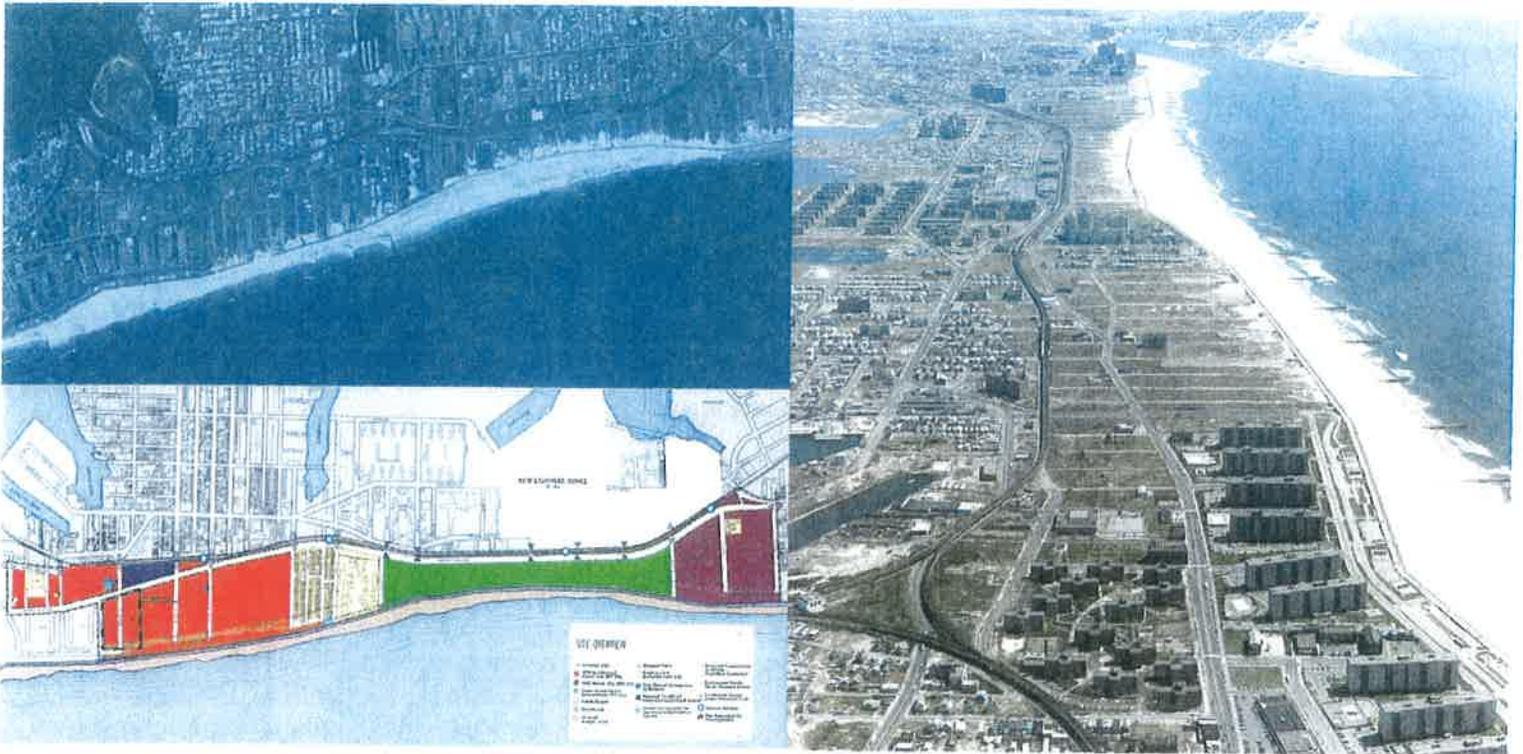


**REQUEST FOR  
PROPOSALS**

Issue Date: August 29, 2005  
Proposal Due Date: December 19, 2005  
Pre-Submission Conference Date: September 28, 2005

# Arverne east



the **new** housing  
**MARKETPLACE**  
CREATING HOUSING FOR THE NEXT GENERATION



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## **DEFINITIONS**

### **DEVELOPER**

The entity or entities selected by the City to commence negotiations regarding the development of the Development Site offered through this RFP. The entity or entities will provide equity; secure financing; assemble a Development Team; oversee the design, development, and construction of the Project; and oversee the marketing and management of the completed residential units and commercial/retail space included in the Project.

### **DEVELOPMENT SITE**

A series of contiguous and non-contiguous sites being offered for development to a Developer under this RFP as a single project excluding public streets and mapped parkland, as described in **SECTION 2A**.

### **DEVELOPMENT TEAM**

The Developer and the professional, technical, and construction entities (e.g. general contractor, architect, engineer, urban designer, landscape architect, legal counsel, marketing and managing agents) that will participate in the design, development, construction, marketing, and/or management of the Project.

### **PRINCIPAL**

An individual, partnership, limited liability company, corporation, or other entity that will act as the general partner or managing member of the Developer, or any entity, known limited partner, or other person that has at least a 10% ownership interest in the Developer.

### **PROJECT**

The development of commercial/retail space, residential units, parkland and other amenities on the Development Site.

### **RESPONDENT**

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

### **SUBORDINATED DEBT**

The amount equal to the sum of:

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

# 1

## SUMMARY OF PROJECT AND SELECTION PROCESS

Pursuant to this Request for Proposals ("RFP"), the City of New York ("City"), through its Department of Housing Preservation and Development ("HPD"), is seeking development proposals from experienced real estate developers for the mixed-use development of an approximately 47-acre, transit-served oceanfront parcel ("Development Site") in the Arverne section of the Rockaway Peninsula in Queens.

Arverne East is part of the *Mayor's New Housing Marketplace*, a plan created to respond to the changing housing needs of the City's communities by committing to the new construction or rehabilitation of 65,000 homes and apartments in five years, from fiscal year 2004 through 2008. The project complements the Plan's critical goal of neighborhood revitalization, making one of the largest remaining undeveloped swaths of land in the City, in a long-neglected community, available for redevelopment, and facilitating its transformation into a vibrant mixed-use neighborhood.

Arverne East is the final in a series of three major City-sponsored developments of the Arverne Urban Renewal Area. This project offers developers an opportunity to transform a long-neglected community into a vibrant mixed-use neighborhood. A renaissance of the Rockaways is now underway, and Arverne East completes the City's plan to create a unique oceanfront community that will complement the existing neighborhood and recent developments. Development of Arverne East will add to the neighborhood's construction of high quality housing and continue the economic revitalization that began with Arverne by the Sea. The new communities created at Arverne are slated to become premiere New York City destinations for living, shopping and recreation.

The Development Site has been approved for commercial and residential development through the City's Uniform Land Use Review Procedure (ULURP) and thus provides an opportunity to create a commercial/retail anchor for the eastern Rockaway peninsula, generate high-quality job opportunities for area residents, and provide additional mixed-income housing stock in the Arverne area. This development must integrate the housing needs, as well as the social and economic objectives of residents into the neighborhood's existing fabric while adhering to the environmental guidelines set forth in this RFP.

Of the total housing units, 20% must be affordable to households with incomes no greater than 130% of Area Median Income (AMI). Additional consideration will be given to those proposals that offer more than 20% of the total number of units to households with incomes no greater than 130% of AMI.

Respondents to this RFP must propose a mixed-use development including a new, vibrant housing community and retail district with a diverse tenant mix to serve the market for comparison-shopping on the entire peninsula and in the surrounding communities. Other commercial uses can include a hotel/conference center and related office space and entertainment/recreational facilities. The development program is described more fully in **Section 2A**.

To take advantage of the Development Site's extraordinary beachfront location, naturally landscaped open spaces and other community amenities must be included in any development plan. The selected Developer must assume responsibility for the development of a nature and dune preserve to be built on mapped parkland adjacent to the development site as described in **Section 2D:Off-Site Work**. In addition to on-site recreational space, the Developer must develop a 2.5 acre active recreational facility off-site on the eastern side of Beach 32<sup>nd</sup> Street also outlined in **Section 2D:Off-Site Work**.

Respondents must submit a proposal for the entire Development Site. HPD seeks a single developer, which may include a joint venture including multiple firms. A Respondent will be selected based on an evaluation of the Respondent's qualifications, feasibility of development proposal, development experience and quality of proposed design as described in **Section 3B: Competitive Selection Criteria**.

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

The selected Respondent(s) must disclose all previous participation with City-assisted projects. HPD will forward Entity and Individual Disclosure Statements to the selected Respondent(s). The development entity and all of its Principals will be required to complete and submit these forms to HPD in a timely manner.

A pre-submission conference will be held on **September 28, 2005 at 10 a.m. at HPD**, 100 Gold Street, Room 1R, New York, NY. All Respondents are encouraged to attend.

Proposals are due by hand on **December 19, 2005, no later than 4:00 p.m.** See **Section 4: Submission Requirements** for detailed instructions.

# 2

## THE PROGRAM

### A. DEVELOPMENT SITE

The Development Site offered in this RFP consists of approximately 47 acres (81 acres less public streets and mapped park) of City-owned oceanfront property within the 308-acre Arverne Urban Renewal Area ("Arverne URA") and three commercial sites within the Edgemere Urban Renewal Area ("Edgemere URA"). The site fronts the Atlantic Ocean and is connected to the City's central business districts, as well as JFK International Airport, by subway. The rush-hour express A train stops at the northern edge of the Development Site at Beach 36<sup>th</sup> Street and Beach 44<sup>th</sup> Street.

The Development Site is bounded to the north by Rockaway Beach Boulevard, Edgemere Avenue, Rockaway Freeway and Seagirt Boulevard, to the east by Beach 32<sup>nd</sup> Street, to the south by the Coastal Erosion Hazard Area ("CEHA") Line north of the boardwalk, and to the west by Beach 44<sup>th</sup> Street. **See Exhibit E.** The land is vacant except for a public elementary school located on Beach 35<sup>th</sup> Street south of Edgemere Avenue. The school, P.S. 106, serves pre-kindergarten through 5<sup>th</sup> grade and must be accommodated within any proposed development.

The entire Development Site is to be developed in accordance with the **SECTION 2C: PROGRAM GUIDELINES** and other requirements of this RFP. Specifically, the Site will be developed with mixed-income housing with a minimum of 20% of total units affordable to households with incomes no greater than 130% of AMI, commercial/retail space, landscaped open spaces, and parking in addition to other amenities which may include a hotel, conference center, and/or entertainment/recreational facilities. A new public or charter school may also be proposed as discussed in the Program Guidelines section.

The development scenario for this site has been outlined in several public documents created through an extensive public and environmental review process that has already been completed for the Development Site. Distilled in this RFP, as project requirements, are the critical elements outlined in the following documents: the Arverne Final Environmental Impact Statement (FEIS), the Arverne Uniform Land Use Review Procedure (ULURP) Mapping Application, Zoning Application and Urban Renewal Amendment and the Second Amended Arverne Urban Renewal Plan (URP). For information on how to view or obtain copies of the FEIS, call Christopher Pope at (212) 863-7499. Copies of the Arverne City Planning Commission Report and URP, which include the current street and zoning maps, are available online at <http://a030cpc.nyc.gov/html/cpc/index.aspx> and are on file with the Department of City Planning. **Exhibit B** contains formal comments from the Arverne community, various regulatory agencies, and elected officials regarding this project.

The Sponsor should use the FEIS and attached ULURP comments to help direct and inform the Development Proposal. Sponsors will be responsible for complying with the intent of the approvals with respect to the Proposal.

The three commercial sites within the Edgemere URA are not subject to the Arverne FEIS and ULURP requirements, but rather have their own set of requirements. The three Edgemere sites (See **Exhibit E: Figure 4**) are part of the Arverne East project but not of the Arverne Urban Renewal Area. These sites are part of the Edgemere URA that corresponds to its own set of public approvals including an Edgemere FEIS (1996), City Planning Commission Report and Urban Renewal Plan. The Edgemere City Planning Commission Report and URP are also available at the Department of City Planning.

## **B. SURROUNDING AREA**

The Rockaway Peninsula is undergoing a dynamic revitalization. New market rate housing continues to be developed, and income levels on the peninsula are on the rise. In the last two years, there has been a surge in private development with over 300 new infill homeownership units developed. Renovation of the area's historic bungalows has created interest in the area's existing housing stock and housing demand is rapidly rising. Between 1990 and 2000, the population increased by 6 percent, while the median household income increased by 12 percent. Furthermore, the Peninsula's only public high school is creating a higher skilled and better-trained labor force by providing a variety of specialized educational programs.

The Rockaway Peninsula is readily accessible from Manhattan, Brooklyn, Queens, and Nassau County by mass transit and by car. The peninsula includes a variety of neighborhoods with diverse housing types, ranging from single-family homes to high-rise apartment buildings. Breezy Point, Belle Harbor and Neponsit to the west are established, middle and upper-middle income suburban communities. Active commercial centers are found in nearby Rockaway Park, Far Rockaway, and Nassau County's Five Towns area.

### **Arverne-by-the-Sea**

Arverne-by-the-Sea is a new multi-million dollar development to the west of the development site with a planned nature preserve sponsored by HPD. It will consist of approximately 2,300 units of new market-rate housing and approximately 270,000 square feet of neighborhood commercial/retail space, to be developed on an approximately 117-acre vacant parcel bounded to the north by Rockaway Freeway, to the east by Beach 62<sup>nd</sup> Street, to the south by the boardwalk, and to the west by Beach 74<sup>th</sup> Street and Beach 81<sup>st</sup> Street. The initial phase of construction began in June 2002 and the full build-out of Arverne-by-the-Sea is expected over the next several years.

Additional information can be found at [www.arvernebythesea.com](http://www.arvernebythesea.com). This website was not prepared by or associated with HPD and HPD has no responsibility nor makes any representation whatsoever as to its content and accuracy.

### **Edgemere**

The HPD-sponsored Edgemere Urban Renewal Area development is a multi-million dollar redevelopment effort focused on mixed-use homeownership housing and recreational amenities in the neighborhood of Edgemere, directly north of the Development Site. Construction on the first phase of this 685-unit middle-income infill housing development commenced in Spring of 2002. Three sites offered in this RFP are part of this Urban Renewal Area.

## **C. PROGRAM GUIDELINES**

Over the past several years, HPD has worked with Community Board 14, the Queens Borough President's Office, several City agencies, and local community

leaders to forge a consensus on the redevelopment of the Arverne URA. This process succeeded in identifying planning and development objectives for the Arverne URA that have been incorporated into this RFP.

In accordance with the recommendations of the community-sponsored planning process, new development proposed for the Development Site should be focused on creatively balancing the community's need for goods, services, high quality employment opportunities and housing with the site's environmental sensitivity.

In addition, the Development Proposal must ensure that the density of the project does not overwhelm the site, and that steps are taken to create a community that fits into and connects with the context of the surrounding neighborhood. High-density development is discouraged.

### **Program Location and Volume Requirements**

Because of the environmental sensitivity of the site, the location and volumes for certain uses on the site have been segregated as part of the ULURP and EIS.

The following elements must be reflected in Proposals:

The development plan must concentrate commercial uses to the western and northern sections of the project site and residential development to the east. This is in an effort to distance uses with substantial human activity (i.e. residential uses) from the nature preserve.

In adherence with this goal, substantial commercial development is not encouraged in the area between Beach 36<sup>th</sup> and Beach 32<sup>nd</sup> Streets, although local retail uses are encouraged.

Residential uses are not permitted along Beach 44<sup>th</sup> Street, directly adjacent to the nature preserve. Commercial uses should be concentrated in the western part of the Development Site, and to the north and south of Edgemere Avenue. Situating commercial uses around Edgemere Avenue serves to link the site across the boundary of Rockaway Freeway and to integrate the existing neighborhood north of the Site. This will also encourage the development of the area surrounding the train stations along Rockaway Freeway as commercial hubs for the neighborhood.

The Edgemere sites are zoned R-4 with a C2-4 overlay and must be developed as commercial sites in accordance with zoning. In conjunction with the commercially zoned property directly east and south of the Beach 44<sup>th</sup> and 36<sup>th</sup> Street subway stations, these areas should be developed as commercial hubs around the respective transit stations.

### **Housing Development**

A mix of housing types, which include 1-4 family homes and cooperative and/or condominium apartments, should be proposed for the development site.

Of the total housing units, 20% must be affordable to households with incomes no greater than 130% of Area Median Income. Additional consideration will be given to those proposals that offer more than 20% of the total number of units to households with incomes no greater than 130% of AMI.

### **Commercial Development**

The Rockaway Peninsula has long been underserved in terms of retail shopping opportunities. While a variety of commercial uses (hotel & conference center, office, entertainment) are permitted, all responses must include a strong retail component that provides comparison shopping opportunities for residents of the

entire peninsula and surrounding communities. There is a strong demand for apparel stores, bookstores, electronic stores, sporting goods stores, shoe stores, and other specialty retailing. The development should capture retail spending currently lost to Nassau County and reflect the unique character of the Site's location.

The retail component of the development should:

- Introduce a diverse mix of tenants to ensure comparison shopping
- Incorporate spaces of varying dimensions and layouts to accommodate both large and small businesses
- Incorporate retail uses into the proposed mixed-use development centered on public streets or public open space such as a "town square"
- Provide a focus on public amenities with greater pedestrian access, including transit stations, public streets, and open spaces

The Arverne community envisions the Site as an economic generator and a resource for much-needed local employment. Proposals must include a local hiring and business development strategy. The strategy must outline plans for outreach and hiring both during and after construction.

**Commercial Volumes**

The EIS assumes the commercial component of the Eastern Portion of the Arverne Urban Renewal Area will be 500,000 square feet. The space should be comprised of approximately 300,000 square feet of neighborhood retail, which is a facility that has a service area within a three-mile radius, and up to 200,000 square feet of hotel/conference center uses.

The EIS also permits development of office space and destination retail, a facility with a service area greater than a three-mile radius. Respondents are permitted to propose an alternative mix of uses, but must adhere to the Equivalency Factors noted below. The Equivalency Factors were derived from an analysis of potential traffic generation impacts of various uses based on the zoning plan.

Respondents interested in proposing volumes greater than those permissible by the EIS should submit a justification for exceeding the EIS standards and will be responsible for any costs associated with a supplemental environmental review and additional mitigation measures.

<b>Land Use Equivalency Factors</b>					
	<b>Land Use</b>	<b>Destination Retail</b>	<b>Neighborhood Retail</b>	<b>Hotel</b>	<b>Office</b>
<b>1,000 sf</b>	Destination Retail	1,000 sf	6,875 sf	25,000 sf	19,125 sf
<b>1,000 sf</b>	Neighborhood Retail	145 sf	1,000 sf	3,635 sf	2,780 sf
<b>1,000 sf</b>	Hotel	40 sf	275 sf	1,000 sf	765 sf
<b>1,000 sf</b>	Office	50 sf	360 sf	1,305 sf	1,000 sf

As noted by the equivalency factors above, 300,000 square feet of neighborhood retail translates into 43,500 square feet (14.5%) of destination retail.

An additional 100,000 square feet can be developed within the three Edgemere URA sites. Uses for the Edgemere commercial sites must conform to zoning but are not subject to the commercial equivalency factors described above.

## Building Design/ Planning Objectives

Unless noted as a *Requirement*, the following Design principles are guidelines that should be present in Respondent's submission to the maximum extent possible. Where noted as a requirement, the design principle must be present in Respondent's submission.

- Provide a mix of homeownership housing types that include 1-4 family homes and cooperative and/or condominium apartments. (*Requirement*)
- Ensure that the neighborhood retail and commercial uses are incorporated into the fabric of the neighborhood and provide for mixed-use buildings and sites. (*Requirement*)
  - a) Design and locate commercial/retail spaces that maintain the streetwall.
  - b) Provide screened parking that does not face streets, where feasible.
  - c) Consider the use of bold geometric shapes and the use of bold colors compatible with the tones in the proposed dune preserve.
- Capitalize on the site's proximity to public transportation hubs by incorporating transit-oriented design principles into the site plan. (*Requirement*)
- Employ one master planning/architecture firm to oversee and direct the design components of the project. (*Requirement*)
- Utilize building designs and architectural features that characterize successful oceanfront communities.
  - a) Consider use of historically evocative coastal architectural shapes and forms.
  - b) Utilize porches and/or a variety of roof lines (e.g. pitched roofs with attic space, gables, roof decks, etc.).
  - c) Promote the installation and maintenance of extensive landscaping suitable for an oceanfront setting in public and private areas.
- Enhance the health and safety of residents and visitors by promoting defensible design and a street system that provides for necessary movement and access.
  - a) Enhance sense of security through street orientation of housing and adequate street lighting.
  - b) Provide for pedestrian and open space security through visibility of public spaces and the creation of defensible spaces.
- Indicate the purposes of streets with varying roadway sizes and plans for street landscaping and street furniture.
  - a) The New York City Fire Department requires a minimum of 30 feet of clearance on all private streets.
- Provide a pedestrian-friendly environment that establishes appropriate links with adjacent areas.
  - a) Recognize and protect major views to and from the ocean by providing ecologically sensitive open space at the ocean edge and by using street view corridors and, if necessary, tiered building massing. (*Requirement*)

- b) To enhance pedestrian friendliness, provide at least one other new east-west street corridor that includes a bicycle path through the site to break up long north-south block frontages. *(Requirement)*
  - c) Create destination points at the water's edge that have varying uses, are visible along view corridors, and form orientation points for the neighborhood.
  - d) Extend adjacent existing street patterns wherever feasible.
  - e) Paths that connect transit stations hubs with the boardwalk and with other transit hubs must have wide sidewalks, appropriate lighting, scaled landscaping, distinctive paving, and transparent or decorative façade at street level. Such pathways should consider the provision of overhead protection from inclement weather (e.g. arcades, awnings, deep roof overhangs) *(Requirement)*
  - f) Recognize the importance of the pedestrian environment at the street level of buildings and provide a special and consistent streetscape treatment to project a high-quality street environment.
- Beach 44<sup>th</sup> Street connects Arverne East to the nature preserve. Design intervention along this corridor must be sensitive to the nature preserve by providing compatible uses and architectural elements that are appropriately scaled. *(Requirement)*
    - a) Street front development should provide shade through the use of landscaping, arcades, colonnades, awnings, etc.
    - b) Wide sidewalks and shaded seating should be provided to encourage small outdoor group gatherings.
- Provide landscape environments that facilitate a sustainable environment.
    - a) Landscaping with native plant materials naturally suited for beachfront areas.
    - b) Consider landscaped mid-block connectors, landscaped corridors and bike paths.
    - c) Consider use of green roofs, porous/permeable materials to reduce excessive run-off .
- Provide a variety of parking solutions (e.g. *parking structures, roof top parking, screened surface parking*) while limiting the amount of curb cuts along streets to the extent feasible.
    - a) Paved surfaces should be minimized, and the use of a permeable surface is encouraged to minimize runoff.
    - b) If parking alleys are provided they must not run through the block and should be designed with traffic calming elements.
    - c) Surface parking and driveways are to be designed and located to prevent interruptions in the streetwall and to facilitate pedestrian comfort and movement. Consider smaller parking sub-lots to reduce size of overall parking fields.
    - d) Parking structures should minimize the impact on adjacent building facades and street frontage by utilizing openings that reflect the scale and proportions of neighboring residential buildings.
    - e) Parking garage doors should not dominate the frontage of buildings on any street or interfere with pedestrian movement.
    - f) Screening elements to consider are buildings, pergolas, garden walls, berms or other landscaping methods.

- Building massing should prevent monotony and promote identity.
  - a) Building heights are limited to 75 feet on New Street and Beach 34<sup>th</sup> Street between Edgemere Avenue and Edgemere Street to a depth of 200 feet. (*Requirement*)
  - b) Each individual house should read as a separate unit on the street. Important corners, ends of blocks, entrances to public places and ends of important views should be anchored by taller buildings and special building features.
  - c) Due to the potential shadow impacts on the playground of P.S. 106, Respondents are encouraged to incorporate shadow mitigation elements in this area of the site. Shadow mitigation includes measures such as height limits, light shafts etc.. Limiting building heights within the area, described above, to 24 feet along the street frontages and a one foot to four foot horizontal setback extending further from the street frontage would mitigate the shadow impact on P.S. 106. However, such height limits are not required.
- Provide sites for community facility uses (e.g. day care centers, houses of worship, etc.) that meet the needs of the intended population. Sites for community facilities should be integrated into the residential areas.

## Sustainable Architecture

For the purposes of this RFP, sustainable architecture describes design and building strategies that maximize energy efficiency and minimize impacts on the environment. The strategies are frequently described as "Green Building Techniques" ("GBT") or, alternatively, "Low Impact Development Strategies" ("LIDS"). Respondents are encouraged to propose projects that encourage energy efficiency and minimize impacts to the environment and development site.

Where possible, proposals should try to incorporate Green Building and Sustainable Development and Smart Building concepts and technologies in order to enhance overall housing design and construction, integration of high technology into affordable homes and the long-term marketability of the homes, while simultaneously making the buildings environmentally responsible. Additional points will be awarded to proposals that incorporate such concepts.

### Green Building and Sustainable Development

1. According to the NAHB Research Center, "green building is the design, construction, and operation of homes according to resource-efficiency standards for energy, water, building design and materials, as well as indoor air quality standards." These design and construction practices significantly reduce or eliminate the negative impact of buildings on the environment and occupants in five broad areas: sustainable site planning, safeguarding water and water efficiency, energy efficiency and renewable energy, conservation of materials and resources, and indoor environmental air quality.
2. Examples of these practices include tight construction, tight ducts, improved levels of insulation, high performance windows and high efficiency heating and cooling systems.
3. For background information or guidelines for integrating these energy efficient technologies into residential buildings, Respondents should visit some of the numerous websites that promote and explain them. Tax credits

and funding from state and federal sources are often available to developers who take these initiatives. Some of the most useful sites are:

- New York State Energy Research and Development Authority (NYSERDA) [www.nyserda.org](http://www.nyserda.org)
- Energy Star [www.energystar.gov](http://www.energystar.gov)
- US Green Building Council (USGBC) [www.usgbc.org](http://www.usgbc.org)
- Partnership for Advancing Technology in Housing (PATH) [www.pathnet.org](http://www.pathnet.org)

### Smart Building Technology

1. Smart Building refers to the installation of advanced communication technologies and integrated electronic systems that promote building automation.
2. The installation of a Smart Building system would allow the automation of a building's electronic systems such as lighting, heating and cooling, security and communications, through home run wiring. Home run means running all the wires together vertically through a central PVC (plastic) pipe; wires serving the first floor should come up from the basement, while wires for the second floor would come down from the attic. The home run approach to clustering the wiring in a centrally located PVC conduit would allow homeowners to easily upgrade the electronic systems in the home.
3. For background information or guidelines for integrating these energy efficient technologies into residential buildings, Respondents should visit some of the numerous websites that promote and explain them. Some of the most useful sites are:
  - EH Publishing Inc. ([www.Electronichouse.com](http://www.Electronichouse.com))
  - Home Automation & Networking Association ([www.hanaonline.org](http://www.hanaonline.org))
  - General Electric (GE) Connected Home ([www.gesmart.com/building](http://www.gesmart.com/building))
  - Smart House Inc. ([www.smart-house.com](http://www.smart-house.com))
  - National Association of Homebuilders Research Center ([www.nahbrc.org](http://www.nahbrc.org))
  - One Economy ([www.One-Economy.com](http://www.One-Economy.com))

In addition to the overall design quality, projects that include the most optional LEED (Leadership in Energy and Environmental Design) qualifying points, as outlined in **Exhibit H**, will achieve a higher quality design ranking.

### Transit Orientation

Proposals should describe the role of the Beach 36<sup>th</sup> Street and Beach 44<sup>th</sup> Street express stations in the projected development scheme. The site is well-served by existing public transportation including a rush hour express A Train. The subway stations within the site should be treated as assets and critical elements of the site plan. Proposals should demonstrate a connection between the subway stations and the commercial and recreational uses within the site for both pedestrians and public transportation users.

### Street Grid/ Circulation

A new street grid was established expressly for this project. Respondents must incorporate the rights of way of Beach 44<sup>th</sup> Street, Beach 38<sup>th</sup> Street, Beach 35<sup>th</sup> Street, Beach 34<sup>th</sup> Street, Beach 32<sup>nd</sup> Street, Edgemere Avenue, Edgemere Street and Ocean Front Road into the development plan. Respondents should

create a system of private drives within the Development Site to provide local access. No streets within the Development Site or at the boundaries should be gated. Respondents must fund the construction of all aforementioned public streets.

Circulation should maximize pedestrian access while accommodating vehicular needs. A hierarchy of streets and circulation areas should be clearly discernible, with accessible corridors to the beach/boardwalk, any included commercial/retail areas, and other public or private recreational uses. The flexibility of the existing street grid to accommodate a variety of travel routes and to support a variety of uses should be thoroughly considered in the design proposal. Alleyways, service drives, and streets and pedestrian passages of various sizes should allow options for parking, pedestrian and vehicular traffic flow, and residential access while ensuring safety and residential privacy.

As part of Arverne ULURP, Rockaway Freeway between Beach 77<sup>th</sup> Street and Beach 32<sup>nd</sup> Street was de-mapped. East/West traffic is now routed to Rockaway Beach Boulevard directly south of the Freeway. Proposals must include a public parking area between Beach 56<sup>th</sup> Place and Beach 32<sup>nd</sup> Street, under the elevated train trestle in the de-mapped roadbed.

#### Coastal Erosion Hazard Area

The proposed development must meet the requirements of the New York State Coastal Erosion Hazard Areas Act (Article 34 of the Environmental Conservation Law) and associated Regulations (6NYCRR505) and all existing laws and regulations relevant to shoreline erosion. There must be no development seaward of New York State's Coastal Erosion Hazard Area line, as depicted in **Exhibit E: Figure 4**, except for the construction of access ramps or walkways linking street ends to the boardwalk. The Development must conform to FEMA A zone standards, and the requirements of NYC Local Law 33 of 1983, as amended. The base flood elevation for the Site must be 9.7 feet National Geodetic Vertical Datum (NGVD).

#### Open Space

In addition to the Dune System and Beach 32<sup>nd</sup> Street park, described in **Section 2D**, proposals must include a minimum of 3.3 acres of active and/or passive open space as required by zoning. The location of this active and/or open space is at the Respondent's discretion. **The nature preserve, dune preserve and Beach 32<sup>nd</sup> Street Park do not count towards this acreage.** These open spaces should be publicly accessible to the maximum extent possible. Examples of acceptable open spaces include sports fields, playgrounds, picnic areas, etc..

#### Schools

If, prior to entering into a closing and regulatory agreement with HPD, there is a need for additional school seats in the community, the Respondent may be responsible for self-financing and constructing a new school. Department of Education funding for new school construction is scarce and highly unlikely to be secured for any facilities in the Development Site.

Respondents should include a contingency site for the school within their site plan. However, for the purposes of the submission, Respondents should not include the development of the school in their financial proposals.

Respondents must consider the relationship of a proposed new school to the existing elementary school, P.S. 106. Land uses in the vicinity of the school(s) must be carefully planned to ensure compatibility and safety. The Sponsor may want to consider locating the contingency school adjacent to P.S. 106 to capitalize on the existing benefits of that area. For example, traffic patterns in the area have already been modified to accommodate a school age population.

In selecting a possible site for a new school, Respondents should consider the distance between the proposed new facility and existing schools in the Arverne area, including P.S. 106, P.S. 43, located at 160 Beach 29<sup>th</sup> Street and the Arverne-by-the-Sea school to be built at Beach 67<sup>th</sup> Street and Rockaway Beach Boulevard. **See Exhibit E: Figure 3.**

### Sanitary Sewers, Storm Sewers and Water Supply

Proposals must provide for all necessary water supply, sanitary and storm sewer services to meet the needs of residential, commercial/retail, open spaces and other uses on the Development Site. All new infrastructure improvements must take into account adjacent topography, legal grades and building elevation requirements to assure conformity with FEMA A zone standards. **See Section 2C: Program Guidelines, Coastal Erosion Area.** Street sweeping and catch basin cleaning on private streets must be funded by the Developer. A drainage plan for this site has been submitted to the City's Department of Environmental Protection for review.

### Utilities

Electrical, telephone, cable, and any other voice/data lines must be provided underground.

### D. OFF-SITE WORK

### Nature and Dune Preserve

The Developer will fund and/or construct a nature preserve and dune preserve adjacent to the site as required by the FEIS and URP. The Developer must use the approved design guidelines and plant species in the creation of both preserves. **See Exhibit A.** The Developer will coordinate with the Department of Parks and Recreation (DPR) to ensure that the required open space improvements are undertaken in accordance with DPR's specifications and requirements. DPR will be responsible for their maintenance.

The nature preserve will be located in the approximately 35-acre area bounded by Rockaway Freeway to the north, Beach 44<sup>th</sup> Street to the east, the boardwalk to the south, and Beach 56<sup>th</sup> Place to the west. It must include a visitor's/ educational center and a series of trail loops (see **Exhibit F: Figure 1** for a schematic plan of the nature preserve). DPR will work with the developer to determine the appropriate site for the nature center and the nature center parking lot within the preserve.

A dune preserve must be created between the nature preserve and Beach 32<sup>nd</sup> Street between the boardwalk and the Development Site within the Coastal Erosion Hazard Area. It must include several walkways providing beach access from Ocean Front Road to the boardwalk. At a minimum, beach access must be provided through the dune preserve at the terminus of each mapped north/ south street within the project area (Beach 44<sup>th</sup>, 38<sup>th</sup>, 35<sup>th</sup>, and 32<sup>nd</sup> Streets).

### Beach 32<sup>nd</sup> Street Park

The Developer must fund and/or develop an approximately 2.5 acre DPR property on the east side of Beach 32<sup>nd</sup> Street south of Surf Avenue, directly east of the Development Site. It is currently paved for use as a parking lot, but must be developed with a synthetic turf ball field and comfort station using DPR specifications and standards. It is also recommended that a playground be constructed to serve the developing community.

The Developer will coordinate with DPR to ensure that the required open space improvements are undertaken with DPR's specifications and requirements. The park will remain under the jurisdiction of DPR. The maintenance of the park is subject to negotiations between the Developer and the City, however, for the

purposes of the submission, Respondents should not include the cost of the ongoing maintenance of the park in their financial proposals.

#### **E. ZONING**

The Development Site is comprised of R4, R6 and C4-4 zones as well as residential zones with C2-4 overlays. Refer to New York City Zoning Maps 30c and 31a for further information.

While heights greater than 24 feet are allowable under zoning in the area, to the south and east of P.S. 106, building heights greater than 24 feet create shadows on the schoolyard of the school and are discouraged. **See Section 2C: Program Guidelines, Building Design/Objectives** for more information about height requirements and suggestions for this area.

#### **F. OBLIGATIONS OF THE SELECTED DEVELOPER**

The Developer will be required to perform the following:

1. Assemble a Development Team including a contractor, architect and marketing agent, who will construct and sell the homes to individual homebuyers.
2. Execute Land Disposition Agreements ("LDAs") with HPD at the construction loan closings for each phase needed to implement the entire Project proposed to be developed by the Developer, setting forth for each phase of the development the cost for that particular phase and total project costs, and the timetable to implement the particular phase and the entire project. Failure to comply with the terms of the LDA executed for any phase of the Project could result in the termination of that and any other LDA for the Project and selection of another Developer.
3. Prepare preliminary schematic site plans, floor plans, elevations and engineering and on-site environmental studies as may be required by HPD and by construction lenders.
4. Provide a development schedule and a phasing plan (if applicable), including benchmarks for commencement and completion of plans and drawings, Department of Buildings plan approval, site preparation, construction, marketing, and occupancy of the Project.

The developer should complete final plans and specifications and a schedule of costs for the initial phase of development, and submit them to HPD for review and approval within six (6 ) months of selection. **Please refer Section 4C: Contents of Proposal** for HPD DACE submission requirements. The developer should be prepared to commence construction no later than twelve (12) months from the date of the Negotiation letter. Preference will be given to Respondents who propose a shorter, yet still reasonable, pre-development schedule.

The agency has specific expectations for construction timelines. Developers will be held accountable for the schedules outlined in their response to this RFP. Pre-development schedules should reflect a reasonable term of between nine (9) and twelve (12) months, while construction build-out schedules for each phase of the project should reflect a similarly reasonable

term of eighteen (18) to twenty-four (24) months, for an overall development schedule of thirty-six (36) months. Strict timelines and penalties may be enacted in the event that the pre-development and build-out projected for each phase of the development project exceed an overall thirty (36) month project timeline.

Proposed phasing, absorption schedules and development timelines should be staggered and overlapped such that overall development of the entire site will not exceed five (5) years.

5. Fund and undertake all environmental testing and/or remediation required on the Development Site.
6. Provide an equity contribution in the form of cash and/or payment of pre-development costs, secure private market construction and permanent/end loan financing, provide any personal guarantees required, and meet any other terms and conditions required by construction lenders.
7. Pay all transfer taxes associated with the conveyance of the Development Site to the Respondent. Pay all transfer and recording taxes associated with project financing, where applicable.
8. Market the residential units in accordance with City requirements and policy as stated in **Section M, Marketing and Sales**.

#### **G. DISPOSITION AND DISPOSITION PRICE**

Disposition of the Development Site to the Developer will be subject to: (1) the receipt of all public approvals required for the disposition of such Development Site, including, without limitation, approvals by the Mayor and City Council; and (2) the simultaneous closing of a bona fide construction loan for the development of such Development Site. Following City Council approval of the project and Mayoral approval of the disposition, the Respondent must execute, acknowledge and deliver the documents necessary to complete the disposition process within a time period specified by HPD. These documents include, but are not limited to, a Land Disposition Agreement ("LDA") and a Site Development Agreement ("SDA"), as required.

The Development Site will be conveyed in accordance with the terms of the LDA to be entered into between the Developer and HPD and will be conveyed in "as is" condition. Among other terms, conditions, and provisions, the LDA will contain covenants running with the land that require the Developer to develop the Development Site in accordance with plans and specifications approved by HPD and in accordance with the Arverne Urban Renewal Plan and FEIS.

Respondents are expected to propose a cash purchase price for the Development Site. The Developer is required to pay a minimum of \$100,000 as a non-refundable deposit at closing.

The Developer will deliver a mortgage in the amount equal to the difference, if any, between the cash payment and the appraised value (Subordinated Land Debt). The Subordinated Land Debt will be converted into an obligation on the purchasers who acquire the homes.

## **H. FINANCING**

Respondents should assume for the purposes of this RFP that the Project is to be financed solely from private market sources, including Developer's equity and private construction and permanent loans. No direct city subsidies are available for this Project. Respondents may use state and federal subsidies, as referenced below in sections I, J, and K.

HPD's first preference is for projects that are of the highest quality and greatest marketability, that can be implemented quickly, and that can absorb all infrastructure costs. However, HPD will consider projects that are otherwise highly responsive to this RFP's **SECTION 2C: PROGRAM GUIDELINES**, but which indicate public funding for some portion of the proposed public improvements. If Respondents propose utilizing a source of public funds, a letter of interest from such funding source must be included in the proposal.

It is the responsibility of the Developer(s) to obtain construction and permanent/end loan financing from private lenders in amounts consistent with the proposal. The amount of the Developer's equity will be determined by private lender(s). The selected Developer(s) will be required to submit a term sheet from a private lender for construction financing for the first phase of development within six (6) months of selection of the Developer(s).

## **I. REAL PROPERTY TAXES**

The commercial/retail portions of the project may be eligible for Industrial and Commercial Incentive Program ("ICIP") benefits. The project is also expected to be eligible for benefits through New York State's Empire Zone program. The Rockaway Development and Revitalization Corporation is the Local Empire Zone Coordinator. They can be reached at (718) 327-5300.

The residential portion of the Project will be eligible for an Urban Development Action Area ("UDAAP") tax exemption or a 421-a partial tax exemption. The UDAAP tax exemption requires that the full amount of the New York City Real Property Tax on the land be paid each year, but the New York City Real Property Tax on the building /improvements is phased in over a twenty year period, pursuant to the following schedule:

- First ten years fully exempt;
- Gradual phase in of full taxes over next ten years (10% per year);
- Full amount paid yearly after year 20.

The 421-a partial tax exemption allows up to three years of tax exemption during construction, and either ten, fifteen, twenty, or twenty-five years of tax exemption post construction.

Respondents should indicate which tax exemption programs, if any, they plan to utilize.

## **J. RESALE, REFINANCING, AND RECAPTURE**

Any resale within the 15 years following initial purchase of the home from the Developer of a home receiving direct cash subsidy (excluding land subsidy) must be to a buyer who will be an owner-occupant and who will maintain the home as his/her primary residence.

The Subordinated Land Debt assumed by the developer at conveyance will be converted into an obligation on the purchasers who acquire the homes. The Subordinated Land Debt is apportioned pro rata to each home and may be unsecured at the time of sale based on the home's post-construction appraised value. Purchasers repay the Debt attributable to their homes by delivering a note(s) and mortgage(s) and/or conditional grant agreement(s) to the City, as appropriate. The Subordinated Land Debt, with the exception of State and Federal subsidies, in the sum evidenced by the note(s) and secured by the mortgage(s) remains constant for the first 5 years of a 15-year period and declines by 1/10<sup>th</sup> in years six (6) through fifteen (15), but will be forgiven after the 15<sup>th</sup> year of owner occupancy.

Upon resale or refinancing, within the fifteen-year period, initial purchasers and subsequent owners are required to make payments to the City out of resale profits and refinancing proceeds, where applicable. During years 1 to 5, 100% of the resale or refinancing profits from the sale of the home must be paid up to the amount of the Subordinated Debt. During years 6 through 15, 50% of the resale or refinancing profits must be paid up to the amount of the outstanding subordinated debt.

Respondents identifying a need for subsidy should clearly indicate the sources and uses of such subsidy(ies) in their proposals. The use and recapture of any State and Federal funds subsidizing sites will be guided by the specific State and Federal program requirements for such funds.

#### **K. ELIGIBLE HOMEBUYERS**

Homeowners must agree to occupy at least one of the units in the building as a primary residence for up to 15 years following the initial purchase of the home. In addition, any resale of a home receiving direct cash subsidy (excluding land subsidy) within the 15 years following the initial purchase of the home from the Developer must be to homebuyers who will be owner-occupants.

If subsidies will be used to enhance project affordability there will be income restrictions on some of the purchasers. Homebuyers must meet the affordability criteria set forth in this RFP and proposed by the Developer in response to the RFP.

#### **L. STATEMENT OF AGREEMENT**

A statement of agreement by an authorized principal or officer of the Developer that the Developer has read the RFP and the appended Exhibits fully and agrees to the terms and conditions set forth is required.

#### **M. MARKETING AND SALES**

The marketing and sale of the homes to eligible homebuyers is the sole responsibility of Developers and their Development Teams. In carrying out these functions, the Developer must comply with HPD's marketing requirements, which are designed to ensure that the availability of the homes is disseminated as widely and fairly as possible. The marketing requirements are stated in **Exhibit C, Marketing Requirements** of this RFP and will be part of the LDA that the Developer will execute. The marketing and sales of the homes will be monitored by HPD staff to ensure compliance with these requirements.

#### **N. WARRANTY COVERAGE**

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

#### **O. EQUAL OPPORTUNITY**

Agreements resulting from this RFP will be subject to the provisions of Executive Order 50 and its implementing regulations as stated in **Exhibit D, Equal Opportunity (EO) Requirements**. A representative from each designated development entity will be required to attend a class administered by HPD outlining the requirements of Executive Order 50 and submit EO forms provided by HPD verifying their compliance with its provisions.

# 3

## DEVELOPER SELECTION PROCESS

HPD will evaluate each proposal and each Respondent according to **SECTION 3A: THRESHOLD REQUIREMENTS**, taking into account the information provided in the proposal, references, and any other information about the Respondent's performance available to HPD. Proposals that are not complete or not in conformance with the requirements of this RFP will be eliminated from further consideration. After submission, HPD will not accept additions or changes to the proposals. Only proposals that meet all threshold requirements will be considered.

Proposals that meet all threshold requirements, based on HPD's sole judgment and discretion, will be evaluated, rated, and ranked according to **SECTION 3B: COMPETITIVE SELECTION CRITERIA**. HPD may request additional information, site visits, interviews, or presentations of the proposal as part of the evaluation process. In addition, HPD may request presentation(s) of the design/development concept by the Development Team. The selected Developer will be chosen from among the highest rated and ranked proposals.

HPD may disapprove the inclusion of any member(s) of the Respondent's Development Team and/or require the selected Respondent to substitute other individuals or firms.

### A. THRESHOLD REQUIREMENTS

#### Completeness of Proposal

The proposal must contain all documentation required under **SECTION 4: SUBMISSION REQUIREMENTS**. All the required forms must be fully completed and application requirements met at the time of submission. Upon review, however, HPD, at its discretion, may notify a Respondent that additional information or clarification is necessary.

#### Comparable Development Experience

A Respondent will be deemed to have met the comparable Development Experience and Ability to Finance requirements, described below, if each criterion is met by at least one Principal of the Respondent.

Acting in the role of an at-risk developer, Respondent must have successfully completed the new construction and marketing of at least 100,000 square feet of commercial/retail space. **Respondent must have successfully completed the new construction and marketing of at least 500 units of housing, of which 150 units must be in a single development.** Previous development experience should be comparable to the proposed new development, including experience in implementing large-scale new construction projects requiring significant infrastructure and other site improvements.

In evaluating Respondents' comparable development experience, HPD will consider large-scale projects similar to the proposed development completed in the New York metropolitan area or in a location outside the New York region comparable to the Development Site. Only comparable developments within the

ten (10) years preceding the deadline for submission of proposals in response to this RFP will be evaluated.

**Development  
Capacity & Current  
Workload**

Respondents must be capable of beginning construction within twelve (12) months from the date of the Negotiation Letter. A Respondent's current workload and other pending project obligations will be considered in assessing its capacity for undertaking the development project proposed by the Respondent within the time frame prescribed for the Project. HPD expects implementation of this site's development to be a high-priority assignment for the selected Development Team(s), as reflected in the commitment of staff and financial resources to this project.

**Development  
Compliance**

Proposed development must be consistent with the provisions of the New York City Zoning Resolution; the Arverne and Edgemere Urban Renewal Plans and respective Environmental Impact Statements; and all other applicable laws and regulations. Proposals must meet all minimum requirements outlined in **Section 2C: Program Guidelines**.

**Ability to Finance/  
Financial Feasibility**

HPD will evaluate the Respondent's liquid assets, bank or other lender references, and current commitments in order to assess the Respondent's capacity to secure private market construction and permanent financing, meet construction lender's equity requirements, absorb any cost overruns, and commence and complete construction of Respondent's entire development project on a timely basis. HPD will evaluate the overall financial feasibility and viability of the project, based on the availability of proposed funding sources, demonstrated subsidy needs, development costs and projected revenue. Estimated development costs must be within current industry parameters. Proposed sales prices for the residential units and marketing strategies for the residential and commercial/retail space must be deemed realistic based upon proposal information and marketing conditions

**Affordability**

Of the total housing units, 20% must be affordable to households with incomes no greater than 130% of Area Median Income.

**No Adverse Findings**

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

**B. COMPETITIVE SELECTION CRITERIA**

Proposals that meet all the **SECTION 3A: THRESHOLD REQUIREMENTS** above will be rated and ranked according to the competitive selection criteria described below. In evaluating proposals under these criteria, the combined experience and resources of all Principals of the Respondent will be considered.

**Purchase Price**

Proposed cash purchase price for the Site will be considered as a selection criterion. The strength of the entire proposal will be considered when evaluating the proposed purchase price.

## Public Benefit

HPD will analyze the overall public benefit offered from each proposal. Developers will be evaluated on the plan for the nature and dune preserves, a local employment strategy and any public amenities provided. Additionally, HPD expects Proposals to provide housing for a mixture of income levels.

## Development Experience, Current Capacity, & Timeline

HPD will consider the number, size, type, and scale of projects built, and Respondent's role in each project (e.g. at-risk developer, general contractor). HPD will give greater consideration to development experience in which the Respondent was an at-risk developer and to participation in larger scale and new construction projects. HPD will also consider experience in implementing significant infrastructure improvements, quality of design and construction on completed projects, current workload, history of completing projects on time and within budget, satisfactory handling of punch list items, and the absence of tenant and/or purchaser complaints.

HPD will evaluate the strength of the Development Team as evidenced by such factors as the inclusion of professionals among the Principals, experience and depth of staff, the strength of the design team, the ability to work on government-sponsored projects, and in the case of joint ventures, whether the members have successfully completed projects together in the past.

Respondents must be capable of beginning construction no later than twelve (12) months from the date of the Negotiation Letter. Developers will be held accountable for the schedules outlined in their response to this RFP. Pre-development schedules should reflect a reasonable term of between nine (9) and twelve (12) months, while construction build-out schedules for each phase of the project should reflect a similarly reasonable term of eighteen (18) to twenty-four (24) months, for an overall development schedule of thirty-six (36) months. Strict timelines and penalties may be enacted in the event that the pre-development and build-out projected for each phase of the development project exceed an overall thirty (36) month project timeline.

Proposed phasing, absorption schedules and development timelines should be staggered and overlapped such that overall development of the entire site will not exceed five (5) years.

A Respondent's current workload and other pending project obligations will be considered in assessing capacity for undertaking the development project proposed by the Respondent within the timeframe prescribed for development.

## Quality of Design Proposal

HPD will evaluate the quality of the overall site plan, building types, unit layouts, elevations, vehicular and pedestrian circulation, and the responsiveness of both the residential and commercial components of the Project to the attributes of the neighborhood. HPD will consider building arrangement, massing, character, materials, amenities, and streetscape treatment. The Respondent's intention to enhance the public realm through the Project's architecture and urban design, as demonstrated by the Proposal and the design partners (e.g. architect, urban designer, landscape architect) on the Development Team, will factor heavily in HPD's review. **SECTION 2C: PROGRAM GUIDELINES** describes the criteria HPD will apply in evaluating the quality of the design proposal. Building types and site planning must each respond to the oceanfront location and the RFP's call for superior design solutions. Preference will be given to proposals for owner-occupied housing. Preference will also be given to proposals that incorporate high-performance and/or green building technology.

### **Marketing**

HPD will assess the marketability of the proposed Project. HPD will consider the ability of the proposed marketing plan to create a coherent, attractive image for the new community and to market the distinct advantages of the site over the course of a phased build-out. HPD will assess the marketability of the proposed residential units as compared to the region's comparable housing markets and the housing market in general. HPD will consider prices, unit sizes, amenities, and plans to establish a definable new neighborhood atmosphere. HPD will assess the marketability of any proposed commercial/retail space taking into account marketing strategy and letters of interest from prospective tenants.

### **Financial Capacity & Feasibility**

HPD will consider the Respondents ability to secure private financing, as well as verify the Respondents financial capacity. HPD will assess the Respondents ability to match funds with the project's total development costs. Previous construction loan experience will be assessed based on the number of units financed within the past ten years and the aggregate development cost of all projects completed within the past ten years. HPD will also consider reference letters from lenders.

Construction costs should be within current industry parameters. HPD will assess the total development costs and their relation to industry standards. Residential affordability will also be assessed.

### **Affordability**

Of the total housing units, 20% must be affordable to households with incomes no greater than 130% of Area Median Income (AMI). Additional consideration will be given to those proposals that offer more than 20% of the total number of units to households with incomes no greater than 130% of AMI.

# 4

## SUBMISSION REQUIREMENTS

### A. PRE-SUBMISSION

All communications regarding this RFP should be directed to Christopher Pope, Project Manager, Office of Development, at (212) 863-7499 or popec@hpd.nyc.gov. Written communications and inquiries may be addressed to Christopher Pope, Department of Housing Preservation and Development, Office of Development, 100 Gold Street, Room 9I, New York, NY 10038; or faxed to (212) 863-6386.

A pre-submission conference will be held on **September 28, 2005 at 10:00 a.m.** at HPD, 100 Gold Street, Room 1R, New York, NY. HPD strongly recommends that interested organizations attend the pre-submission conference.

People with disabilities requiring special accommodations to pick up the RFP or to attend and/or participate in the pre-submission conference or design conference should contact Christopher Pope.

### B. GENERAL REQUIREMENTS

Proposals must be submitted by hand no later than **4:00 p.m. on December 19, 2005** to HPD at the address below. Proposals received after that due date and time will not be considered, regardless of the reason for the late submission.

HPD must receive one (1) original and eight (8) copies of each proposal containing all required supporting documentation. **All proposals must be bound in three-ring binders of an appropriate size.** Respondents must also include a site plan, streetscape design/rendering, and any other depictions that may clarify the Respondent's proposed design concept mounted on one set of 30" x 40" presentation size boards. An authorized representative of the Respondent must sign the original proposal. The proposal must also provide the name, address, telephone and fax numbers, and e-mail address of an authorized representative of the Respondent who may be contacted during the period of proposal evaluation. Each copy must be clearly labeled as described below and tabbed as indicated in **SECTION 4C: CONTENTS OF PROPOSAL** below. Respondents must inform any commercial delivery service, if used, of all delivery requirements and ensure that the required information appears on the outer envelope or box. The original and all copies must be submitted in sealed envelopes or a sealed box and labeled as follows:

FROM: Respondent's Name and Address  
TO: Department of Housing Preservation and Development  
Office of Development  
100 Gold Street, Room 9I  
New York, NY 10038  
Attention: Christopher Pope  
RE: Response to Arverne East RFP

A proposal may be withdrawn or modified in writing only prior to the proposal due date and time or, if applicable, up until any subsequent due date and time set for the submission of proposals. Modifications received after the due date and time set for the submission of proposals are late and will not be considered.

All submissions become property of HPD. Submission of a proposal will be deemed to be permission for HPD to make such inquiries concerning the proposal and the Respondent as HPD deems necessary. If HPD determines, upon review of a proposal, that any items are missing and/or incomplete, HPD, in its sole discretion, may notify the Respondent to provide such items. Failure to provide complete information in a timely fashion may result in rejection of the proposal.

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

### **C. CONTENTS OF PROPOSAL**

Each proposal must contain the forms and supporting documentation described below. Each copy of the proposal must be tabbed as indicated below. The tabs should run down the right hand side of the bound proposal document.

**Proposal Summary,  
Respondent  
Questionnaire, &  
Principal's Property  
Listing**

#### **TAB A**

Each Respondent must submit a completed Proposal Summary and Respondent Questionnaire; these forms are contained in **EXHIBIT I: FORMS A1-A3**. If the Respondent is a joint venture, a separate Respondent Questionnaire must be submitted for each entity that comprises the joint venture. Any additional pages which are part of the response to a questionnaire should also be included under this tab. Provide a Respondent's letter printed on the Respondent's letterhead and signed by an authorized representative of the Respondent. The format of this letter is contained in **EXHIBIT I: FORMS A1-A3**. Each Principal of the Respondent must complete and submit a Principal's Property Listing form listing all properties owned within the last five (5) years, either directly by the Principal or by an organization in which the Principal is or was a corporate officer, general partner, or held more than a 10% interest. This list should include the Block and Lots, number of units, period of ownership, and type of ownership (e.g., general partner, corporate officer, shareholder, etc.).

**Development  
Experience & Current  
Workload**

#### **TAB B**

Each principal that comprises the Respondent must submit a listing of Development Experience/Current Workload and Marketing Experience. These lists should contain all of the information requested in the forms from **EXHIBIT I: FORM B**, but need not be submitted on the forms. The principals of the Respondent will detail their experience in the following categories:

**Development Experience/Current Workload** - Each entity that comprises the Respondent must list all new construction projects that have been completed within the ten (10) years preceding the deadline for submission of proposals in response to this RFP. On a separate form, the Respondent must list all new construction projects that are in construction, pre-development, or otherwise committed.

**Marketing Experience** - Each entity that comprises the Respondent and the marketing agent included in the Development Team, if other than the Respondent, must list all new construction projects that have been marketed

within the ten (10) years preceding the deadline for submission of proposals in response to this RFP.

## Ability to Finance

### TAB C

Assets Statement - Each Principal of the Respondent must submit audited or reviewed financial statements describing in detail the Principal's financial status within the two (2) most recent fiscal years preceding the deadline for the submission of proposals in response to this RFP. As an alternative, the Assets Statement Form in EXHIBIT I: FORM C may be used. Publicly owned companies must submit the latest annual report and Form 10K as well as any Form 10Q submitted after such Form 10K.

Private Lender Letter - Each proposal must include a letter of interest from a private lender or lenders indicating a willingness to lend for the project and specifying the amount such lender or lenders are willing to consider financing. Each letter must be on the lender's letterhead and signed by a representative of the lender. Terms of the financing must be included in the letter(s).

## Executive Summary/Design Narrative

### TAB D

Provide a detailed narrative description, which outlines the concept of the Project and among other things, includes the Respondent's approach to urban design, block plan, streetscape, delineation of public spaces and approach to minimizing the impact of off-street parking accommodations. This description should identify:

- A rationale for the design concept chosen for the new development that includes circulation systems (private and public), new building configuration and lot coverages, heights, orientation and relationship to the waterfront, primary building materials, and major architectural features.
- The type, location, and square footage (rentable and gross) of commercial/retail space, residential units, and community/institutional facilities.
- A detailed narrative describing relevant aspects of the commercial component of the project, including type and size of the development, proposed uses, type and number of tenants and a list of potential and committed tenants for the proposed project along with letters of interest and/or intent from tenants. Employment generation analyses (construction and permanent jobs) must also be supplied.
- The number, type and characteristics of the residential units, including number of bedrooms and approximate square footage.
- Cable/Internet and any other voice/data communications wiring and any design features incorporated into the residential units to facilitate live/work arrangements.
- A detailed description of construction methods, foundation type(s), and building systems for all new buildings.
- A description of all mandatory infrastructure and other public improvements, including public and private open spaces, parking, and landscaping.
- If applicable, a general discussion of the rationale for the proposed phasing of residential, recreational and commercial/retail development and how this phasing plan is impacted by the requirements for providing infrastructure and other public improvements.
- A description of how all structures comply with the area's requirements concerning flood plains, outlined in **SECTION 2C: PROGRAM GUIDELINES**.
- A description of the public amenities, open spaces and landscaping.
- Information on design team principals involved in the Project.

This description should also address the following questions:

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

Include the forms found in **EXHIBIT I: FORMS D1-D4**.

## Commercial Proposal

### **TAB E**

Provide a detailed narrative describing all relevant commercial aspects of the project (including stand-alone/commercial uses and those integrated into other components of the Development), including type and size of proposed uses, type and number of tenants, and a list of potential and committed tenants for the proposed project along with letters of interest and/or intent from tenants. The proposed development should be sensitive to the needs of those who live and work in the community. Employment generation projections (construction and permanent jobs) must also be supplied. All proposed commercial uses must be supported with tangible evidence of market demand, including information on proposed tenants and lease terms. Proposals including a hotel and conference facility must identify an interested hotel operator and should include a market study showing the demand for such a facility in the Rockaways.

Provide comprehensive financial statements, lease-up, and project operation, including a statement of assumptions on which all calculations are based; sources and uses of funds; construction budget defining specific hard and soft costs; detailed description of equity investment and construction and permanent financing; cash flow from program and operations; and letters of interest and/or intent from lenders. This data should cover 20 years of operations from stabilization. The operating pro forma must cover a 20-year forecast of project income, operating expenses, capital improvements reserves and debt service payments. Assumptions must show the number of proposed rental units/tenants and the rental rate by unit size. All financial data must be submitted electronically in Excel format.

## Financing Proposal

### **TAB F**

Provide a narrative description of the Project financing. This should include any proposed purchase price expressed in a fix dollar amount. The purchase price will be paid in full at closing. The narrative should also include sources of construction and permanent financing (and justification for interest rates), type of product (fee-simple, condo, co-op, etc.), and assumed hard and soft costs per square foot. In addition, forms in **EXHIBIT I: FORMS E1-E5** must be completed for an example of each type of development, as well as for the project as a whole.

## Marketing Plan

### TAB G

Provide marketing plans for the commercial/retail space and residential units. The marketing plans should include the following information:

- Pricing structures, amenities, assessment of competition, and absorption rates assumed;
- Anticipated target market for the commercial/retail tenants and residential units;
- The marketing agent to be used, if any, and its experience and qualifications;
- The advertising strategy and other relevant information;
- Description of marketing plans for analogous projects.

The marketing plan and building design should reflect the Respondent's best efforts to successfully market the Project to potential commercial/retail and residential tenants. The marketing plan should also clarify the Respondent's proposal to create a coherent positive image for the new community.

## Development Schedule & Phasing Plan

### TAB H

Provide a development schedule and, if applicable, phasing plan, including benchmarks for commencement and completion of plans and drawings, Department of Buildings plan approval, site preparation, construction, marketing, and occupancy of the Project. For purposes of receiving comparable RFP responses with respect with to development timelines, it is requested that Respondents assume Development Team designation on May 1, 2006.

## Design/Architectural Documentation

### TAB I

Please provide the following information. (All materials must be on paper size of 11" by 17" or smaller and must be easily reproduced.)

- Land use site plan/Street level floor plan, showing commercial/retail space, residential units, and other uses
- Building height/bulk site plan
- Vehicular and pedestrian circulation site plan
- Open space site plan (mapped park, streetscape treatment, private open space and private open space accessible to the public)
- Phasing plan
- Typical and, if applicable, atypical floor plans; and any other plans necessary to explain development concept
- Provide elevations indicating building materials to be used (especially details at street level), how blank street walls are avoided, and the treatment of any loading docks, service areas, curb cuts, parking access, and landscaping
- Any other architectural drawings, such as axonometric, perspective, or sectional drawings, color renderings, photographic and/or computer-generated modeling if they can provide a better understanding of the development concept
- Outline specifications, indicating building type, facade materials, and levels of interior finish
- Complete zoning computations and analysis to demonstrate compliance with existing and/or proposed zoning requirements
- Elements of sustainable design included in the plan

## Additional Evidence of Qualifications

### TAB J

Provide resumes and/or brochures describing the Respondent and any similar projects with which the Respondent has been involved. Provide resumes and/or

brochures describing key members of the Development Team, such as the architect, urban designer, landscape architect, engineer, marketing agent, and managing agent. Provide a staffing plan indicating which Principals and staff members will have primary responsibility for implementing the Project and their role in the day-to-day management of the Project. Respondents may also provide any additional information that demonstrates the experience or qualifications of the Respondent.

# 5

## TERMS AND CONDITIONS

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

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

The Project shall be subject to New York City Real Property Taxes and charges. Tax exemption and/or abatement with respect to residential development may be available under Article 16 of the New York State General Municipal Law, subject to approval by the City Council.

The proposed projects shall conform to, and be subject to, the provisions of the Zoning Resolution, Urban Renewal Plan, if any, and all other applicable laws, regulations and ordinances of all Federal, State, and City authorities having jurisdiction, as the same may be amended from time to time. The City is not obligated to pay, nor shall it, in fact, pay, any costs or losses incurred by any Respondent at any time, including the cost of responding to this RFP.

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

The City is under no legal obligation to convey the Development Site through a competitive process. The City may use the proposals submitted pursuant to this RFP as a basis for negotiation with Respondents as the City deems appropriate.

HPD may reject at any time any or all proposals, amend or withdraw this RFP in whole or in part, negotiate with one or more Respondents, and/or negotiate and dispose of the Development Site on terms other than those set forth herein (including to parties other than those responding to this RFP). HPD may also, at any time, waive compliance with, or change any of the terms and conditions of this RFP, entertain modifications or additions to selected proposals, or withdraw or add individual sites or parcels from or to this RFP.

All determinations as to the completeness or compliance of any proposals, or as to the eligibility or qualification of any Respondent, will be within the sole discretion of HPD.

The City will convey the Development Site pursuant and subject to the provisions of the LDAs. HPD will recommend to the Mayor that the Development Site be conveyed at the purchase price described therein. Where required, all documentation, including but not limited to the deed and LDAs, shall be in form and substance satisfactory to the City Council and the Mayor and to the Corporation Counsel. The conveyance will be subject to applicable laws.

Selection of a Respondent to negotiate with HPD regarding the development of a Development Site as contemplated by this RFP will not create any rights on the Respondent's part, including, without limitation, rights of enforcement, equity, or reimbursement, until after all required governmental approvals are received, and

until the LDA, deed, and any other necessary project documents are fully approved and executed. The terms of the deed and LDA, after execution, shall govern the relationship between HPD and the Developer(s). In the event of any variance between the terms of this RFP and the deed and/or the LDA, the terms of the deed and/or the LDA will govern.

The selection of a Respondent will depend on the satisfaction of the additional documentation and review requirements described in this RFP.

No transaction will be consummated if any selected Respondent, or Principal of the selected Respondent (individual or business entity) is in arrears, or in default upon any debt, lease, contract, or obligation to the City of New York, including without limitation, real estate taxes and any other municipal liens or charges. HPD reserves the right not to review a proposal submitted by such a Respondent.

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

Strict timelines and penalties may be enacted in the event that predevelopment and build-out exceed HPD's required thirty-six (36) month timeline. There is a significant escrow requirement imposed by HPD should a Developer choose to pursue Temporary Certificates of Occupancy.

# 6

## CONFLICTS OF INTEREST

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

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

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

**EXHIBIT A.  
ENVIRONMENTAL REQUIREMENTS**

*(For Arverne URA Sites Only)*

## **A. PLANTING AND LANDSCAPING REQUIREMENTS**

### **Landscaping**

Use the design criteria outlined on pages 1-39 through 1-41 of the FEIS when creating public or private open space throughout the development plan. The developers will be responsible for the cost of construction of the open space, and the homeowners associations and any other responsible entities (such as the hotel owner) will be responsible for the cost of maintenance.

### **Approved Plant Species**

All plantings on the Project Site, both initially and in the future, will be drawn from plant species lists in the FEIS. Outside of areas under Department of Parks Recreation ("DPR") jurisdiction, the relevant list is the one titled Plant Species List for the Remainder of the Site, which appears on pages S-27 to S-29, 2.9-61 to 2.9-63, and 4-12 to 4-14. Any future amendment of the list would require the approval of the DPR Natural Resources Group. The restriction to plants on this list applies to street landscaping, common areas within the developments, and all individual development parcels, including all front, rear, and side yards.

### **Checkered White Butterfly**

Plantings should incorporate species that provide food and habitat for the Checkered White butterfly. These plantings should be well-distributed throughout the open space.

### **Habitat Connectivity**

Habitat connectivity corridors should be created along streetscapes and public open spaces within the development

### **Fertilizer**

Project must minimize the use of fertilizers and pesticides

### **Avian Window Strikes**

Vegetation planted close to buildings will be closer than 5 feet away or more than 15 feet away to prevent close range strikes from birds that fly from these trees or shrubs toward the building.

## **B. STREET LIGHTING**

### **Lighting**

Street lighting fixtures, building exterior lighting fixtures, and landscape lighting fixtures will be selected to direct light down toward the ground and minimize upward-directed incident light. "Cobra head" fixtures will not be used except along public streets, where their use is required by the New York City Department of Transportation. Where cobra head fixtures are used, they will not be the standard fixtures used elsewhere by DOT. Rather, the cobra head fixtures will be adapted through the addition of hoods to direct light downward, the use of flat rather than drop lenses to reduce the lateral dispersion of the light, or the incorporation of other mechanisms to minimize upward-directed light. Along the new east-west streets adjacent to the dune preserves, cobra head fixtures will also be modified to include bird spikes on all horizontal surfaces, similar to the spikes that DPR plans to install on the lights along the boardwalk. Lighting along walkways will be provided by low-level, bollard-type light fixtures to concentrate softer light closer to the ground.

## **C. STORM WATER MANAGEMENT**

### **SWPPP**

A Storm Water Pollution Prevention Plan (SWPPP) similar to that implemented in Arverne By The Sea will be prepared and implemented during the Eastern Portion development. Like the Western Portion SWPPP, the Eastern Portion SWPPP will comply with the requirements of the SPDES General Permit, will provide details of the series of mitigating measures to be used to prevent soil loss and other

nonpoint source pollution from affecting water resources, and will conform with the required technical standards contained in the document "New York State Standards and Specifications for Erosion and Sediment Control" published by the Empire State Chapter of the Soil and Water Conservation Society.

**Best Management Practices**

Implement BMPs similar to those planned for Arverne By The Sea as outlined in the EIS.

Minimize the use of fertilizers and pesticides within the project area.

**D. BEACH SIGNAGE**

**Signage**

The developer must pay for signage at beach entrances stating that pets are banned from the beach year round and that kite flying, fireworks, ball playing, and Frisbee playing are prohibited on the beach during the nesting season (April 1 through August 31).

Maintain publicly posted signs related to punitive fines for pet owners or impoundment and potential destruction of captured free-ranging pets.

All beach signage designs are subject to review and approval by DPR.

**E. DUNE PRESERVE**

**Dune Preserve**

Developer must construct a dune preserve between the boardwalk and the Coastal Erosion Line. Preserve design should be similar to the Arverne by the Sea preserve design outlined in the FEIS and must be approved by DPR. The developer will coordinate work with DPR to ensure that the Dune Preserve is implemented in accordance with DPR's specifications and requirements.

Developer must create beach access to the boardwalk through the dune preserve in the form of a minimum of four pedestrian walkways, at the terminus of each public street (B 44<sup>th</sup>, B 38<sup>th</sup>, B 35<sup>th</sup> and B 32<sup>nd</sup>)

**F. NATURE PRESERVE**

**Nature Preserve**

Construct Central Park, prior to development, according to the specs and description outlined in the FEIS. This includes ten boardwalk access points, a trail loop, visitor's center and parking. DPR will work with the developer to determine the appropriate site for the nature center and the nature center parking lot within the preserve and designs and construction must be reviewed and approved by DPR. The preserve will be owned and maintained by DPR.

**G. BEACH 32<sup>ND</sup> STREET PARK**

**Beach 32<sup>nd</sup> Street Park**

Fund and/or construct an approximately 2.5 acre DPR property on the east side of Beach 32<sup>nd</sup> Street south of Surf Avenue, directly east of the Development Site. Currently paved for use as a parking lot, the site must be developed with a synthetic turf ball field and comfort station using DPR specifications and standards. The park will remain under the jurisdiction of DPR. For the purposes of this RFP submission only, Respondents should not assume an obligation to maintain the park.

## Plover

### H. PIPING PLOVER

A piping plover protection fund will be established. The fund will be collected through the homeowners associations through assessments on each occupied square foot of commercial space, and/or on each completed and occupied dwelling unit. The amount of the fund will be a prorated \$250,000 per year, based on completion of both the Eastern and Western Portion developments. The resulting funding stream would augment activities of the DPR's Urban Park Service in Plover and Amaranth protection to avoid potential indirect impacts of the proposed project.

## Educational Brochure

### I. Educational Brochure

Educational brochures provided by the developers will be included in sales and closing documents for potential homebuyers in all of the residential developments within the Project Site. Different brochures will (1) outline the restrictions regarding beach use and (2) highlight the wildlife benefits of the plantings selected for the development. The former is included as Appendix N to the FEIS. The latter is discussed on pages S-32, 2.9-65, and 4-16. Purchase agreement documents and deed covenants will include language that places restrictions on free-ranging domestic pets, requiring that pets be kept tethered (on a leash or similar device) or be confined indoors or in enclosed facilities. Prospective homebuyers will be informed that free-ranging pets will be subject to capture, impoundment, and destruction. Homebuyers will be required to acknowledge and agree to these restrictions as a condition of purchase.

**EXHIBIT B.  
RELEVANT ULURP COMMENTS**

## RELEVANT ULURP COMMENTS

As previously stated, the Arverne East project underwent a public review and approval process in 2003. This process produced formal comments about the proposed project from Community Board 14, the Queen's Borough President and the City Planning Commission. The following is a series of relevant comments that came out of this process. Sponsors should be mindful of these concerns as they develop proposals.

- Construction in the Arverne URA may impact the surrounding communities of the Rockaway Peninsula. In order to lessen construction impacts, each phase of the project, including all community facilities, should be completed before the next phase begins.
- HPD should closely monitor the actual and projected numbers of school age children during the build out of this project relative to the number of available school seats. The need for additional school seats, if it arises, must be identified as early as possible in order to have new schools designed and constructed to meet demand.
- All efforts should be made by HPD and the developers to assure that employment opportunities are made available to Rockaway residents during construction of the project, and for any subsequent retail and commercial jobs that will occur in the project area.

**EXHIBIT C.  
MARKETING REQUIREMENTS**

## **CITYWIDE ADVERTISING**

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

The ad format must be approved by HPD and the ads must run a minimum of three days, including a weekend. The ads must appear at least 45 days prior to the application deadline. Any applications postmarked after the application deadline will be set aside for possible consideration only after all applications postmarked by the deadline have been exhausted.

## **LOCAL OUTREACH**

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

## **CONTENTS OF APPLICATION AND COVER LETTER**

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

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

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

## **PICKING UP APPLICATIONS**

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

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

## **OPENING APPLICATIONS AND CREATING A LOG**

The log format will be provided by HPD.

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

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

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

### **NEIGHBORHOOD PREFERENCE**

Preference for 50% of the homes in each site must be given to residents of the community board in which the site is located.

### **RESIDENCY PREFERENCE**

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

### **OTHER REQUIREMENTS**

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

HPD will monitor to insure that applicants are being notified in log order. An "Applicant's Log" will be created to track the date and time of paper work submission, telephone contact, outstanding documentation and issues. Tracking sheets will be kept in the individual applicant files and updated on the Master Log on a weekly basis. The Master Log will indicate where each applicant is in the process at a given time.

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

### **EXECUTION OF CONTRACTS**

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

### **WAITING LIST**

If after contracts are executed for all homes, there remain eligible applicants who are still interested in purchasing a home, the marketing agent must place their name on a waiting list.

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

**EXHIBIT D.  
Equal Opportunity Requirements**



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

EXECUTIVE ORDER NO. 50

APRIL 25, 1980

BUREAU OF LABOR SERVICES

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

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

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

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

(a) Bureau means the Bureau of Labor Services;

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

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

*amended  
E.C. 94*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 5. Contract Provisions.

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

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

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

§ 6. Employment Reports.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

  
EDWARD I. KOCH  
M A Y O R

## EQUAL EMPLOYMENT OPPORTUNITY

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

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

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

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

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

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

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

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

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

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

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



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

Executive Order No. 108  
December 29, 1986

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

BUREAU OF LABOR SERVICES

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

Section 1. Prior Order Amended.

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

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

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

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

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

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

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

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



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Edward I. Koch  
M A Y O R



JUN 23 1986

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

Executive Order No. 94  
June 20, 1986

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

BUREAU OF LABOR SERVICES

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

Section 1. Prior Order Amended.

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

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

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

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

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

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

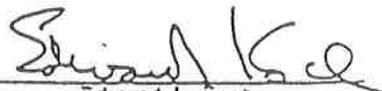
contract to which it becomes a party such provisions requiring the contractor to ensure equal employment opportunity as the Bureau may direct, consistent with this Order."

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

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

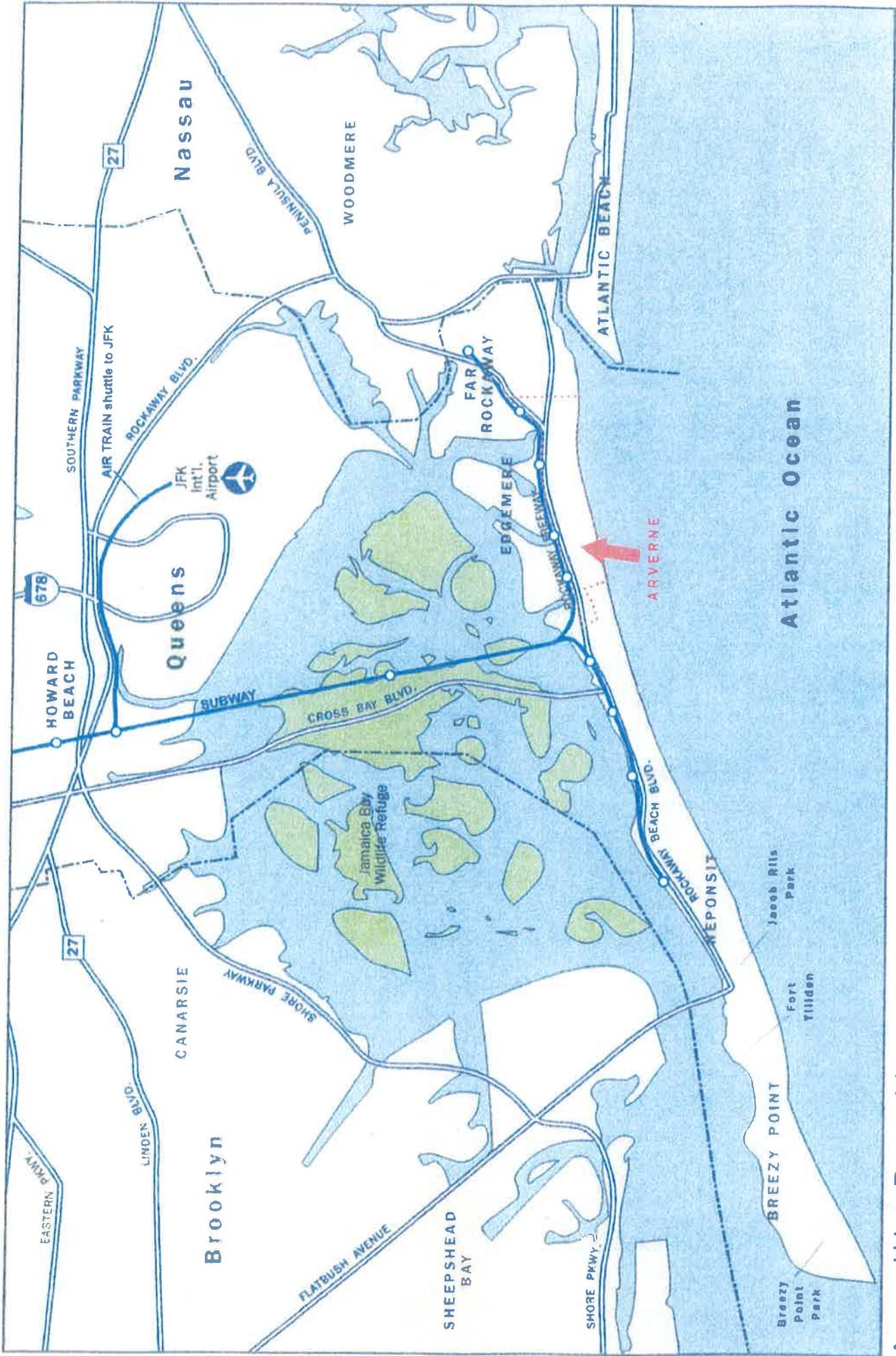
Nothing contained herein shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting employment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

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

  
Edward I. Koch  
M A Y O R

**EXHIBIT E.  
SITE MAPS**





**FIGURE 2**

Arverne Urban Renewal Area  
Location Map