



City of Boulder Housing & Human Services

Please note: Updated versions of the Call for Offers 3.9.20, pg 13, and Exhibit A., see highlighted text on pg 1, have been posted to the [30Pearl](#) website.

Site

1. Streets - Where does BHP work start and stop at streets adjacent to B.3 [i.e. at back of sidewalk or back of curb]? [Back of sidewalk.](#)
2. Please confirm water table is ~15' below grade. [During high water seasons, the groundwater model shows the groundwater elevations range from 3 to 10 feet below existing grade. Please reference Groundwater Report, page 7, "30th&Pearl GW report_AYRES_2020-01-10. Below is a link to the report and appendix. Groundwater elevations noted on page 7.](#)
<https://coburnpartners-my.sharepoint.com/:f/p/cbingham/EiO9yrEwXAhNjmv2gkFidxgBnk7q32gnwYTb9C7clLnSQw?e=Mp6C19>
3. On sheet FBCO 4, it calls for a dead-end alley running north – south between the apartments and townhomes. Is this for fire access and is it restricted to that use? [Yes, alley is for fire access. This alley is also intended as a pedestrian connection as well as to provide access to the stormceptor in this location. Please note that there is an existing drainage and emergency access easement that has been dedicated to the city and the easement restricts what can be done in the in the easement area. Please refer to the city's maniple code \[Section 8-6-3, "Public Right of Way and Public Easement Encroachments Prohibited."\]\(#\)](#)
4. Will the purchaser of the sites have any public infrastructure obligations? [Other than what's on your lot for paseos or landscaping the rest of the public improvements outside of these parcels will have been completed. The perimeters of all the properties should be completed, the roads will be completed, utilities connections will be brought to the edge of the property. It will be the buyer's responsibility to pull utilities from the property line to the buildings themselves.](#)
5. Does the buyer also have to prosecute a tec-doc? [Yes](#)
6. Does the tec- doc need to have architectural tech doc as well? [Yes.](#)
7. You mentioned there is no deadline for tech doc submittal, but what would be the date that the 3-year rule would run from? [The Form-Based Code final approval date is Nov. 5, 2019, the three-year rule extends the approval until Nov. 5, 2022. – P&DS](#)
8. Another question on co-ops. What is the quickest way to get information out of the city on what the total cost for all the fees and permits and stuff are for doing a co-op? Is that anywhere? [2020 Schedule of Fees and C0-Operative Housing](#)

Garage Structure

9. Core Drilling. We assume core drilling for storm and sanitary of the podium slab will be allowed after x-ray? [Confirmed. The elevated slab was designed such that core drilling would be structurally acceptable. It was impossible without construction documents to nail down exact locations of all future slab penetrations, so we designed the slab to allow for some flexibility in locating penetrations. Xray or other methods of core drilling safely will have to be utilized.](#)



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10. Ground water filtration and pumping system. How will operating costs be paid? Roof runoff and surface runoff on the elevated slab will be collected and filtered with a stormceptor basin before it outlets to Goose Creek. The Garage is designed as a “bathtub” to keep groundwater out entirely, therefore no permanent dewatering and filtration is required. The small amount of water that enters the garage from vehicle runoff and/or maintenance will be collected and pumped with a sand/oil interceptor. Pump system will be a shared cost of the HOA.
11. Elevator Pits. Is hanging of elevator pits anticipated in the garage podium structural plans at the location shown on building plans? (5) Elevator pits will be installed below the Garage slab-on-void during the tax credit project construction timeline. 1 for Building 2A, 1 for Building 2B, 1 for the “Terminus” Building, 1 for Building 3A and 1 for Building 3B. Corresponding shaft walls will be provided in the garage and corresponding openings in the elevated podium. Locations as shown on building plans.
12. Garage Egress. In the permitting process was additional egress required from the northwest corner of the garage? Plans included in the package appear to have a travel distance issue. The bottom flight of stair for Building 3A (adjacent to the 3A elevator) will be installed in the Garage during the tax credit project construction timeline, to provide required pedestrian egress.
13. Electric / water rooms in garage. For Building 3A/3B – may rooms be provided in the garage if parking count may be maintained through an alternate striping plan? Yes. However, it is highly unlikely that an alternate striping plan will be successful, as this was vetted heavily by the COB and meets minimum AHJ standards as currently drawn.
14. Garage Ventilation. Have intake or exhaust areaways been added in construction documents in Quadrant 3? Yes. There is an intake adjacent to the elevator at the “Terminus” building. There is an exhaust shaft on the north perimeter of Quadrant 3.
15. Garage Ceiling / Podium. What will or will not be provided in the garage by BHP at underside of podium slab at time of turnover [ie. Lay-in ceiling, insulation and lighting?] There will not be a ceiling. There will be code-required temporary lighting and coiled whips for future lighting. There will be deck-mounted circulation fans installed for required Garage ventilation.
16. Podium Steps. Does Garage Podium at building 3A and 3B step down to create planter depth or must residential building floors be built up? Residential floors must be built up.
17. Q3 Garage Ramp. Will ramp be heated as ramp is steep? Yes.
18. Q3 Parking Count. 64 parking spaces with 51 standard are shown in the garage package. Is this the correct number versus the 73 noted in the Flagstaff flyer? ~~Garage package is correct.~~ The correct parking count for Quadrant 3 is 73 spaces (34 compact, 37 standard, 2 ADA)
19. Groundwater filtration system. Will operational costs be borne by building owners? No filtration system.
20. See attached PDF with parking garage questions in yellow. Since the parking garage is under construction, is it possible to get a copy of associated assumptions and clarifications that are typically in an exhibit or attachment to the GC’s contract? See garage questions and responses on attachment. BHP would prefer not to release the design clarifications to the entire group of bidders; however, we can work through this once a buyer(s) is selected and goes under contract as part of the due diligence process.



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Approval Package Drawing Set

21. Will Revit model and drawings for Q3 and Q4N be provided with appropriate limitation of liability clause to the architect of record? [Yes.](#)
22. Who owns the designs? [Right now, BHP owns the designs, and they will be in some manner conveyed at the point in time of sale.](#)
23. Like a copyright license from the architect or something? [Yes.](#)

Massing

24. Q3 Building Footprints. Can Q3 footprints increase to 70% similar to Q4N under form-based zoning? [Modifications to the Approved Form-Based Code plans are required to be evaluated through a Minor Modification or an Amendment. Please reference the Land Use Code sections 9-2-16\(j\) and \(k\) to determine the appropriate process for specific changes. Please note from BHP-- It is highly unlikely that the square footage can increase significantly on Q3. The building footprints, heights and massing was drawn to what is essentially the maximum allowed under the Form Based Code, the required access easements, the required paseos, the desired unit typology, maintenance easements for the storm sceptor, connections required under the TMP, and the elevated slab is designed to support the entitled building footprints. Buyer should assume no additional square footage is possible.](#)
25. At Q4N is BHP open to additional square footage at the fourth floor as long as step backs or major decks are maintained at the northeast, southeast and southwest corners of the building? [Please refer to response above regarding the process to modify the approved Form-Based Code Plans. From BHP - it is highly unlikely that the square footage on the 4th floor can increase significantly on Q4. The building massing was drawn to what is essentially the maximum allowed under the Form Based Code, the required view corridor from the bridge at Junction Place, the desired unit typology, and egress requirements. Buyer should assume no additional square footage is possible.](#)
26. What is the breakdown of the units/bedrooms of Q4? [There are \(6\) 0BR, \(7\) 1BR, \(14\) 2BR, and \(2\) 3BR.](#)
27. What are the number of stories in rowhouse a and b? [Three.](#)
28. How was the unit mix determined? [Unit mix was determined on an estimate of market demand, FBC allowances, load calculations for the garage, and reasonable square footage for each of the unit types.](#)
29. Can the units be modified, the number of units on Q3? [They can, because the form base code doesn't limit the number of units, but there is a process to go through, and depending on the extent to the modification it could be a minor modification or an amendment to approved form based code reviews. Refer to the Land Use Code section 9-2-16\(j\), or \(k\). – P&DS](#)
30. And exterior changes are allowed? [They are. We wouldn't encourage it because it's an entitled project that went through a pretty rigorous form base code review. We understand that in most circumstances there will be some minor changes required that would necessitate application for a Minor Modification. – P&DS](#)

Landscaping



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31. Who is responsible for water proofing and running of storm drain lines for landscaped areas over garage? Area drains in the elevated slab have been incorporated for Quadrant 3 and will be installed during the tax-credit project construction timeline. Temporary and permanent waterproofing for Quadrant 3 were omitted from the contract but could be added back in but would be at cost to the City or the Buyer.

Parking

32. Are PILOT fees paid annually? **Yes, PILOT fees are paid annually for two years.**
33. On parking, you said the catch-up fees are already calculated for each site, and that's in the documents you've already given us? **Yes, here are the tables again.**

Quadrant 3 Due One-Time at Certificate of Occupancy	
Total Average Historical Value of Entire Parcel	\$ 4,145,194
Percentage SF of Q3 to Entire Parcel	40.87%
Assessment Rate - Commercial	0.29
BJAD - Parking Mill Rate	0.01
BJAD - TDM Mill Rate	0.005
# of Catch-Up Years (assumes CO in 2021)	11
Total Estimated Catch-Up Fee (market value)	\$ 81,076
Non-Profit Discount	N/A
Estimated Q3 Catch-Up Payment	\$ 81,076

Quadrant 4-North Due One-Time at Certificate of Occupancy	
Total Average Historical Value of Entire Parcel	\$ 4,145,194
Percentage SF of Q4N to Entire Parcel	6.62%
Assessment Rate - Commercial	0.29
BJAD - Parking Mill Rate	0.01
BJAD - TDM Mill Rate	0.005
# of Catch-Up Years (assumes CO in 2021)	11
Total Estimated Catch-Up Fee (market value)	\$ 13,122
Non-Profit Discount	N/A
Estimated Q4-North Catch-Up Payment	\$ 13,122

34. The pilot fees look like \$300 a year per unit, or 2 years? **For approximately 2 years. Until the assessment catches up, and it is based off the cost of providing service on behalf of the TDM District and so that will**



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vary depending on primarily the RTD EcoPass contract. It shouldn't vary too much from current estimates.

35. Is that separate from the catch-up fees? **Correct**
36. It looked like there were so many parking spaces allocated for each of these parcels. We're interested in parcel 4. And then there was a price of \$45,000 per space on them, and then there's elsewhere it said that to park by the month you can get a pass for \$225. Are those independent, or if somebody buys a space, in addition do they pay \$225 a quarter? **They are separate. The \$225 would have been the quarterly permanent shared district structures, so that's under the Depot Square shared facilities. There are a few spaces, a number of spaces under there for quarterly permits. I believe that is separate from the first part of your question. The parking management plan, which is part of the entitlements, has two different potential provisions. One, that is the purchase of license for parking within the garage, which is there for an outright purchase, and does not assign a specific physical location, but instead the overall use of a space(s) within that garage. That price will be defined by the actual cost which is likely to be above 60k/space. Secondly there is a minimum price for a monthly pass if offered in the garage, which would be a different type of parking. What that cost minimum would be beyond that it would be up to the owner's association managing that garage to set what that parking pass fee for that garage would be. – Community Vitality**
37. Is it required that so many spaces be purchased with each site? Is that \$45k a firm number? **\$45k is an estimated number that was part of the parking management agreement. The sale for a parking license will be determined by the actual cost of construction. The cost for each parking space within quadrant 3, which is currently under construction is about \$60k. Our assumption is it would probably be closer to \$60k than it would be to \$45k. The other clarification I will give on parking for quadrant 4 is that you're not required to purchase any of these parking licenses. Housing and Human Services (HHS)**
38. Can quadrant 4 rent a space? **There's no guaranteed access to the depot garage, and any monthly permits there, so if the purchaser of 4 north doesn't execute the option for those licenses then it would be subject to availability within that garage in Q1, and the owner's association management of access to the garage. The Depot Square garage is subject to availability to the general public with no guarantees of any monthly passes for parking being available. – P&DS**
39. Are the new garages going to be public? **They are not publicly owned by the district in terms of the new garages in these properties you've seen here. They are managed by the owners. It doesn't mean they won't allow public parking; it would be at a paid cost. – P&DS**
- Just to clarify for the tax credit parking side of the northern garage, that will not be open to the public for a variety of tax credit partnership reasons, legal reasons, for the tax credit partnership. - BHP**
40. What are options if you want to park there? **The best I can say is take a very close look at the parking management plan that was approved, but keep in mind in this particular area, in the Transit Village Area Plan the impetus is lower number of vehicles, lower number of trips, lower car ownership, and there is a built in general assumption that there is not parking for every single unit that has been built, or will be built out here. – P&DS**
41. The mill levy that you mentioned at 5 and 10, but in the language, it says it could go up to 20 and 10. How likely does that happen, or is that to cover unforeseen? **Yes, that just was disclosing that this was in the original petitions to create both districts that it allows the**



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commissions that oversee those two GID's to raise it. There's no plan to do that at this point. The underlying purpose of both districts is to work in concert on those transit village area goals. So, for now, at least speaking from a financial standpoint, the districts are in fine shape, projecting out over 5 or 10 years.

42. To follow up to that question, is there a cap though? **Yes, there is a cap built in that there's up to a certain levy the commissions can raise it through a public hearing process. Above that it would have to be a vote within the districts.**
43. In the case of a co-op, something like the pilot fees, it's \$300 a unit, but I assume that's for a regular living unit. If it doesn't have a bathroom, is that negotiable? **Each pilot would have to have a separate agreement, so it's something we could look at, at the time of negotiating the pilot agreement.**
44. That pilot fee, was it for what unit of time? In attachment A it says per year. It doesn't say there. That's per year, right? It's not per month? **Yes, that's right.**

Closing

45. Does the city / BHP want closing to coincide with TEC- DOC approval. **The preference is for closing to happen prior to Tech Doc approval.**
46. Is the city asking for a full contract or a letter of intent? **Letter of Intent**

Condo Conversion

47. The other question I had was on the 8 years on Q3 for condominiumizing them, is that due to financing or other things? **Yes, we do have a no condominium conversion covenant on the site. That's been affirmed by the tax credit partnership, of which BHP is the general partner, and our general contractor and our lender, so there are several parties that are a part of that legal document. The intent is to avoid risk associated with construction defect litigation. Any purchaser should assume that this will remain in place as described.**
48. Aside from tax credit constraints, you mentioned construction litigation and presumption after 8 years, so now with what's going on with the legislature that proposed extension to 10 years, and the language that also is going to make it difficult to determine when that time actually starts and not knowing when that would become effective, is there an indemnity to the owner of this that is going to be constructing these buildings on the site. How is that perceived to be dealt with? **With the presumption that that legislation would pass within the Colorado legislature, and it goes from 8 ½ to 10 years**
49. Well, whether it passes or not, it's becoming a moving target even under the current laws when 6 years starts was always focused on when it ends. Now, what triggers starting of the statute of the proposed. Whether that legislature passes or not, it still becomes a moving target when the statute proposed actually ends. Since this will be built upon that parking structure what kind of assurances are there to protect the builder in that case? **The intent of the no conversion covenant was to protect against construction defects litigation.**
50. Would the quadrant 3 being built on top of the parking garage I assume that is going to be serving as the foundation of the building? Going back to the question of indemnity I imagine you'll need to be some indemnity between the general contractor of quadrant 3 and the general



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contractor of the garage, has that been discussed and explored? [We have not gotten that far yet. We're waiting to get an owner or top bidder in place, and then we would start those negotiations.](#)

HOA

51. Do you have a draft of the governing documents for the condominium? [We do have a draft. They are being refined right now based on some things that have come up recently, but they will be available as soon as possible. – BHP](#)

52. It looked like site 4 was excluded from the HOA's. Is that true? The HOA's primarily deal with the parking structures? [That's correct, yes.](#)