

90-02 168th Street RFP

Questions and Answers

Respondents were able to submit questions and/or request clarifications through the information session held on Thursday, October 13, 2016, or emailed to 168RFP@gjdc.org. Questions were accepted until close of business on Friday, October 21, 2016. Responses to questions raised are for informational purposes only, and should be confirmed by the developer's architectural team prior to any RFP submissions to GJDC.

What is GJDC's expectation on purchase price?

GJDC's selection is based on multiple criteria, including purchase price. Respondents will express their financial offer and should demonstrate their ability to pay the purchase price. Being that this is a competitive process, our selection will be based on a developer's due diligence in formulating a complete proposal.

Does your office have any rent comps for the area?

It is the Respondent's responsibility to conduct due diligence and independent sampling/research prior to submitting a Proposal.

What types of tax abatements are available for this project?

Please refer to pages 14 and 15 of the RFP document, under "Financing."

What is the Area Median Income for the project?

Income guidelines are based on how the Department of Housing and Urban Development (HUD) calculates the Area Median Income (AMI) of the New York City region. Income guidelines are calculated annually and therefore subject to change on a yearly basis. The AMI for 2016 is \$90,600 for a family of four.

Can the parking be underground?

Parking (in conjunction with applicable uses) should be incorporated into the Project, per the regulations set forth in the NYC Zoning Resolution Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations) as modified by the Special Downtown Jamaica District, ZR 115-50 (Special Off-Street Parking and Loading Regulations). Parking can be underground, as long as it does not require ULURP approvals.

Please clarify parking requirements vs. allowed. The RFP document states 175 spots (75 for commercial, 100 for every 400 residents), but the New York City Zoning Resolution allows 150 spots for an as-of-right development. Modifications to the zoning resolution (for the Special Downtown Jamaica District) permit 300 spots. Are there any special permits expected?

See above. Per page 14 of the RFP document, a general guideline can be utilized for 1 space per 1,000 square feet of floor area, for general retail or service uses and office uses; 0.5 spaces per unit of market-rate housing; and because the development site is located within the transit zone, no accessory off-street parking spaces are required for income restricted housing units.

Is sponsor able to charge for parking?

Yes.

In regards to the land sale, will alternative structures be considered?

No. The structure must conform to the objectives on pages 2 and 3 of the RFP document.

What is the definition of market rate for the project? In Appendix I of the RFP, 130% of AMI is implied as Market Rate.

At the moment in Jamaica, the top rents correspond to incomes at approximately 130% of AMI.

Is there a market study or demand analysis that influences the artist housing requirement?

Center for an Urban Future, a NYC-based think tank generated a report in June 2015, called Creative New York, which highlighted the need for affordable artist housing. This report can be found at <https://nycfuture.org/pdf/Creative-New-York-2015.pdf>.

Is there an incentive for two levels of retail (as stated on page 13 of the RFP?)

Proposals that incorporate two levels of retail will be looked upon favorably.

Regarding MWBE and/or DBE certification: is there a requirement on whom the certification body is?

MWBE and/or DBE certification can be earned from the following certification bodies: NYC Department of Small Business Services (municipal level); Empire State Development Corporation, Port Authority of New York and New Jersey, or Metropolitan Transit Authority (state level), or at the federal level.

What is the status and plan for the existing municipal parking lot on site? (This is not a municipal lot)

At the moment, the parking lot will remain a parking lot until the site is sold to the developer. GJDC has no plans to relocate the current 291 spaces.

Would you consider substantially reducing the amount of retail space on site?

Not at this time.

Would a reduction in retail be considered if replaced with a community related asset like a park?

No.

Because the project objectives state that units must be 60% of AMI or larger, is there consideration for LIHTC (Lower Income Housing Tax Credits) on site?

The requirement, as outlined in the objectives, is for units to be from 60% of AMI to Market Rate (130%). However, as a clarification, we would like to see a percentage of units to be at 60% of AMI – and after further clarification from NYC HPD, any units at 60% of AMI **are** LIHTC-eligible. Please note: proposals that assume HPD and/or HDC financing must meet HPD/HDC program requirements. In terms of consideration, it may be helpful to provide an LOI from a tax credit syndicator/investor in order to confirm that LIHTC equity is feasible.

Because there are no LIHTC units, can the project still max out at 5.0 FAR?

Per ZR Section 115-211, the base FAR for a development containing residential uses within a C4-5X district is 3.75. This may be increased to a maximum FAR of 5.0 as set forth in ZR Section 23-154 (Inclusionary Housing), through the provision of affordable housing, pursuant to the provisions relating to Inclusionary Housing designated areas in ZR Section 23-90.

Can the project reach the full 140' or 145' height despite no LIHTC units?

Eligibility for modified height and setback regulations for certain Inclusionary Housing buildings is described in ZR Section 23-664. For quality housing buildings on zoning lots in Inclusionary Housing designated areas, where 50% or more of the floor area on the zoning lot contains residential uses and at least 20% of that floor area is affordable, the building may rise to a maximum 140' height (for a building with a non-qualifying ground floor) or 145' height (for a building with a qualifying ground floor, as defined in ZR Section 12-10)

If providing parking beneath ground floor level, does that count against the FAR?

No. Below-grade parking will not count against the FAR.

Will the list of prospective bidders be available in order to engage with MWBE certified entities, to respond to the RFP in a potential partnership?

We will only provide the list of individuals who attended the Information Session and Site Visit (provided that attendees were willing to make their information available), which can be found on the GJDC website.

How or why did the previous developers' deal fall apart on this site?

In 2013, GJDC entered into an agreement with Blumenfeld Development Group (BDG). BDG was to file a Land Use Review Application pursuant to ULURP in connection with the development of both of the parking lots that straddle 168th Street. BDG was provided with a 2 ½ year time frame to obtain approvals, but due to a number of factors, work did not progress to enable approval of a land use action to move the project forward. In 2015, GJDC (under new leadership) took a fresh look at the BDG project. The market changed substantially during the timeframe, and the demand for affordable housing had grown tremendously, hence the current requested configuration.

Has the expiration of 421a legislation affected GJDC's ability to execute on its vision, especially as it relates to projects like 90-02 168th Street?

Not at this time.

As the land price offered makes certain assumptions regarding the availability of select financial benefits – 421(a), HPD grants, HDC low-interest financing, LIHTC, etc. would the 10% deposit be refundable in the event that these financial benefits did not materialize prior to closing in 3Q 2017?

As stated on page 21 of the RFP document, under Land Sale Process: "At Contract signing, the Selected Developer will be required to provide, at minimum, a deposit to GJDC of 10% of the proposed purchase price (the "Down Payment"). The Down Payment will be creditable against the purchase price, but will not be refunded if the Selected Developer fails to meet its obligations for Contract closing."

Is there a Phase I report or other information pertaining to site history available?

There is no current Phase I report available. However, there is an outdated Phase I that was prepared in 2000.

Does this site qualify as a brownfield?

Currently, the site is not a brownfield according the New York State Department of Environmental Conservation. However, the City of New York's Office of Environmental Remediation may designate an area in the east part of the downtown area, which includes the site, as a brownfield, as part of a Community Brownfield Planning grant.

Have borings or other environmental investigations been conducted? If so, are the results available?

Phase I and Phase II environmental assessments were conducted in 2000. The selected developer will have to conduct an updated environmental assessment.

Is there any information on underground services and their location (e.g. gas, water, sewer)?

There are no gas or water lines, but there are five dry wells scattered throughout the site. At the moment, the lampposts on the site are serviced by an electrical meter located across the street at 90-01 168th Street. Electric service located just north of the 91st Avenue entrance feeds the revenue equipment on the lot.

Has a survey of the site been prepared? If so, is it available for review?

An independent condition survey report was conducted in 2003 by LZA Technology. The selected developer will have to conduct an updated survey of the site.

Who currently operates the parking lot? What type of operating agreements, leases, or any other potential constraints on development are in place?

The parking lot is currently operated by Impark under a management agreement with the lot owner, Jamaica First Parking, a subsidiary of GJDC. There are no leases or potential constraints on development.

Is there a term associated with the restrictive declaration described in Section K of Appendix 8?

A restrictive declaration will be in place until GJDC closes with the selected developer, and then negotiated upon for a further term, as needed.

What costs (types and amounts) has GJDC incurred, and what costs does GJDC expect to incur as part of the transaction (e.g. legal, outside consultants)?

GJDC expects to incur normal and customary fees.

In the "Selection Criteria" section of the RFP, the Respondent's willingness to adhere to the terms of a "Draft Contract" is listed; has a draft contract been prepared? If so, can it be shared?

A draft contract has not been prepared.

Are there any legal easements on the site such as access for neighbors?

There are no existing legal easements on the site.