less than A-/VII or better and reasonably approved by the Permittor/MTA and shall deliver evidence of such policies.
- b) Except for Workers Compensation, all references to forms and coverages referred to above shall be the most recent used by the Insurance Services Office, Inc. ("ISO") or equivalent forms approved by the Insurance Department of the State of New York, provided, however, that excess coverages may be written on forms reasonably acceptable to Permittor containing provisions other than those contained in ISO forms but otherwise conforming in substance to the requirements of this Article.
- c) The Permittee or its Contractor performing the work shall furnish evidence of all policies before any work is started to the Permittor:

For NYCT Contract Inspection

C/O Mr. John Malvasio
Director, MOW Engineering
130 Livingston Street, Room 8044F
Brooklyn, NY 11201
Telephone: (718) 694-1358

These policies must: (i) be written in accordance with the requirements of the paragraphs above, as applicable; (ii) be endorsed in form acceptable to include a provision that the policy will not be canceled, materially changed, or not renewed, unless otherwise indicated herein, at least thirty (30) days prior written notice to the Permittor c/o MTA Risk and Insurance Management Department - Standards, Enforcement & Claims Unit, 2 Broadway - 21st floor, New York, NY 10004; and (iii) state or be endorsed to provide that the coverage afforded under the contractor's policies shall apply on a primary and not on an excess or contributing basis with any policies which may be available to the Permittor/MTA, and also that the contractor's policies, primary and excess, must be exhausted before implicating any Permittor/MTA policy available. (iv) In addition, contractor's policies shall state or be endorsed to provide that, if a subcontractor's policy contains any provision that may adversely affect whether contractor's policies are primary and must be exhausted before implicating any Permittor/MTA policy available, contractor's and subcontractor's policies shall nevertheless be primary and must be exhausted before implicating any Permittor/MTA

policy available. Except for Professional Liability, policies written on claims made basis are not acceptable. At least two (2) weeks prior to the expiration of the policies, contractor shall endeavor to provide evidence of renewal or replacement policies of insurance, with terms and limits no less favorable than the expiring policies. Except as otherwise indicated in the detailed coverage paragraphs below, self insured retentions and policy deductibles shall not exceed \$100,000, unless such increased deductible or retention is approved by Permitior/MTA. The Permittee shall be responsible for all claim expense and loss payments within the deductible or self-insured retention. The insurance monetary limits required herein may be met through the combined use of the insured's primary and umbrella/excess policies.

- d) Certificates of Insurance may be supplied as evidence of policies of the above policies, except the Railroad Protective Liability Policy, designated as Policy D. However, if requested by the Permitior, the Permittee shall deliver to the Authority, within forty-five (45) days of the request, a copy of such policies, certified by the insurance carrier as being true and complete. **The Railroad Protective Liability Insurance Policy must be provided in the form of the Original Policy.** A detailed Insurance Binder may be provided, ACORD or Manuscript Form, pending issuance of the Original Policy. **The Original Policy must be submitted to MTA RIM within 30 days of the Binder Approval.**
- e) If a Certificate of Insurance is submitted, it must: (1) be provided on the Permitior Certificate of Insurance Form or MTA Certificate of Insurance Form for Joint Agency Agreements; (2) be signed by an authorized representative of the insurance carrier or producer and notarized; (3) disclose any deductible, self-insured retention, sub-limit, aggregate limit or any exclusions to the policy that materially change the coverage; (4) indicate the Additional Insureds and Named Insureds as required herein, along with a physical copy of the **Additional Insured Endorsement (I.S.O. Form CG 20 26 07/04 version or equivalent)**, as applicable and the endorsement(s) must include policy number(s); (5) reference the Contract by number on the face of the certificate; and (6) expressly reference the inclusion of all required endorsements..
- f) The minimum amounts of insurance required in the detail description of policies A, B C, and D above shall not be construed to limit the extent of the Permittee's liability under this Agreement.
- g) If, at any time during the period of this Agreement, insurance as required is not in effect, or proof thereof is not provided to the Permitior, the Permitior shall have the options to: (i) direct the Permittee to suspend work or operation with no additional cost or extension of time due on account thereof; or (ii) treat such failure as an Event of Default.

D. 2011 Enterprise Green Communities Overlay – Please print, complete, and submit Appendix H (Green Communities Overlay for HPD Projects) in Tab I. Do *not* submit Form I (Intended Methods Excel workbook).

2011 Enterprise Green Communities Criteria Certification Overlay for NYC HPD Projects - August 2012

This overlay provides clarifications and instructions for the technical requirements for development projects required to certify through the Enterprise Green Communities Criteria, which are financed by the New York City Department of Housing Preservation and Development (HPD).

To achieve Enterprise Green Communities Certification, all projects must achieve compliance with the Criteria's mandatory measures applicable to that construction type. In addition, new construction projects must achieve 35 additional points, and rehabilitation projects must achieve 30 additional points. This overlay requires that projects achieve respective points in the measures required by the HPD as outlined in the checklist below.

- ◆ Together, the mandatory criteria along with the HPD required criteria represent the minimum threshold for a new construction or rehabilitation project financed by HPD, and represent 34 points.
- ◆ New construction projects which require 35 points must select 1 additional point to meet the minimum requirement for certification.
- ◆ Projects can elect to go beyond this minimum set of criteria to meet the development goals of the project by selecting additional optional points beyond measures required by HPD.
- ◆ Projects that do not meet the "as of right" criteria for New York City, as projected for criteria 2.4 and 2.8, and fall below the respective point requirement, will have to implement alternate measures to achieve the point requirement for certification.

This checklist summarizes the Green Communities Criteria and HPD's modifications and clarifications. Except as indicated below, projects should refer to the full 2011 Enterprise Green Communities Criteria for detailed guidance.

KEY

M = Mandatory

= Points required by HPD

= Available optional points

1: INTEGRATIVE DESIGN

___ YES ___ NO ___ MAYBE **M**

1.1a Green Development Plan: Integrative Design Meeting(s)

Conduct one or more integrative design meetings and submit a Green Development Plan or equivalent documentation.

___ YES ___ NO ___ MAYBE **M**

1.1b Green Development Plan: Criteria Documentation

Create design and construction documentation to include information on implementation of appropriate Enterprise Green Communities Criteria.

___ YES ___ NO ___ MAYBE **2**

1.2a Universal Design (*New Construction only*)

Design a minimum of 15% of the dwelling units (no fewer than one) in accordance with ICC/ANSI A117.1, Type A, Fully Accessible guidelines.

___ YES ___ NO ___ MAYBE **2 or 3**

1.2b Universal Design (*Substantial and Moderate Rehab only*)

Design a minimum of 10% of the dwelling units (no fewer than one) in accordance with ICC/ANSI A117.1, Type A, Fully Accessible guidelines [2 points] and, for an additional point, the remainder of the ground-floor units and elevator-reachable units should have accessible unit entrances.

_____ SUBTOTAL POINTS

2: LOCATION + NEIGHBORHOOD FABRIC

___ YES ___ NO ___ MAYBE **M**

2.1 Sensitive Site Protection (*New Construction only*)

Do not locate new development, including buildings, built structures, roads, or other parking areas, on portions of sites that meet any of the following provisions:

- Land within 100 feet of wetlands, including isolated wetlands or streams
- Land on slope greater than 15%
- Land with prime soils, unique soils, or soils of state significance
- Public parkland
- Land that is specifically identified as habitat for any species on federal or state threatened or endangered lists
- Land with elevation at or below the 100-year floodplain2: Location + Neighborhood Fabric

HPD Overlay: Clarification

Infill sites and previously developed sites are exempt from all provisions.

___ YES ___ NO ___ MAYBE **M**

2.2 Connections to Existing Development and Infrastructure

(New Construction only, except for projects located on rural tribal lands, in colonias communities, or in communities of population less than 10,000)

Locate project on a site with access to existing roads, water, sewers, and other infrastructure within or contiguous to existing development. Connect the project to the pedestrian grid.

___ YES ___ NO ___ MAYBE **M**

2.3 Compact Development *(New Construction only)*

Design and build the project to a density of at least:

- *Urban/Small Cities*: 10 dwelling units per acre, or at least 75% of surrounding net residential density, whichever is greater
- *Suburban/Mid-Size Towns*: 7 dwelling units per acre, or at least 75% of surrounding net residential density, whichever is greater
- *Rural/Tribal/Small Towns*: 5 units per acre for detached or semi-detached housing; 10 units per acre for townhomes; 15 units per acre for apartments

___ YES ___ NO ___ MAYBE **5 or 6**
HPD Required

2.4 Compact Development

Design and build the project to a density of at least:

- *Urban/Small Cities*: 15 dwelling units per acre, or at least 75% of surrounding net residential density, whichever is greater *[5 points]*
- *Suburban/Mid-Size Towns*: 10 dwelling units per acre, or at least 75% of surrounding net residential density, whichever is greater *[6 points]*
- *Rural/Tribal/Small Towns*: 7.5 units per acre for detached or semi-detached housing; 12 units per acre for townhomes; 20 units per acre for apartments *[6 points]*

HPD Overlay: Modification

Most HPD projects will meet this requirement as of right. HPD rehab projects with no change in unit count are ineligible for these points.

___ YES ___ NO ___ MAYBE **M**

2.5 Proximity to Services *(New Construction only)*

Locate the project within:

- *Urban/Small Cities*: a 0.25-mile walk distance of at least two **OR** a 0.5-mile walk distance of at least four of the list of facilities
- *Suburban/Mid-Size Towns*: a 0.5-mile walk distance of at least three **OR** a 1-mile walk distance of at least six of the list of facilities
- *Rural/Tribal/Small Towns*: two miles of at least two of the list of facilities

___ YES ___ NO ___ MAYBE **M**

2.6 Preservation of and Access to Open Space: Rural/Tribal/Small Towns Only *(New Construction only)*

Set aside a minimum of 10% of the total project acreage as open space for use by residents **OR** locate project within a 0.25-mile walk distance of dedicated public open space that is a minimum of 0.75 acres

HPD Overlay: Clarification

This criteria does not apply to projects in New York City.

___ YES ___ NO ___ MAYBE **3 max**

2.7 Preservation of and Access to Open Space

Set aside a percentage of the total project acreage as open space for use by residents: 20% *[1 point]*; 30% *[2 points]*; and 40% + written statement of preservation/conservation policy for set-aside land *[3 points]*

___ YES ___ NO ___ MAYBE **5**
HPD Required

2.8 Access to Public Transportation

Locate the project within:

- *Urban/Small Cities:* a 0.5-mile walk distance of combined transit services (bus, rail, and ferry) constituting 76 or more transit rides per weekday and 32 or more transit rides on the weekend
- *Suburban/Mid-Size Towns:* a 0.5-mile walk distance of combined transit services (bus, rail, and ferry) constituting 60 or more transit rides per weekday and some type of weekend ride option
- *Rural/Tribal/Small Towns:* 5-mile distance of either a vehicle share program, a dial-a-ride program, an employer van pool, or public-private regional transportation

HPD Overlay:

Most HPD projects will meet this criteria as of right.

___ YES ___ NO ___ MAYBE **5**

2.9 Walkable Neighborhoods: Connections to Surrounding Neighborhood—Rural/Tribal/Small Towns

Connect the project to public spaces, open spaces, and adjacent development by providing at least three separate connections from the project to sidewalks or pathways in surrounding neighborhoods and natural areas.

HPD Overlay: Clarification

This criteria does not apply to projects in New York City.

___ YES ___ NO ___ MAYBE **7 max**

2.10 Smart Site Location: Passive Solar Heating/Cooling

Demonstrate a building with a passive solar design, orientation, and shading that meet specified guidelines. *Select one:*

- Single building—New Construction [7 points]
 - Multiple buildings—New Construction [7 points]
 - Moderate or Substantial Rehab [7 points]
-

___ YES ___ NO ___ MAYBE **2**

2.11 Brownfield or Adaptive Reuse Site

Locate the project on a brownfield or adaptive reuse site. *Select either:* adaptive reuse site [2 points] or brownfield remediation [2 points]

___ YES ___ NO ___ MAYBE **6**

2.12 Access to Fresh, Local Foods

Pursue one of three options to provide residents and staff with access to fresh, local foods, including neighborhood farms and gardens; community-supported agriculture; proximity to farmers market.

___ YES ___ NO ___ MAYBE **4**

2.13 LEED for Neighborhood Development Certification

Locate the project in a Stage 2 Pre-Certified LEED for Neighborhood Development plan or a Stage 3 LEED for Neighborhood Development Certified Neighborhood Development.

_____ SUBTOTAL POINTS

3: SITE IMPROVEMENTS

___ YES ___ NO ___ MAYBE **M**

3.1 Environmental Remediation

Conduct an environmental site assessment to determine whether any hazardous materials are present on site.

HPD Overlay: Modification

New Construction, Third Party Transfer, and Participation Loan Program projects require Phase 1 Environmental Assessments. All other projects should comply with the applicable environmental assessment requirements of the HPD programs. Projects not producing Phase 1 reports should submit a memo outlining the assessment and remediation measures taken.

___ YES ___ NO ___ MAYBE **M**

3.2 Erosion and Sedimentation Control *(Except for infill sites with buildable area smaller than one acre)*

Implement EPA's Best Management Practices for erosion and sedimentation control during construction.

___ YES ___ NO ___ MAYBE **M**

3.3 Low-Impact Development *(New Construction only)*

Projects located on greenfields must meet the list of low-impact development criteria.

___ YES ___ NO ___ MAYBE **M**

3.4 Landscaping

Provide new plants (including trees, shrubs, and ground cover) such that at least 50% of area available for landscaping is planted with native or adaptive species, all new plants are appropriate to the site's soil and microclimate, and none of the new plants is an invasive species.

___ YES ___ NO ___ MAYBE **M**

3.5 Efficient Irrigation and Water Reuse

If irrigation is utilized, install an efficient irrigation or water reuse system.

HPD Overlay: Recommendation

Sub-meter the exterior hose connection or irrigation system.

___ YES ___ NO ___ MAYBE **2 or 6**

3.6 Surface Stormwater Management

Retain, infiltrate, and/or harvest stormwater on site. *Select only one: partial stormwater retention [2 points] or full stormwater retention [6 points]*

_____ SUBTOTAL POINTS

4: WATER CONSERVATION

___ YES ___ NO ___ MAYBE **M**

4.1 Water-Conserving Fixtures

Install or retrofit water-conserving fixtures in all units and any common facilities with the following specifications: Toilets—1.28 gpf; Urinals—0.5 gpf; Showerheads—2.0 gpm; Kitchen faucets—2.0 gpm; Bathroom faucets—1.5 gpm

HPD Overlay: Clarification

HPD funded projects using the HPD Standard Specifications **must** meet:

- Toilets – 1.28 gpf
- Showerheads – 1.5 gpm
- Kitchen faucets – 1.5 gpm
- Bathroom faucets – 0.5 gpm
- Urinals – 0.5 gpf

HPD Overlay: Modification

Any toilet specified must have a minimum rating of 750g from the Maximum Performance (MaP) Testing program.

___ YES ___ NO ___ MAYBE **6 max**

4.2 Advanced Water-Conserving Appliances and Fixtures

HPD Required

Install or retrofit water-conserving fixtures in all units and any common facilities with the following specifications:

- Toilets – 1.2 gpf
- Showerheads – 1.5 gpm
- Kitchen faucets – 1.5 gpm
- Bathroom faucets – 0.5 gpm

Toilets *[2 points]*

Showerheads *[2 points]*

Faucets—kitchen and bathroom *[2 points]*

HPD Overlay Clarification:

New York City projects using the HPD Standard Specification will achieve 4 points in this category for showerheads and kitchen and bathroom faucets. While projects are required to meet the flow rates from showerheads and faucets in this criteria, projects may elect to optionally achieve the 1.2 gpf for toilets. Any toilet specified must have a minimum rating of 750g from the Maximum Performance (MaP) Testing program.

___ YES ___ NO ___ MAYBE **4**

4.3 Water Reuse

Harvest, treat, and reuse rainwater and/or greywater to meet a portion of the project's water needs.

- 10% reuse *[1 point]*
- 20% reuse *[2 points]*
- 30% reuse *[3 points]*
- 40% reuse *[4 points]*

_____ SUBTOTAL POINTS

5: ENERGY EFFICIENCY

___ YES ___ NO ___ MAYBE **M**

5.1a Building Performance Standard: Single Family and Multifamily (three stories or fewer) *(New Construction only)*

Certify the project under ENERGY STAR New Homes.

HPD Overlay: Modification

In cases where a single project includes low-rise buildings and two or more multifamily buildings of four stories or more, the project may choose to apply the specifications, work scope, and verification standards of the multifamily buildings in lieu of this criteria.

Such projects must meet the following characteristics:

1. Two or more multifamily buildings of four stories or more in the same project will comply with 5.1b
2. The combined unit count of the low-rise buildings is 25% or less of the total project unit count

___ YES ___ NO ___ MAYBE **M**

5.1b Building Performance Standard: Multifamily (four stories or more) *(New Construction only)*

Demonstrate compliance with EPA's Multifamily High-Rise program (MFHR) using either the prescriptive or the performance pathway.

HPD Overlay: Clarification

Enterprise requires that projects follow the MFHR program standards, but does not require projects be submitted to EPA for certification.

NYSERDA Multifamily Performance Program (MPP) New Construction component projects meet the requirements of 5.1b automatically, as MPP NC is a New York State implementation of MFHR.

Projects that do not submit to the EPA and not part of NYSERDA MPP must follow the verification protocols specified by Enterprise.

___ YES ___ NO ___ MAYBE **M**

5.1c Building Performance Standard: Single Family and Multifamily (three stories or fewer) *(Substantial and Moderate Rehab only)*

Demonstrate that the final energy performance of the building is equivalent to a Home Energy Rating System (HERS) Index of 85.

HPD Overlay: Modification

In cases where a single project includes low-rise buildings and two or more multifamily buildings of four stories or more, the project may choose to apply the specifications, work scope, and verification standards of the multifamily buildings in lieu of this criteria.

Such projects must meet the following characteristics:

1. Two or more multifamily buildings of four stories or more in the same project will comply with 5.1d
2. The combined unit count of the low-rise buildings is 25% or less of the total project unit count

___ YES ___ NO ___ MAYBE **M**

5.1d Building Performance Standard: Multifamily (four stories or more)

(Substantial and Moderate Rehab only)

Demonstrate that the final energy performance of the building is equivalent to ASHRAE 90.1-2007.

HPD Overlay: Modification

NYSERDA Multifamily Performance Program (MPP) Existing Buildings projects may substitute the MPP EB performance requirements for 5.1d.

___ YES ___ NO ___ MAYBE **15 max**

5.2 Additional Reductions in Energy Use

Improve whole-building energy performance by percentage increment above baseline building performance standard for additional points.

HPD Overlay: Modification

NYSERDA Multifamily Performance Program (MPP) Existing Buildings component projects may claim these additional points if the project model demonstrates that the final energy performance exceeds ASHRAE 90.1-2007.

___ YES ___ NO ___ MAYBE **M**

5.3 Sizing of Heating and Cooling Equipment and Ducts

Size heating and cooling equipment in accordance with the Air Conditioning Contractors of America (ACCA) Manuals, Parts J, S, and D, or ASHRAE handbooks.

___ YES ___ NO ___ MAYBE **M**

5.4 ENERGY STAR Appliances

If providing appliances, install ENERGY STAR–labeled clothes washers, dishwashers, and refrigerators.

___ YES ___ NO ___ MAYBE **M**

5.5a Efficient Lighting: Interior Units

Install efficient interior lighting, appropriate for project type, either ENERGY STAR Advanced Lighting Package (ALP) or lighting specified in EPA's MFHR program.

HPD Overlay: Clarification

Projects may use fixtures that are not ENERGY STAR qualified by demonstrating equivalent energy performance.

Technical specifications to demonstrate ENERGY STAR equivalency are located on the ENERGY STAR website at:

http://www.energystar.gov/index.cfm?c=product_specs.pt_product_specs

___ YES ___ NO ___ MAYBE **M**

5.5b Efficient Lighting: Common Areas and Emergency Lighting

(All Multifamily projects)

Install efficient lighting in common areas and for emergency lighting, appropriate for project type. For multifamily projects with three stories or fewer, install ENERGY STAR–labeled fixtures, LEDs, T8 fixtures with electronic ballasts or better, or equivalent. For multifamily projects with four stories or more, install lighting specified in EPA's MFHR program.

HPD Overlay: Clarification

Projects may use fixtures that are not ENERGY STAR labeled by demonstrating equivalent energy performance.

Technical specifications to demonstrate ENERGY STAR equivalency are located on the ENERGY STAR website at:

http://www.energystar.gov/index.cfm?c=product_specs.pt_product_specs

YES NO MAYBE **M**

5.5c Efficient Lighting: Exterior

Install efficient exterior lighting, appropriate for project type: either ENERGY STAR compact fluorescents or LEDs, or lighting specified in EPA's MFHR program.

HPD Overlay: Clarification

Exterior lights must be full cut-off, Dark Sky approved fixtures, or project must document intent to eliminate light trespass through design.

YES NO MAYBE **M**

5.6a Electricity Meter *(New Construction and Substantial Rehab only)*

Install individual or sub-metered electric meters in all dwelling units.

YES NO MAYBE **3**

5.6b Electricity Meter *(Moderate Rehab only)*

Install individual or sub-metered electric meters in all dwelling units.

YES NO MAYBE **12 max**

5.7a Renewable Energy

Install photovoltaic (PV) panels, wind turbines, or other electric-generating renewable energy source to provide a specified percentage of the project's estimated energy demand.

YES NO MAYBE **1 or 2**

5.7b Photovoltaic/Solar Hot Water Ready

Site, design, engineer, and/or plumb the development to accommodate installation of photovoltaic (PV) or solar hot water system in the future.

HPD Overlay: Clarification

Projects are urged to implement a solar-ready design.

YES NO MAYBE **5**

5.8 Advanced Metering Infrastructure

Site, design, engineer, and wire the development to accommodate installation of smart meters and/or be able to interface with smart grid systems in the future.

_____ SUBTOTAL POINTS

6: MATERIALS BENEFICIAL TO THE ENVIRONMENT

___ YES ___ NO ___ MAYBE **M**

6.1 Low/No VOC Paints and Primers

All interior paints and primers must be less than or equal to the following VOC levels: Flats—50 g/L; Non-flats—50 g/L; Floor—100 g/L

___ YES ___ NO ___ MAYBE **M**

6.2 Low/No VOC Adhesives and Sealants

All adhesives must comply with Rule 1168 of the South Coast Air Quality Management District. All caulks and sealants must comply with regulation 8, rule 51, of the Bay Area Air Quality Management District.

HPD Overlay: Clarification

This requirement applies only to interior caulks and sealants, where 'interior' is defined to be anything on the inside of the weather barrier.

___ YES ___ NO ___ MAYBE **M**

6.3 Construction Waste Management

Commit to following a waste management plan that reduces non-hazardous construction and demolition waste by at least 25% by weight through recycling, salvaging, or diversion strategies.

HPD Overlay: Clarification

All HPD projects meet this requirement as of right based on NYC average construction waste diversion rates.

___ YES ___ NO ___ MAYBE **5 max**

6.4 Construction Waste Management: Optional

Determine percentage of waste diversion and earn all points below that threshold:

- 35% waste diversion [1 point]
- 45% waste diversion [1 point]
- 55% waste diversion [1 point]
- 65% waste diversion [1 point]
- 75% waste diversion [1 point]

HPD Overlay: Clarification

Projects are strongly urged to implement this measure. Projects meeting this optional criteria must provide supporting documentation of a specific strategy to meet the diversion rates - points will not be awarded based on average diversion rates. Projects not meeting criteria 2.4 Compact Development as of right may choose to implement this measure.

___ YES ___ NO ___ MAYBE **5**

HPD Required

6.5 Recycling Storage for Multifamily Project

Provide one or more easily accessible, permanent areas for the collection and storage of materials for recycling.

HPD Overlay:

All projects must meet this requirement.

___ YES ___ NO ___ MAYBE **5 max**

6.6 Recycled Content Material

Incorporate building materials that are composed of at least 25% post-consumer recycled content or at least 50% post-industrial recycled content.

Select from the following:

- Framing materials [1 point]
- Exterior materials: siding, masonry, roofing [1 point]
- Concrete/cement and aggregate [1 point]
- Drywall/interior sheathing [1 point]
- Flooring materials [1 point]

___ YES ___ NO ___ MAYBE **5 max**

6.7 Regional Material Selection

Use products that were extracted, processed, and manufactured within 500 miles of the home or building for a minimum of 50% of the building material value (based on cost). *Select any or all of these options:*

- Framing materials [1 point]
- Exterior materials: siding, masonry, roofing [1 point]
- Concrete/cement and aggregate [1 point]
- Drywall/interior sheathing [1 point]
- Flooring materials [1 point]

___ YES ___ NO ___ MAYBE **5**

6.8 Certified, Salvaged, and Engineered Wood Products

Commit to using wood products and materials of at least 25% that are (by cost): FSC-certified, salvaged products, or engineered framing materials without urea-formaldehyde binders.

___ YES ___ NO ___ MAYBE **1 or 3**

HPD Required

6.9a Reduced Heat-Island Effect: Roofing

Use Energy Star-compliant roofing or install a “green” (vegetated) roof for at least 50% of the roof area. *Select only one: cool roof [3 points] or green roof [1 point]*

HPD Overlay: Modification

All projects must install a cool roof over 100% of the roof area, or a combination of a cool roof and a green roof covering 75% of the roof area.

___ YES ___ NO ___ MAYBE **2**

6.9b Reduced Heat-Island Effect: Paving

Use light-colored, high-albedo materials and/or an open-grid pavement, with a minimum solar reflectance of 0.3, over at least 50% of the site’s hardscaped area.

HPD Overlay: Clarification

Projects are strongly urged to implement this measure.

_____ SUBTOTAL POINTS

7: HEALTHY LIVING ENVIRONMENT

___ YES ___ NO ___ MAYBE **M**

7.1 Composite Wood Products that Emit Low/No Formaldehyde

All composite wood products must be certified compliant with California 93120. If using a composite wood product that does not comply with California 93120, all exposed edges and sides must be sealed with low-VOC sealants.

___ YES ___ NO ___ MAYBE **M**

7.2 Environmentally Preferable Flooring

Do not install carpets in entryways, laundry rooms, bathrooms, kitchens/kitchenettes, utility rooms, and all rooms of ground-connected floors. Any carpet products used must meet the Carpet and Rug Institute's Green Label or Green Label Plus certification for carpet, pad, and carpet adhesives. Any hard surface flooring products used must be either ceramic tile, unfinished hardwood floors, **OR** in compliance with the Scientific Certification System's FloorScore program criteria.

HPD Overlay: Clarification

Hard surface flooring products may be pre-finished environmentally preferable materials, such as bamboo.

___ YES ___ NO ___ MAYBE **4**

7.3 Environmentally Preferable Flooring: Alternative Sources

Use non-vinyl, non-carpet floor coverings in all rooms of building.

___ YES ___ NO ___ MAYBE **M**

7.4a Exhaust Fans: Bathroom (*New Construction and Substantial Rehab only*)

Install Energy Star-labeled bathroom fans that exhaust to the outdoors, are connected to a light switch, and are equipped with a humidistat sensor, timer, or other control (e.g., occupancy sensor, delay off switch, ventilation controller).

HPD Overlay: Clarification

All new construction projects with mechanical exhaust ventilation must specify properly sealed ductwork and specify a means of exhaust balancing. Constant Airflow Regulators are recommended.

All substantial rehab projects with existing central exhaust ventilation systems must specify cleaning, sealing, balancing, and right-sizing roof-top fans.

___ YES ___ NO ___ MAYBE **6**

7.4b Exhaust Fans: Bathroom (*Moderate Rehab only*)

Install Energy Star-labeled bathroom fans that exhaust to the outdoors, are connected to a light switch, and are equipped with a humidistat sensor, timer, or other control (e.g., occupancy sensor, delay off switch, ventilation controller).

HPD Overlay: Modification

All projects with existing mechanical exhaust ventilation must calculate cost/benefit of cleaning, sealing, balancing, and right-sizing roof-top fans.

1. Roof fans up to 300 design cfm must be direct-drive and variable-speed control with speed controller mounted near the fan.
 2. Roof fans between 300-2000 design cfm must be direct-drive, variable-speed control, and ECM, with speed controllers mounted near the fan.
-

___ YES ___ NO ___ MAYBE **M**

7.5a Exhaust Fans: Kitchen (*New Construction and Substantial Rehab only*)

Install power-vented fans or range hoods that exhaust to the exterior at the appropriate cfm rate, per ASHRAE 62.2, or install a central ventilation system with rooftop fans that meet efficiency criteria:

HPD Overlay: Modification

1. Roof fans up to 300 design cfm must be direct-drive and variable-speed control with speed controller mounted near the fan.
2. Roof fans between 300-2000 design cfm must be direct-drive, variable-speed control, and ECM, with speed controllers mounted near the fan.

___ YES ___ NO ___ MAYBE **6**

7.5b Exhaust Fans: Kitchen *(Moderate Rehab only)*

Install power-vented fans or range hoods that exhaust to the exterior at the appropriate cfm rate, per ASHRAE 62.2, or install a central ventilation system with rooftop fans that meet efficiency criteria.

HPD Overlay: Modification

1. Roof fans up to 300 design cfm must be direct-drive and variable-speed control with speed controller mounted near the fan.
2. Roof fans between 300-2000 design cfm must be direct-drive, variable-speed control, and ECM, with speed controllers mounted near the fan.

___ YES ___ NO ___ MAYBE **M**

7.6a Ventilation *(New Construction and Substantial Rehab only)*

Install a ventilation system for the dwelling unit capable of providing adequate fresh air per ASHRAE requirements for the building type.

HPD Overlay: Clarification

New construction multifamily projects with central ventilation systems must establish ventilation rates for bathrooms, kitchens, and units based on ASHRAE 62.2-2010 requirements. Using these ventilation levels, Install a centralized ventilation system that is balanced to run at the required ASHRAE 62.2-2010 levels for each unit and 62.1-2010 levels for common spaces. Provide calculations and information on controls used to achieve the residential in-unit ventilation requirement.

All substantial rehab projects with existing central exhaust ventilation systems must specify cleaning, sealing, balancing, and right-sizing roof-top fans to meet the requirements of 62.2-2010 and 62.1-2010 for residential units and common areas, respectively.

1. Roof fans up to 300 design cfm must be direct-drive and variable-speed control with speed controller mounted near the fan.
2. Roof fans between 300-2000 design cfm must be direct-drive, variable-speed control, and ECM, with speed controllers mounted near the fan.

___ YES ___ NO ___ MAYBE **5**

7.6b Ventilation *(Moderate Rehab only)*

Install a ventilation system for the dwelling unit capable of providing adequate fresh air per ASHRAE requirements for the building type.

HPD Overlay: Modification

All projects with existing mechanical exhaust ventilation must calculate cost/benefit of cleaning, sealing, balancing, and right-sizing roof-top fans.

___ YES ___ NO ___ MAYBE **M**

7.7 Clothes Dryer Exhaust

Clothes dryers must be exhausted directly to the outdoors using rigid-type duct work.

___ YES ___ NO ___ MAYBE **M**

7.8 Combustion Equipment

Specify power-vented or closed-combustion equipment when installing new space and water-heating equipment in New Construction and any Substantial and Moderate Rehab projects.

___ YES ___ NO ___ MAYBE **M**

7.9a Mold Prevention: Water Heaters

Provide adequate drainage for water heaters that includes drains or catch pans with drains piped to the exterior of the dwelling.

___ YES ___ NO ___ MAYBE **M**

7.9b Mold Prevention: Surfaces

In bathrooms, kitchens, and laundry rooms, use materials that have durable, cleanable surfaces.

___ YES ___ NO ___ MAYBE **M**

7.9c Mold Prevention: Tub and Shower Enclosures

Use non-paper-faced backing materials such as cement board, fiber cement board, or equivalent in bathrooms.

___ YES ___ NO ___ MAYBE **M**

7.10 Vapor Barrier Strategies *(New Construction and Rehab Projects with foundation work only)*

Install vapor barriers that meet specified criteria appropriate for the foundation type.

___ YES ___ NO ___ MAYBE **M**

7.11 Radon Mitigation *(New Construction and Substantial Rehab only)*

For New Construction in EPA Zone 1 and 2 areas, install passive radon-resistant features below the slab. For Substantial Rehab projects in those Zones, test for the presence of radon and mitigate if elevated levels exist.

___ YES ___ NO ___ MAYBE **M**

7.12 Water Drainage *(New Construction and Rehab projects replacing assemblies called out in Criterion only)*

Provide drainage of water away from windows, walls, and foundations by implementing list of techniques.

___ YES ___ NO ___ MAYBE **M**

7.13 Garage Isolation

Follow list of criteria for projects with garages, including: provide a continuous air barrier between the conditioned (living) space and any garage space to prevent the migration of any contaminants into the living space, and install a CO alarm inside the house in the room with a door to the garage *and* outside all sleeping areas.

___ YES ___ NO ___ MAYBE **M**

7.14 Integrated Pest Management

Seal all wall, floor, and joint penetrations with low-VOC caulking or other appropriate sealing methods to prevent pest entry.

___ YES ___ NO ___ MAYBE **M**

7.15 Lead-Safe Work Practices *(Moderate and Substantial Rehab only)*

For properties built before 1978, use lead-safe work practices consistent with the EPA's Renovation, Repair, and Painting Regulation and applicable HUD requirements.

___ YES ___ NO ___ MAYBE **9**

7.16 Smoke-Free Building

Implement and enforce a no smoking policy in all common, individual living areas, and with a 25-foot perimeter around the exterior of all residential buildings.

HPD Overlay: Clarification

Learn about the benefits of implementing a smoke free building.

- ◆ Owners see reductions in property damage and turnover costs, and the potential for insurance savings by decreasing the likelihood of a fire.
- ◆ Residents enjoy breathing cleaner, healthier air in their homes and in common areas such as hallways, lobbies and stairwells.

Resources to learn about effective strategies are available through the NYC Health Department Smoke-Free Housing Kit:

<http://www.nyc.gov/html/doh/html/epi/smoke-free-housing.shtml>

_____ SUBTOTAL POINTS

8: OPERATIONS + MAINTENANCE

___ YES ___ NO ___ MAYBE **M**

8.1 Building Maintenance Manual *(All Multifamily Projects)*

Provide a building maintenance manual that addresses maintenance schedules and other specific instructions related to the building's green features.

___ YES ___ NO ___ MAYBE **M**

8.2 Resident Manual

Provide a guide for homeowners and renters that explain the intent, benefits, use, and maintenance of green building features.

___ YES ___ NO ___ MAYBE **M**

8.3 Resident and Property Manager Orientation

Provide a comprehensive walk-through and orientation for residents and property managers using the appropriate building maintenance or resident's manual.

___ YES ___ NO ___ MAYBE **12**

HPD Required

8.4 Project Data Collection and Monitoring System

Collect and monitor project performance data on energy, water, and, if possible, healthy living environments for a minimum of five years.

HPD Overlay: Modification

New construction projects are required to implement this criteria. Substantial and moderate rehab projects are required to set up a benchmarking account for owner-paid utilities with Step 1 (pre-construction) certification request, and to meet the tenant account requirement during lease-up and lease renewals. This requirement may be met through setting up an account with a benchmarking software provider for the required five year minimum period.

_____ SUBTOTAL POINTS

_____ **TOTAL POINTS**

E. Financing Proposal – The Instructions page for the Financing Proposal (Form K) has been updated. **Please download** the most recent version of Form K from HPD's website: <http://www.nyc.gov/html/hpd/html/developers/Livonia-Ave-Initiative-Phase2.shtml>