

## adAPT NYC: Second addendum

### Team

**Q: Per the bidder's conference presentations, teams must include both a marketing agent and a managing agent. Can one firm provide fulfill both of these roles, or must there be two separate entities?**

A: Yes, one firm may fulfill both roles as long as the Threshold Requirements are met.

**Q: Could you further explain the requirements of Submission Section Tab H "Environmental Proposal"? Should an environmental planning consultant be part of the project team for the RFP submission –or is this at a later stage?**

A: Applicants are not required to have an environmental planning consultant at the time of submission, however submissions must explain how the team will accomplish the preparation of environmental studies including, but not limited to, Phase I Environmental Site Assessments (ESA), Phase IA archaeological assessments, and site-specific (subsurface) soil and groundwater investigations.

### Design/Zoning

**Q: What is the City's legal authority to waive zoning on a site that will not be City owned? Will a zoning override be valid post-disposition to a private owner?**

A: New York law has long held that there are circumstances where a municipality is not subject to local zoning restrictions. In such cases, the City may override the Zoning Resolution and proceed with a project that does not comply with zoning without obtaining a special permit, variance, or amendment to the Zoning Resolution where the City holds an interest in the property at issue. Such actions are called zoning overrides. In order for an agency's zoning override request to be approved, the agency must identify the zoning provisions at issue and the reasons why it believes those provisions should be overridden in order to advance an important city purpose. The Mayor or a designated Deputy Mayor must approve the override. The zoning override will be valid after the site is disposed because the City will be retaining a property interest in the site in the form of a regulatory agreement for the affordable units.

**Q: Are the micro units considered "Rooming Units" or "Dwelling Units"?**

A: Microunits must be designed to meet the definition of "dwelling unit" in 2008 New York City Building Code, Section 310.2.

**Q: Is an ADA compliant Refuse Room required on each floor or can there be a smaller room with a trash chute?**

A: Per Section 1213.3 of the 2008 New York City Building Code, a refuse chute is required when a building reaches five stories or more in height with more than 12 units. Further, section 707.13 of the Building Code requires such a refuse chute be enclosed in a refuse chute access room with 2 hour fire-resistance-rated construction and 1 ½ hour-rated self-closing door. Such a room is considered a common use area and is subject to accessibility requirements in Chapter 11 of the 2008 New York City Building Code. Where the storage of recyclables is intended on a floor, such storage may be provided within the code-required refuse chute access room.

**Q: The lot is fronting 2 narrow streets and is beyond 100' of a wide street. What is the minimum building base height, maximum building base height, and maximum building height (under Quality Housing Development)?**

A: Under optional Quality Housing regulations, pursuant to ZR Section 23-633, the minimum base height is 60 feet, the maximum base height is 80 feet and the maximum building height is 105 feet.

**Q: Which street wall regulations apply to this site? We are assuming that the regulations under ZR23-633 (3) do not apply to our lot because we're fronting 2 narrow streets.**

A: Pursuant to ZR Section 23-633(a)(3), no street wall location provisions apply to the site. However, design guidelines in the RFP include street wall location guidelines.

**Q: Do the street wall regulations under Quality Housing allow building to the street line, or is a setback required since there is no adjacent street wall within 10' of the street line?**

A: As noted earlier, pursuant to ZR Section 23-633(a)(3), no street wall location provisions apply to the site. A street wall may be located at the street line. Design guidelines in the RFP include street wall location guidelines.

**Q: Under Quality Housing is a setback after the base required for both street walls?**

A: If a building exceeds the maximum base height, the building must provide setbacks with a depth of at least 15' from each streetwall of the building. The lowest point at which these setbacks can occur is the minimum base height (60 feet).

**Q: Can showers be used instead of bathtubs in the micro units?**

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

**Q: According to the lot coverage requirements, we are required to comply with an 80% footprint. If this interpretation of the zoning is acceptable, it would reduce the 30' rear yard to 21'. Is this correct and allowable?**

A: In addition to complying with lot coverage rules, all open space on the zoning lot must comply with either 23-462 (Side yards for all other buildings containing residences) or 23-80 (Court Regulations, Minimum Distance Between Windows and Walls or Lot Lines and Open Area Requirements), as applicable. The 30-foot open area in the illustration in the appendix is not actually a rear yard. No rear yards are required because the lot is a corner lot and the portion of the lot beyond 100 feet of intersecting streets does not generate a rear yard requirement per 23-471 (c). The 30-foot open area is present to illustrate compliance with 23-861, which establishes the minimum distance between legal windows and a side or rear lot line.

**Q: If the design complies with the lot coverage under Quality Housing regulations, and we design the ground floor up to 15' above grade for the entire lot, the terrace above the 15' should count as a rear yard if its 30' wide (as per the illustration in the RFP). Would this still count as open space if there were dwelling units below it? We don't think it would count as open space if we need to comply with Open Space Ratio but in this case is O.S.R even a factor?**

A: Open Space Ratios apply only to buildings designed according to Height Factor regulations (ZR Section 23-142). . ZR Section 23-145, which states lot coverage limitations, applies specifically to stories of the buildings that contain dwelling units. The ground floor of the building may cover 100% of the lot if it contains a community facility use (ZR 24-12), or if the site is mapped with a commercial overlay and contains commercial and/or community facility use. If the building contains commercial uses on the ground floor, no dwelling units are permitted on the ground floor (ZR 32-42).

**Q: The New York City zoning code requires that all "legally required windows" shall have at least 30' from any side lot line. In this case, will there ever be any windows allowed at the lot line perpendicular to Mt. Carmel Place?**

A: ZR Section 23-861 requires at least 30 feet from legally required windows to a side or rear lot line. Legally required windows facing the side lot line that intersects Mt. Carmel Place would need to be 30 feet from that lot line.

**Q: Certain building safety codes allow a percentage of window openings, if the wall containing these windows is a few feet away from the lot line (for fire safety reasons). Would the city zoning code override such safety codes and still not allow windows at those locations?**

A: Chapter 12 of the 2008 New York City Building Code requires a number of windows in certain sizes for every dwelling unit to provide light and ventilation. For fire safety, these legally required

windows must also comply with Section 704.8 of the Building Code to be certain distances away from the lot line. As legally required windows, they must further comply with Section 23-861 of the New York City Zoning Resolution. However, in R-2 occupancies, Section 704.8 of the Building Code allows other windows that are not legally required windows for up to 10% per story regardless of exterior separation distances. Since these windows are not legally required windows and are not qualified to provide light and ventilation, they are not subject to Section 23-861 of the Zoning Resolution.

**Q: What is the proposed commercial zoning FAR for the site?**

A: The City will rezone the site to include a C2-5 commercial overlay. This zoning district allows a maximum of 2 FAR for commercial uses, and a maximum of 6.02 FAR for residential uses, as the overlay will be mapped within an R8 district.

**Q: Are floor-to-floor heights & % glazing recommendations included in the building massing/exterior guidelines (pg 10, Design Guidelines Section IV) listed as minimum requirements or as a recommendation?**

A: The floor-to-floor heights and glazing standards included in the RFP are recommendations. The proposal could vary these recommended standards to enhance the quality of design. NYC Building Code requires minimum floor-to-ceiling heights (BC 1208.1).

**Q: Do HPD Design Guidelines for New Construction apply specifically for kitchen appliances? Can units provide smaller ranges / smaller undercounter refrigerators / smaller sink etc. Do HPD Design Guidelines for New Construction apply specifically for bathroom fixtures? Is a full-size bathtub required or will a shower be acceptable?**

A: Proposals should make best efforts to comply with the required sections of the HPD Design Guidelines for New Construction including requirements for kitchen appliances. As stated in the previous addendum and in the RFP, the adAPT Design Guidelines supercede the HPD Design Guidelines for New Construction in the areas where they are in conflict. If there is no conflict then the HPD Design Guidelines should be followed. Deviations from the HPD Design Guidelines may be considered if strong justification is provided.

## **Financing**

**Q: If HPD or HDC will not provide subsidy, why is the HDC proforma being used which suggest HDC/HDC financing?**

A: No HPD or HDP subsidy will be provided. Pro formas are supplied to allow for consistent submissions.

**Q: Is it correct that the LIHTC financing would have to be as of right in combination with HDC or HPD financing?**

A: 4% Low Income Housing Tax Credits are as-of-right with the use of tax-exempt bond financing.

**Q: What is the required lease term for the Micro-units?**

A: The RFP requires that the micro-units be residential units. Additionally, different funding sources and financing incentives may carry lease-term requirements, such as tax-exempt bonds, tax credits and tax abatements. Proposals must meet the requirements of all proposed financing resources, including those related to lease terms and rent stabilization.