

Request for Proposals (RFP)

Form-Based Code Project West Haywood Road City of Asheville, NC

PROJECT SUMMARY: The City of Asheville seeks consultant services to develop a proposed form-based code, meant to supersede (either entirely or in part) the present zoning ordinance and other local land development regulations that apply to the Haywood Road Corridor in West Asheville from the French Broad River to Patton Avenue. This code is to be consistent with the definitions and evaluation criteria established by the Form-Based Codes Institute (see www.formbasedcodes.org for more detail) and to be integrated into the City of Asheville Unified Development Ordinance.

Date of Issue: **April 8, 2013**

Proposal Submittal Deadline: **May 6, 2013 / 5pm**

Submissions must be at the address below by the date and time noted above. Any proposal received by the City after the exact time specified will not be considered.

Selection Completion: **May 28, 2013**

Commencement of Project: **On or before June 24, 2013**

Anticipated Completion: **On or before December 15, 2013**

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REQUEST FOR PROPOSALS FORM BASE CODE FOR WEST HAYWOOD ROAD CORRIDOR ASHEVILLE, NORTH CAROLINA

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PROJECT DESCRIPTION

The Haywood Road Corridor in Asheville is a primary connector between the French Broad River and Patton Avenue; an important highway entry to downtown. It is the heart of West Asheville and its neighborhoods. West Asheville is a community of generally small-lot single-family neighborhoods (and some multi-family) most built in the first half of the 20th Century, served by predominantly smaller/walking scale businesses along this corridor. After a period of decline, the walkable scale of this area began to attract younger families and during the past decade Haywood Road has seen an upsurge in investment and renovation of many of the historic buildings along with new business startups by local residents. *(See attached map of the study area.)*

These changes brought challenges along with new opportunities. In response, City staff began meeting with local residents and business owners to discuss the successes of Haywood Road and opportunities for improvement. Meeting attendees evaluated the potential for streetscape and pedestrian improvements along Haywood Road to strengthen the positive changes being experienced in the neighborhood. In addition, the existing zoning along the corridor was studied to consider its relevance to the community's new expectations for future development and vitality. This work resulted in a Vision Plan for the corridor that is near completion. That Vision Plan focuses on five primary areas of interest to the community:

- Streetscape and Transportation
- Zoning and Land Use and Community Character
- Economic Development
- Historic Preservation
- Safety

When the Asheville City Council approved funding for an initial "form-based code" project for the city using a neighborhood commercial corridor as the demonstration area, the Haywood Road Corridor was chosen because of the extensive visioning process already completed by the community. Therefore, the primary focus of this project will be to work with the community using that vision for land use and transportation as the basis for the form-based project.

The consultant will work with city staff, a steering committee, other stakeholders, and city elected and appointed officials to create a code and associated documents that will be adopted and implemented for this corridor. The resulting plan and code must coordinate with and reflect policies in the 2025 Comprehensive Plan, the policies within the City Council Strategic Plan, the Sustainability Management Plan, and other pertinent adopted plans, initiatives, and applicable regulations.

SCOPE OF PROJECT

1. BACKGROUND REVIEW AND ANALYSIS

- a. **Review of Pertinent Background Documents.** The Consultant will review and become familiar with the Haywood Road Vision Plan, the 2025 Comprehensive Plan, and other pertinent plans, policies, and regulatory documents and discuss their content with city staff. The intent of the review of existing plans will be to take into consideration the recommendations from the 2025 Plan and information developed from the planning efforts already completed for the Haywood Road Corridor that includes previous meetings, workshops, interviews and community surveys.
- b. **Stakeholder Interviews.** The selected Consultant will interview up to 12 designated stakeholders (from a list provided by city staff) who are involved with the project including neighborhood representatives, property owners, elected officials, nonprofit organization leaders, and business organizations. The intent of the interviews will be to consider their perspectives on the 2025 Plan and the Haywood Road Vision Plan. Notes from the interviews will be transcribed, and provided to City staff. All editable text documents must be compatible with either Microsoft or Adobe products.

2. INITIAL ACTIONS

- a. **Background Maps.** The Consultant will work with city staff to determine what base map information will be required for the project. The City of Asheville will provide base map information determined to be necessary (maps, map layers, and shape files) in an ESRI format.
- b. **Site Analysis.** The Consultant will assess the physical details of the designated segment(s) of Haywood Road and the historic and/or desired patterns of urbanism and architecture in the surrounding area. The consultant will provide a written analysis of their key findings, and a coded map showing those key findings.
- c. **Media Announcement.** The Consultant will draft a news release to inform the local citizenry about the planning efforts to be undertaken and the Consultant's credentials. The City of Asheville will edit and issue the release.

- d. **Website.** The Consultant will provide text, photographs, maps, renderings, and other images as required for explaining the progress of the project for use on the City of Asheville’s website throughout the project timeframe. A minimum of four web page updates will be provided.

3. INITIAL PUBLIC PROCESS

- a. **Public Workshop and/or Design Charrette** - The Consultant will propose a process to engage the community regarding specific elements of the Vision Plan, gather additional ideas and goals, and formulate implementation strategies. The process should include at least one workshop or partial planning charrette. The intent of the workshop or charrette will be to ensure that the consultant is sufficiently familiar with the community vision to guide the creation of the area plan on which to base the new code.

While the primary end result will be new land development regulations, the public process should include discussions of alternatives for street design, street connectivity, and town planning strategies that create vital and livable neighborhood corridors and commercial nodes.

- b. **Presentation** - After the initial public process is completed the Consultant will present the work generated at a public meeting organized by city staff. Invitees will include local government elected officials, stakeholders (area residents and property owners), appropriate city staff and technicians. The Consultant will present initial concepts for plans, renderings, and coding ideas that reflect the ideas articulated at the meetings public meeting. If there is any additional feedback from the presentation the consultant will be responsible for keeping are record for incorporation into the resulting plan and code.

4. DRAFTING THE FORM-BASED CODE

Design Parameters for the Form-Based Code. The new code will be designed to regulate development to ensure high-quality public spaces defined by a variety of building types and uses including (but not limited to) retail, entertainment, institutional uses, office space, and housing.

The proposed code will incorporate a regulating plan, building form standards, street standards (plan and section), use regulations as needed, descriptive building or lot types (optional), and other elements needed to implement the principles of functional and vital urbanism and practical management of growth. The consultant will develop standards that reflect the character of the existing neighborhood and building forms and that will support Asheville’s unique sense of place and promote economic development.

- a. Sections of this document should include the following at a minimum:
- Overview, including definitions, principles, and intent; and explanation of the regulations and process in clear user-friendly language.
 - Regulating Plan (a schematic representation of the area plan) illustrating the location of streets, blocks, public spaces (such as wider sidewalk areas, greens, squares, and parks), and other special features. The regulating plan should also include aspects of Building Form Standards such as “build-to-lines” or “required building lines” and building type or form designations.
 - Building Form Standards governing basic building form, placement, height, and other fundamental urban elements to ensure that all buildings complement neighboring structures and the street. These standards should be based upon study of building types appropriate for the region and climate, emphasizing neighborhood vitality and community character.
 - Public Space/Street Standards defining design attributes and geometries that balance the needs of motorists, pedestrians, bicyclists, and transit riders while promoting a vital public realm. These standards should include design specifications for sidewalks, parking, curb geometry, trees, street furniture, and lighting. The plan must reflect standards allowed by the North Carolina Department of Transportation for elements such as travel lane widths. The standards must also reflect and be tailored to the differing rights-of-way found along the length of the study area.
- b. ***Integration of the Form-Based Code.*** The final form-based code document must be integrated into Asheville’s existing regulatory framework (zoning and land development regulations within the Unified Development Ordinance) to insure procedural consistency, mesh with state and local legal requirements, provide clarity as to applicability of existing regulations, and maximize the effectiveness of the code. The Consultant will work with the Planning and Development Department – in consultation with the Legal Department and Development Services Department, to ensure the legal sufficiency of the proposed code changes.

5. SECONDARY PUBLIC PROCESS - REFINING THE FORM-BASED CODE DRAFT

- a. ***Presentation of First Draft.*** The Consultant will present the first draft of the form-based code to a City-appointed steering committee (staff and selected stakeholders) for the purpose of gathering comments. City staff will then present the draft to other City Departments for comments, which will be forwarded to the Consultant. Copies of the first draft must be in hardcopy and digital form for posting on the city’s website.

b. *Presentation of the Second Draft.*

- **Public Meeting** - After making revisions in response to comments on the first draft the Consultant will present the second draft of the form-based code at a public meeting convened by Asheville staff. Invitees will include neighborhood residents and other stakeholders, as well as the general public.
- **Stakeholder Meetings** - City staff will also present this draft to a joint gathering of municipal boards and committees and convey any comments to the Consultant. City staff will attend additional meetings as required with key stakeholders to explain details of the new code and obtain further input and comments which will be conveyed to the Consultant.

APPROVAL PROCESS

- 1. Public Hearing Presentations.** After the draft documents have been presented and refined by the Consultant based on comment received, the Consultant will present the most current draft to the Planning and Zoning Commission and the City Council for the formal review and approval process. The Consultant should plan on attending three meetings (cumulatively) of these bodies during this process; these will be the final public meetings required for the consultant.
- 2. Additional Revisions.** The Consultant will be responsible for up to two rounds of minor revisions that may become necessary between presentations. City of Asheville staff will be responsible for collecting comments, questions, and suggestions for these refinements from various sources and consolidating them into a series of action items for revision or responses. Any further revisions will be completed by the City staff.

DELIVERABLES

Following completion of revisions the consultant will deliver to the City a final digital version of the Code and Regulating Plan; original files of photos or other images used in the plan, and final digital versions of any Maps and graphic images required for the Code and Plan. All maps, map layers and shape files must be compatible with ESRI based products, and all editable text documents must be compatible with either Microsoft or Adobe products.

SUBMITTAL REQUIREMENTS

Applications must include seven identical copies and include the following items, along with other material to demonstrate Consultant's expertise and capability:

1. **DESCRIPTION OF APPROACH:** Up to **three** pages describing the intended approach and methods for the project, including the nature of the public process and type of public involvement. The description should also include the proposed schedule for the work and list of products to be produced including:
 - a. Tasks to be performed and timeline for each task to be completed
 - b. Tentative allocation of person days by task
 - c. Methods the Consultant proposes to use to manage the project and communicate with City staff and the public as to project progress and conduct of public meetings
 - d. Data the consultant expects the City of Asheville to provide

The schedule must indicate completion of all work by December 16, 2013.

2. **TEAM EXPERTISE:** Description of the proposed team members from the staff of the consultant and any subcontractors who will be responsible for specific work tasks. Provide specific information on the project manager who would be responsible for the project. Provide general information on others on the team including their qualifications, the multi-disciplinary nature of the team assembled for this project, and specific evidence of relevant experience creating form-based codes. Include names with contact information (phone and email) of three past client references.
3. **DESCRIPTION OF COMPARABLE PROJECTS:** Summary of form-based code projects in progress or completed are to be submitted with the following information for each code:
 - a. Reference name, with current contact information
 - b. Current status of code (drafting in progress; drafting completed; adopted?)
 - c. Nature of public involvement in formulation of code
 - d. Client type (clarifying role of private sector client, if any)
 - e. How was the vision plan created?
 - f. Size and scale of geographic area
 - g. Type of development (greenfield? infill/redevelopment? corridor code?)
 - h. Familiarity with creating mandatory code (integrated into existing code or freestanding) or an overlay "floating" zone code.

4. **SAMPLE CODE DOCUMENT:** Please include one or more sample code documents selected from the list of comparable projects. If this document is the code as originally proposed by Consultant, please also include the code as formally adopted by the municipality and a brief explanation of differences between the two. Photos of designed or built results of the code are encouraged but must be accompanied by a description of their specific relationship to the form-based coding process.
5. **PROJECT COST:** \$100,000.00 has been budgeted for this project. Submission should include a detailed description of the proposed cost for the services requested. This should include the hourly rates (inclusive of overhead and profit) for personnel or personnel categories. It should identify the total cost for completing each defined work task separately including direct and indirect costs. The proposal should be signed by the person responsible for the decisions as to costs and services being offered.

SELECTION PROCESS

Firms responding to this request should have demonstrated ability in the preparation of Municipal Land Use Codes and Plans. The firm selected must demonstrate a capacity to work closely with the project partners, key stakeholders, City staff, various City Boards and Commissions, and the public in the course of this work.

A selection team of city staff, Planning Commissioners, and stakeholders will evaluate all submittals. The City of Asheville may request personal interviews with the highest-ranked Consultants. Proposals submitted by Consultants will be evaluated according to the following elements, and the final selection will be the Consultant that provides the best mix of skills, experience, and price:

- Experience in preparing municipal form-based codes that regulate development and redevelopment in other communities
- Experience in building community consensus to support innovative regulatory structures
- Strength of graphic skills
- Strength of written and oral communication
- Experience in identifying, evaluating, codifying, and explaining the essential qualities of community design and character
- Experience in writing or implementing municipal land development regulations
- Rationale for proposed fee

The City staff will present the written findings with their recommended selection to the Asheville City Council for final approval.

DISCLAIMERS

1. The City of Asheville reserves the right to select one firm for this project or to reject any and/or all proposals submitted. The City may or may not conduct interviews of firms submitting proposals, and if conducted such interviews may be in person, by telephone, or the Internet. Firms found to be technically or substantially non-responsive at any point in the evaluation process will be without further consideration.
2. The firm selected will be required to assume responsibility for all services offered in the proposal, regardless of who produces them. The selected consultant shall be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the contract. The City reserves the right to negotiate contractual agreements with the selected firm.
3. All costs incurred for proposal preparation, presentation, or contract negotiation are the responsibility of the firm. The City of Asheville will not pay the cost for any information solicited or received. All documents, including files, drawings, and specifications, created or existing as a part of this project, shall be available for use by and become the property of the City of Asheville.
4. The firm selected (Bidder) agrees to keep and maintain for the duration of this Agreement (including but not limited to) commercial general liability, automobile liability, workers' compensation, employer's liability, professional liability and umbrella coverage with at least the minimum limits shown below. In addition, the Bidder agrees to provide professional liability insurance for at least two (2) years after the term of this agreement. **Bidder shall provide evidence of insurance coverage consistent with this requirement prior to contract award.** The Bidder will furnish the City with certificates of insurance for each type of insurance described, with the City listed as Certificate Holder and as an additional insured on the Bidder's general liability and auto liability policies and provide a waiver of subrogation on the Bidder's workers' compensation policy. In the event of bodily injury or property damage loss caused by bidder's negligent acts or omissions in connection with Bidder's services performed under this Agreement, the Bidder's Liability insurance will be primary with respect to any other insurance which may be available to the City, regardless of how the "Other Insurance" provisions may read. In the event of cancellation, substantial changes or nonrenewal, the Bidder and Bidder's insurance carrier shall give the City at least thirty (30) days prior written notice. No work shall be performed until the bidder has furnished to the City the above referenced certificates of insurance, in a form suitable to the City.

Upon request, the bidder shall provide the City copies of their insurance policies and endorsements.

Commercial General Liability:

- a. Each Occurrence \$1,000,000
- b. General Aggregate \$2,000,000

Commercial Auto Liability:

- Combined Single Limit \$1,000,000

Excess (Umbrella) Liability: \$1,000,000

Workers' Compensation and Employer's Liability:

- a. Workers' Compensation: Statutory minimum
- b. Employer's Liability: \$500,000 each accident
\$500,000 total disease
\$500,000 per employee disease

Professional Liability:

- a. Each Occurrence \$1,000,000
- b. General Aggregate \$2,000,000

A copy of these coverages is to be provided to the City's Risk Management Division. The Certificate of Insurance will designate the City of Asheville, PO Box 7148, Asheville, NC 28802, as Certificate Holder.

5. Bidder shall indemnify, defend and hold harmless the City and its subsidiaries, divisions, officers, directors and employees from all liability, loss, costs, claims, damages, expenses, attorney fees, judgments and awards arising or claimed to have arisen, from any injury caused by, or allegedly caused by, either in whole or in part, any act or omission of the Bidder or any employee, agent or assign of the Bidder. This provision is not applicable to any claim arising out of or related to any active or primary negligence of or by City, its officers or employees.
6. Nothing herein shall be construed as a waiver on the part of the City to any defense of any claim, including, but not limited to the defense of governmental immunity.
7. The contract must also demonstrate responsiveness to the City's Minority Business policy and goals as described in Attachment A, below.
8. The content of the proposal of the selected firm may become a contractual obligation if a contract is issued. Failure of the successful consultant to accept these obligations may result in cancellation of the award.

EXHIBIT A – Minority Business Program Guidelines

The City of Asheville has adopted a Minority Business Plan to encourage participation by minority and women owned businesses in the award of contracts. Bidders are hereby notified that this RFP is subject to the provisions of that Plan.

In contracting for services, the city asks that in providing your qualifications for this RFP, that you indicate if you will need to subcontract any portion of the work. It is expected that due diligence is accomplished to outreach to those minority and women companies providing the work you may need. You can access a list of HUB (or Historically Underutilized Businesses) through the VendorLink system for the State of North Carolina which indicates HUB status.

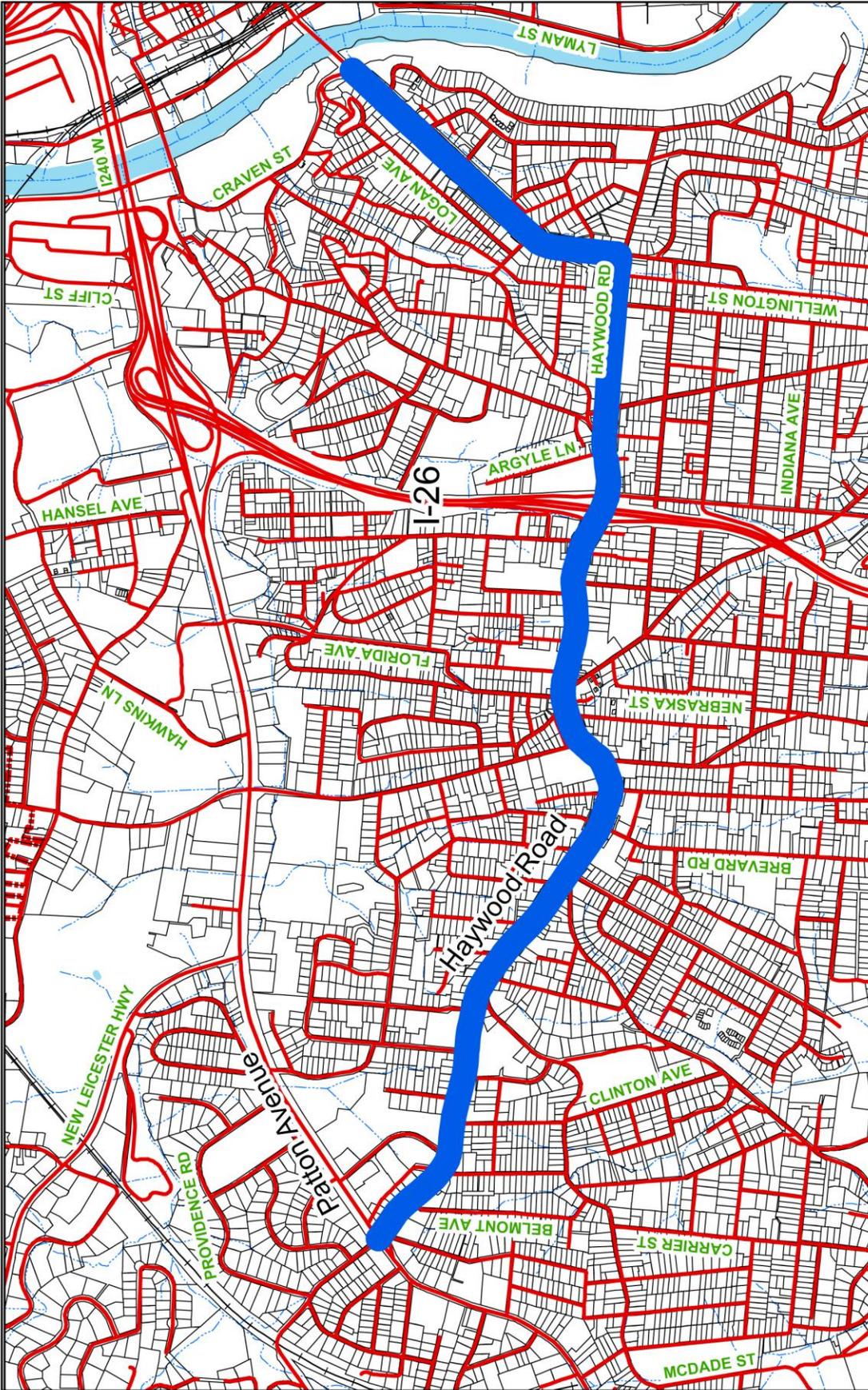
Questions regarding the Minority Business Plan may be directed to Brenda Mills, Administrative Services Manager, for the Minority Business Program, City of Asheville, Post Office Box 7148, Asheville, NC 28802-7148 or by phone at (828) 259-8050 or by email at minoritybusiness@ashevillenc.gov.

You can access two sources for certified minority firms at <https://www.ips.state.nc.us/Vendor/SearchVendor.aspx>(this link to this site looks up all vendors, please indicate HUB status for your search) or www.doa.state.nc.us/hub (link will allow you to search for just HUB vendors) to search for minority and women vendors.

It is the policy of the City to (1) provide minorities an equal opportunity to participate in all aspects of its contracting and procurement programs and (2) to prohibit any and all discrimination against persons or businesses in pursuit of these opportunities.



Haywood Road Zoning Study



Legend

- Streets (red line)
- Parcels (black outline)
- Haywood Road Study Area (blue line)