

CLARIFICATION NO. 2

Request For Proposals for TOD Development – Capitol Hill Properties Redevelopment RFP # RTA/RP 0010-14

This document is issued in response to properly submitted Requests For Information and is intended to provide clarification to the above referenced Request for Proposals (RFP). When possible, the questions are provided in the form they were submitted, including any grammatical errors, so as not to change their meaning. Changes to the RFP will be made only by formally issued addenda, specifically amending the RFP.

No.	Reference	Proposer Request For Information	Sound Transit Clarification Response
1.		The ground lease terms currently do not provide a rate of return required by Sound Transit, in order to determine equivalency to the appraised Fair Market Values provided for the sites. Will this be provided?	Sound Transit does not have an established rate of return.
2.		Will you be making the appraisals public?	The appraisals will be available to proposers via e-bid
3.		The housing tool requires Net Residential SF to be 80-85%. Please define what counts for the residential area in the determination of the 15-20% load factor? For example, does the load factor calculation include vertical circulation? Does it include required residential amenity areas?	Hallways, elevator shafts, stairwells, group residential amenity areas (gyms, lobby etc) are included in the 15 – 20%. 80-85% of the residential square footage should be rentable square footage.
4.		Are the buildings required to be LEED certified or LEED designed?	LEED certified
5.		Are the townhouses required along 10 th Avenue considered live/work units? If so, how do they count in the housing tool?	The townhouses required along 10 th are not considered live-work units. The housing tool treats live-work units as commercial square footage that is not included in the residential unit count.

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6.		Can you reuse the existing tower crane footing?	The crane footing will be left as detailed in the station restoration plan. It will be at the digression of the developer to determine whether the existing crane footing is appropriate for your use.
7.		How is a residential floor defined?	There is not a minimum unit count required to meet an existing definition of “residential floor” however, a residential floor is a floor that is dedicated to residential units and support services for those units (ie: laundry facilities, etc.)
8.		What is the definition of an open bedroom?	An open bedroom is a room that is intended to count as a bedroom but is not separated from other living spaces by floor to ceiling walls.
9.		How is a bedroom being defined – is it the Building Code definition?	yes
10.		What conditions will the sites be delivered in? Are the sites being brought to grade?	The sites are not being brought to grade please refer to the site restoration plan included in the project requirements documents for complete information.
11.		Scoring sheets currently only provide points for LEED certification. What number of ESDS points are you considering as equivalent to LEED – Silver, LEED – Gold, and LEED – Platinum, respectively? Does this vary by site?	We are scoring your level of commitment to LEED Standards. It is up to each developer to translate relevant components of the ESDS points to those equivalent line items scored in the LEED system and meet the point totals to achieve your desired level of LEED certification.
12.		Currently, there does not appear to be points allocated for the community center in the development score sheets for the eligible sites. Is there a separate community center scoring sheet? When will this be provided?	Points for the community center will be issued with this set of RFI clarifications.

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13.		What amount of variability is being assumed as the projects move through design review and the community engagement process? What sensitivity (or lack of) will be given to this reality in considering potential disqualifications after award?	This is something the agency weighs on a case by case basis. We don't have a hard and fast rule, but we understand that there can be variance between proposals and permitted projects based on funding availability and other realities that may present themselves during the project. At minimum, a project must comply with development agreement and a proposer must not substantively change their proposal.
14.		For Site A, does the appraised value per square foot apply to the land for the plaza and Nagle Place Extension?	The appraisal for Site A takes into account that Nagle Place Extension and the plaza are not buildable. The price per square foot quoted in the RFP is applicable only to the buildable sqft.
15.		Does retail height have to be uniform across Broadway to qualify for points?	<p>The design team should strive to design the retail floor to floor height to meet the specified height for as much of the story as possible. Recognizing that the presence of slope presents challenges, the evaluation team may consider awarding full points even though a minor portion of the retail floor to floor height is less than the specified amount.</p> <p>In terms of varying the height from bay to bay, the points for height will be given based on the average height across all bays with 15' being the minimum height allowed. If heights between retail bays vary, there must be a compelling reason that can be explained in the narrative of the retail approach.</p>

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16.	RFP, Attachment A, No. 3 Project Approach; RFP, Section 1.03 Background Conditions and Constraints	<p>How strictly must the parking access diagram in the CDP (pages 15-17) be adhered to?</p> <p>a. The access ramp shown for Site A looks like it was designed without consideration of Sound Transit’s Tunnel Easement Envelope and is therefore not achievable. Similarly, the garage plans shown on Sites B-South and B-North look like they encroach on the station box and Site A below ground.</p> <p>b. The garage access for Sites B-North and B-South is shown right on the property line. Can this access point be moved to be entirely within Site B-North or Site B-South instead? The buildings won’t necessarily abut one another at the property line (Building and Fire Codes would require a minimum of 10’ separation b/w the buildings if units with windows were to be provided on that wall, for example).</p>	<p>The parking access diagram in the CDP is illustrative. Access ramps and garage access should be designed with ST’s tunnel easements and can be moved, so long as the number of access points and the streets they originate from remain.</p> <p>You cannot encroach on the envelope without ST’s written permission; we may consider allowing specific encroachments to the station box on an individual basis.</p>

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17.		<p>Are habitable portions of buildings (levels 2 and above) allowed to project into the NPE (which is not a public street according to the document) and 10th Ave E setback areas, provided that the listed elements are provided and that code-required minimum horizontal and vertical clearances are maintained?</p> <p><i>The Development Agreement states:</i></p> <p><i>Section 7.2 “The buildings shall be set back five feet from the property line along 10th Avenue East, to make room for stoops, private gardens, and entry courtyards within this setback. Stoops must be provided on the east building facade.”</i></p> <p><i>Section 7.4 “On the west [of Sites B North and South], each building shall be set back 11 feet from NPE to provide for amenity areas, including a five-foot wide sidewalk, and to make room for entries, private courtyards, private gardens, and stoops, if the developer chooses to include stoops on the west facade.”</i></p> <p><i>Section 6.3 “The east-west building depth for all floors not partially below grade shall be a maximum of 80 feet.”</i></p> <p><i>Section 7.1 “... the maximum building depth shall be 72 feet.”</i></p>	<p>DPD would regard both the 10th Ave. E. and Nagle Place setbacks as building setbacks as described, in SMC subsection 23.47A.014. Certain structures are allowed to project into building setbacks.</p>

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18.		The CDP shows a 5' "Bay and Balcony" zone on the east and west sides of the building on Sites B; this zone is mentioned in the RFP as a required "Amenity Area", but it is not mentioned in the DA. What is considered a "bay" or a "balcony"? Are there maximum or minimum dimensions for a bay or balcony? Is the 5' dimension of the "zone" a maximum projection from the envelope, a minimum projection, or an average?	The five foot dimension is a maximum projection. Bays and balconies are both projections from the exterior wall of the façade. Balconies provide outside amenity space while bays are enclosed space that can be counted in the total sqft. Bays and balcony zones were included to provide a tool for façade modulation.
19.		Site B – 72' max building width was regulated before the Lot Boundary Adjustments. Given the LBA plus required setbacks the max building width possible is 71'. From where to where is this measured? Exterior wall to exterior wall? Do "bays" impact this building width? How many bays can you have before the bays become a part of the building width?	Allowed projections into a building setback would not be included in a measurement of maximum building depth. Exterior wall to exterior wall would be the basis for the measurement.
20.		How is height of ground floor retail measured? From lowest retail space at grade, from average grade, etc." If the ground floor retail floor-to-ceiling dimension varies, for example in relation to a sloping ground plane, how shall the measurement be taken (at all points along the slope at the greatest height or some other way)?	Measurement should be taken at all points along the slope at the greatest height.
21.		In evaluating the number of floors in each building, will mezzanine levels be counted? If so, what is the definition of a mezzanine? Per Building Code or land use code?	DPD relies on the Building Code to determine if a full story is present or if the area is a mezzanine. If the Building Code required ceiling height is not present, DPD would regard the area as a storage loft, or mezzanine for both Building Code and Land Use Code purposes.

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22.		<p>The scoring metrics indicate a desire to see materials and finishes and detailed budgets, but the reality of the upcoming design process, which will include City Design Review and community engagement, not to mention a possible redesign for Master Developers awarded all sites who can then benefit from efficiencies of shared amenities, precludes a <i>final</i> design at this stage. The RFP makes a couple mentions of the possibility of being rescored or disqualified during negotiations and updates to the proposal, which would suggest changes to the design. To what degree are specific design ideas considered set-in-stone commitments at this stage, given the potential changes, particularly in relation to the risk of disqualification?</p>	<p>If you examine the program elements that receive scores, the language in the RFP is meant to hold developers to the spirit of their submitted proposal. While ST understands that some changes may occur as a result of award or financing requirements, any substantive change will lead to the proposal being rescored. If that rescoring results in a different ranking of the submitted proposals it may trigger a best and final offer with the competing proposer. Any adaptations must still comply with the development agreement or a proposer may be disqualified.</p>
23.		<p>For teams intending to propose as a master developer, and thus submit on all sites, how are these submissions scored in relation to proposals that are solely for an individual site?</p>	<p>All sites are scored independent of one-another on the elements listed in the RFP. There are a variety of ways to increase a proposal's competitiveness and we anticipate that while a master developer may distribute elements between sites, they will pay attention to the bettering the elements they propose on each site to make their proposal most competitive.</p>

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24.		<p>Shared benefits across sites can only be realized in Master Developer schemes if all sites are considered together – For example, residential amenity areas or parking can be pooled across sites, but only if they are planned together. So if a Master Developer proposes on each individual site with consideration to a design that utilizes all sites together, only one site may have a required amenity (community center, shared parking, heightened green factor) and the others will not. In the current scoring mechanism, the site that did not have such element would not be eligible for the points for such element, thus disadvantaging the proposal when compared to a submission that provided all the elements on each site.</p>	<p>ST would expect master developers who are dispersing programmatic elements between sites to increase the competitiveness of each set of elements they propose for each site to improve their project as it compares to proposers who are competing on a single site. Based on the constraints of the sites, requirements that could be pooled ie: green factor, parking and amenity areas were spread over the sites strategically in the CDP.</p>

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25.		<p>A similar challenge would exist if a team proposing on all sites with a shared amenity approach is awarded less than all sites, so a redesign would likely be necessary to retain services and amenities previously planned across all sites, however this seems as though it could lead to a disqualification of such site.</p> <p>a. (similar) How will the Community Center approach be assessed between individual proposals and master developer proposals? There appears to be no mechanism for a Master Developer to coordinate providing a community center on one site and still compete with individual developers.</p> <p>b. (similar) How will the residential amenity areas be assessed between individual proposals and master developer proposals? The unit mix and total number of units earn the greatest percentage of points in the RFP Evaluation Criteria (25%). In order to maximize total unit counts relative to building GSF, some private residential amenity areas may suffer relative to market demand/expectation. A Master Developer has the opportunity to spread out the amenity areas across sites, whereas an individual developer may not have the same opportunity. How will this be assessed?</p>	<p>ST would anticipate that a proposer whose project approach was based on four sites might need moderate flexibility if awarded less than all sites, however, awards will be made on the basis of what is proposed in response to the RFP, and any substantive change to that proposal may warrant reconsidering the pool of proposals to determine the most responsive proposal.</p> <p>a. The community center approach will be assessed per the narrative included in the RFP. Each site will be assessed separately and therefore, if a community center is included in a proposal, it will be evaluated. The community center is only one component of any site’s development program and proposals can be competitive with or without a community center.</p> <p>b. Each site has a minimum of 15% and a maximum of 20% gsf of the residential areas that are not counted in the residential sqft. Each site’s residential amenities will be assessed individually.</p>

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26.		<p>The Site A Evaluation Scoring Sheet and Attachment C, Site A – Amenity Areas approach seem to have some cut-and-paste typos. The requirements and considerations for the “Narrative and visual depiction of the pedestrian link along the east façade of the building between the Denny Way plinth and the building pass through” are listed twice. The second occurrence list four different requirements/criteria at the end. To what do these refer? Should it be about an “upper floor bay and balcony zone” like on the other sites?</p>	<p>The second list of requirements/criteria are meant to refer to the “upper floor bay and balcony zones” similar to the other sites.</p>
27.		<p>(all Evaluation Scoring Sheets and Attachment C, Green Factor & Sustainability Approach) How will green factor and sustainability strategies not listed on the scoring sheet or in the Development Program Requirements and Priorities be scored? There are some specific strategies listed, but what if you propose other strategies not listed? How are they scored? The documents say that “Other discretionary sustainability elements may be proposed” but don’t indicate how they’ll be scored.</p>	<p>For the purposes of scoring green factor, Sound Transit is most concerned with meeting the Green Factor requirement spelled out in the Development Agreement per each site. Alternative solutions to the green factor requirement may be proposed as long as they comply with code requirements. The evaluation team will determine whether the solution meets the requirement outlined in the DA. Within the remaining points available for green factor, alternative solutions will be qualitatively scored.</p>

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28.		<p>(RFP, Section 1.11.B Proposal Submittal + Section 4.02.C General Proposal Format) Does Sound Transit have a requirement for the organization of the “Body of the Proposal” for teams presenting “multiple sites under a single cover”? Since it is unclear how these master developer proposals will be scored in relation to individual proposals it is unclear whether or not they should be organized to facilitate a site-to-site comparison or not.</p> <p>The preferred approach to reduce duplication of non-site specific submittal criteria (such as financing strategies, coordination plans, engagement strategy, etc.) would be to organize the body of the proposal could be organized by Evaluation Criteria first and by Site second:</p> <p>For example,</p> <ul style="list-style-type: none"> i. No. 1 Development Program: Site A, Site B-North, etc. ii. No. 2 Financial Capacity and Project Financials: Financing Plan: Site A, Site B-North, etc. iii. No. 3 Project Approach: Implementation Approach: Site A, Site B-North, etc. iv. No. 4 Transaction Structure: Sale Proforma: Site A, Site B-North, etc. <p>Also, If a team were submitting only on one site this would be the default organization.</p>	<p>Your proposed organization is sufficient. In order to evaluate proposals on a site by site basis, we need to have each element of the proposal stand alone. All proposals for site A will be evaluated together, site B, and so forth. However, responding site by site, organized by section of the RFP (as you proposed) would be responsive to that need.</p>

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29.		RFP, Section 4.02.B General Proposal Format states that “No more than two (2) single-sided 11x17 sheets are allowed” per proposal. For teams that are submitting “proposals for multiple sites under a single cover” (as per RFP, Section 1.11.B) what does this mean? Would it be two (2) single-sided 11x17 sheets per site, and therefore potentially eight (8) single-sided 11x17 sheets?	2 11 x 17” single-sided sheets are allowed for each development site.
30.		RFP, Section 4.02.B General Proposal Format states that “Proposers may use 11” by 17” sheets for figures, drawings or tables to enhance legibility” and then limits the number of 11x17 sheets that can be used (see RFI above). Would you consider removing the limit? Given the submittal requirements, there are likely not enough sheets for figures or drawings, since the Housing Tool spreadsheet for each site will require at least one (1) 11x17 sheet per site, and the Gantt Chart schedule will likely require one (1) 11x17 sheet per site.	2 11 x 17” single-sided sheets are allowed for each development site, in addition to sheets needed to complete the housing tool and project schedule.
31.		RFP, Section 4.02.C General Proposal Format indicates that “Financial Capacity Submittals” and “Project Financials Submittals” should be in the Appendix – What are these? And, how are they separate things? The names potentially correspond to submittal requirements in two Evaluation Criteria Categories: “No. 2 Financial Capacity and Project Financials” (audited financial statements; bank/credit references; Funding Plan by Site; Simultaneous Development Financing description; financial strategies for market weathering; detailed examples of financing similar projects) and “No. 4 Transaction Structure (proformas)? In all cases, the submittal requirements listed do not indicate whether or not they should appear in the Body of the proposal or the Appendix. Can you clarify?	<p>Financial Capacity Submittals refer to the financial documents you were asked to submit as a part of the RFQ process. Many did not submit complete sets. This is an opportunity to do that and respond to weaknesses the evaluation team identified in the RFQ process.</p> <p>Project Financials are a list of sources and uses for the site you are proposing to develop as well as the pro forms we are asking for as a part of the transaction structure. The Financial capacity submittal should be in the appendix. The sources and uses list and pro forma should be discussed in the body of the proposal but should be included in the appendix.</p>

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32.		Our firm is considering making a substitution to one of the team members presented in our qualifications for the TOD sites. Does a substitution require approval from Sound Transit and if so, can you please let us know what we need to do to obtain approval?	Firms should notify Sound Transit in their proposal of any such substitutions and provide a justification for the substitution. Sound Transit will determine if a substitution is acceptable prior to making final selections.
33.	Arch	<p>Can Site C's and/or Site A's retail connect into the transit station entries?</p> <p>We understand that station wall has been built already, but we want to clarify if there is any portion of the station that can connect directly to the adjacent retail space. The CDP shows CHS-North with a connection via door, is this the case?</p>	<p>No, Site C's and/or Site A's retail cannot connect to the transit station entries.</p> <p>No portion of any station entry can connect directly to any TOD. The door that appears to connect CHS-North entry with Site A serves Sound Transit station-specific functions only.</p>
34.	ROW	<p>Is there an easement for the CHS on the sites, do the sites have air rights over the stations?</p> <p>In Section 1.6 of the Development Agreement it mentions that all sites must conform to dimensions and locations depicted in CDP. Also CDP TOD Site Dimensions says "site dimensions fixed due to... ..the agency's decision to limit construction over the top of the station tunnel and box..."</p>	<p>If ST chooses to sell a TOD site then ST will convey the property subject to some reserved 3 dimensional easements that will envelope the underground and aboveground portions of the station structure including certain footings and pilasters that intrude into the TOD lots.</p> <p>However, if ST chooses to lease out a TOD site then, in lieu of easements, ST will have lease restrictions in the lease that perform the same function of protecting the station elements and giving the station elements a right to exist.</p> <p>Generally speaking ST will retain air rights above all aboveground station elements.</p>
35.	Arch	Can the plinths on the sites be removed or altered so that the plaza side of the buildings can be ground level or, are they part of the design because the height and location of the station box requires them? We are concerned that as specified, the height of the plinth at the plaza will discourage connection between building A and the Plaza.	The plinths indicated in the CDP are not, nor will they be, constructed by Sound Transit. They reflect one possible solution to the grade change challenges along Denny Way east of Broadway. Other creative solutions to the grade change are encouraged and would be considered.

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36.	Arch	What is the Station Vent used for? What is the content of what will come out of it? How frequently will it be used? What is the sound decibel level when in use?	The Vent Structure identified as # 17 on Sheet 13 of the CDP contains emergency exhaust fans for the station. These fans are part of the station emergency smoke evacuation system. They only operate in the event of a station fire. The fans are typically tested monthly for 30 minutes. Note that the vent design includes mitigating measures to contain and reduce noise from these fans.
37.	Arch	What is the relationship between buildings B-North and B-South buildings? Will there be a party-wall and they will be treated as two separate buildings, or will they function as a single building reading as two separate buildings?	Buildings B-north and B-south can be two separate buildings if desired. Connecting buildings B-south and B-north by a party wall as seen in the CDP was ST's solution to provide the largest building footprint. ST believes that B-north and B-south represent an opportunity for a single parking podium if desired. Building(s), including party walls, are to be designed to address UDF goals, Land Use codes, Building codes and any other applicable codes of AHJ's (Authorities Having Jurisdiction).
38.	Arch	What is the space between Site A and CHS-North Entry and how do they interact, especially adjacent to the CHS-North escalators which is shown as about a 10' gap? Is this a setback or fire-rated wall issue? How does Site A's upper floors interface with the Station, must it be a fire rated wall on that side?	This is not a fire-rated wall issue. The north/south exterior wall of the North Entry (adjacent to Site A) is a 10" thick concrete wall with no openings. Due to the height of the wall (approximately 41' from the top of the station box), there are structural pilasters perpendicular to the wall. As the North Entry does not align precisely with the station box below there is a footing for the wall and pilasters within the 10' gap.
39.	Arch	Is tree planting allowed over the tunnel and along Nagle Street between Site A & B? The festival street plan 2013 shows trees in other locations, but not on Nagle between Site A & B.	Tree planting is allowed over the tunnel. Trees and other landscape elements within the site and in the ROW adjacent to the Plaza are to be designed to address COS Green Factor requirements and other applicable City of Seattle codes.

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40.		Is a partner who may execute an MOU or lease with the development team but not part of the team putting together the RFP response also excluded from speaking with Sound Transit staff or board during the RFP response period?	Proposers and/or their team members and prospective partners may communicate with Sound Transit staff or board members regarding the RFP only if it is within the regular job duties of the staff member or board member.
41.		What is the impact to the scoring if the proposed program cannot support the appraised land value and an alternative land value is provided?	Per the score sheets disclosed in the RFP, each element has a different point value, if you are unable to meet the proposed program, your score will be docked accordingly. If these programmatic changes constitute violating the Development Agreement, your submittal may be disqualified.
42.		Will a proposal be disqualified if the appraised land value is not reached in the submitted transaction structure	Yes, a pass/fail requirement of the RFP is agreeing to pay fair market value or greater determined by ST's FTA approved appraisals.
43.		When will the appraisals be released?	The appraisals are expected back from the FTA in early to mid-October. They will be released at that time.
44.		When will we see the community center scoring?	This has been provided via Addendum #1.