

Village of Lake Placid/Town of North Elba

Request for Proposals

Land Use Code Revision

(October 15, 2020)

proposals to be received by 5:00 PM on November 24, 2020

submit proposal to:

Laurie Dudley, Town or North Elba Clerk
2693 Main Street
Lake Placid, NY 12946

REQUEST FOR PROPOSALS

The Town of North Elba (the “Town”) and the Village of Lake Placid (the “Village”) are seeking proposals from qualified consultants (“Consultant”) to assist the Village and Town with updating the Village of Lake Placid/Town of North Elba Land Use Code (the “Project”). The Project will address several issues and concerns that have evolved in the community since the code’s adoption in 2011 and incorporate a short-term rental amendment adopted in early 2020.

Proposals are due by 5 P.M. November 24, 2020.

Background

Lake Placid and the surrounding Town of North Elba lie in the heart of New York’s 6,000,000-acre Adirondack State Park, the largest public park in the continental United States. A four-season visitor destination – famous as the site of the 1932 and 1980 Winter Olympic Games – the community is within a half-day drive of the New York, Boston and Montreal, attracting thousands of seasonal residents and visitors during summer months and holiday periods in winter. During peak periods, the area’s population swells from 9,000 full-time residents to upwards of 15,000 people, including seasonal residents and visitors. A thriving tourism and recreation-based economy – including a wide variety of winter and summer special events – has evolved since the 1980 Winter Olympics, contributing to Lake Placid becoming the primary economic generator for surrounding Essex County and other communities within the Adirondack Park. New York State is currently investing millions of dollars to rehabilitate the Olympic venues, ensuring the community’s capability to support international winter sport competitions. In 2023, Lake Placid will host the World University Games.

In 2000, the Village and Town developed and adopted a joint land use code, implementing a primary recommendation of the earlier 1996 *Village of Lake Placid and Town of North Elba Comprehensive Plan*. The joint code consolidated subdivision and zoning provisions for the two jurisdictions, as well as added provisions to protect the environment and to maintain the character of the community.

A decade after adoption of the joint land use code, changes in the community indicated a need for code revisions. In 2011, the Village and Town adopted an updated code, incorporating revisions related to smart growth, affordable housing, conservation subdivision, environmental protection, streamlining the land development process, and others.

Since 2011, several additional amendments to the code have occurred, and the Village and Town adopted a new comprehensive plan in 2014. The most recent code amendment occurred in response to growing concern over the conversion of full-time residences to investment properties for short-term rentals. The conversions have generally increased the costs of housing, reducing the inventory of full-time residences, raising housing costs and making it nearly impossible for workers to find affordable housing in the community. Conversions have also adversely impacted the quality of life for full-time residents in many neighborhoods. Many short-term rentals have associated adverse impacts due to increased traffic, noise, parking demand, and other issues. In response to these trends, in early 2020 the Village and Town each adopted new short-term rental regulations, with a slight difference in the approach taken in the Village and Town.

The adoption process for the short-term rental amendment included considerable community discussion and public meetings. Public comments received revealed a need to refine aspects of the short-term rental regulations, as well as to address several additional land development concerns. As a result, the Village and Town have decided to review the entire existing Village of Lake Placid/Town of North Elba Land Use Code (the “JLUC”). Primarily, there is a need to ensure that all code provisions are consistent with the new approach to managing short-term rentals.

In March of 2020 the Village and Town elected officials directed the Lake Placid/North Elba Community Development Commission to complete a review and revision of the land use code. The commission has appointed a Land Use Code Revision Committee to guide the review and revisions, including individuals with first-hand

knowledge of the existing code, as well as Village and Town code enforcement officials and representatives of the Village and Town Boards.

Relevant Background Documents

Relevant background documents can be found at futurelakeplacid.com/land-use-code-review/ and at futurelakeplacid.com/studies-reports-2/.

Preliminary Findings Regarding Needed Changes to the JLUC

The LUCSC has identified the following issues of primary concern to the community to be addressed in the revised JLUC:

- **coordinate town and village approaches to short-term rental registration:**
 - define uses associated with short term rentals
 - establish areas where each type of use is permitted
 - establish appropriate strategies for the transition to suggested regulatory scheme
 - strengthen regulations regarding recreational vehicles to limit their location and use as short-term rentals
- **promote economic expansion through mixed use:**
 - permit modest expansion of non-conforming buildings
 - establish dimensional standards in existing village center, gateway corridor, and Old Military Road corridor districts to promote economic growth
 - amend boundaries of selected districts (Old Military Road corridor village center)
 - review appropriate uses in Old Military Corridor
- **promote affordable housing:**
 - evaluate options to modify height standards to encourage affordable housing
 - incorporate strategies to facilitate the creation of residential properties and increase housing stock
 - adjust dimensional standards to facilitate the creation of residential lots and increase housing stock
- **adjust signage regulations:**
 - develop commercial signage regulations which incorporate new LED technologies used in exterior signage and interior displays
 - limit the size of signage on residential properties
 - develop language to differentiate art and signage
 - simplify the method for measuring allowable window signage
 - prohibit the use of balloons or streamers on sandwich boards
- **enhance environmental standards:**
 - incorporate dark sky provisions where appropriate
 - add language regulating solar farms
 - add regulations regarding emerging green energy
 - increase ability to enforce vegetative regulations (general, view shed, and shore land)
 - adjust dimensional standards for boathouses to reflect new NY Department of Environmental Conservation requirements
 - develop metrics for architectural features in the shoreland overlay
 - consider flood plain protection regulations
- **streamline administration and enforcement:**
 - suggest instruments and strategies to reduce the cost of infrastructure development and income based housing

- restructure options for providing required income based housing
- allow attendance at all stages of the review processes
- limit noise violations to those associated with development and reevaluate allowable noise levels and allowed times of construction.

Additional revisions to the JLUC which the LUCSC has preliminarily identified include:

- administrative edits
- addition of definitions, as needed
- revisions to Review Board submission process to enhance flexibility
- revisions to clarify permit expiration provisions
- other minor changes

Scope of Services and Deliverables

Proposals shall address the tasks listed below, summarizing the approach to be taken for each. Deliverables for each task are noted.

Respondents should assume the following:

- All meetings will be organized and facilitated by the Consultant and the Consultant will be responsible for developing agendas and necessary meeting materials.
- All meetings will occur virtually, except for the project start-up and internal scoping meetings (task 1.A). Respondents should note under task 1.B how they propose to solicit public comments in the context of virtual meetings. (Note that the LUCSC intends to provide an option for the public to attend virtual meetings from a physical location in Lake Placid. The LUCSC will be responsible for finding the location and ensuring that it can meet requirements for technology and protecting public health.)
- Meetings with the Village and Town Boards will occur jointly. The LUCSC will be present at all Village and Town Board meetings to assist the Consultant.
- GIS analyses and map production needed for the project will be completed by the Village of Lake Placid GIS Specialist, under the Consultant’s direction. Consultant hours needed to provide direction should be included in the proposed budget for tasks needing GIS support.
- For all deliverables, there will be two rounds of review and revision. All deliverables are to be submitted electronically in PDF and Microsoft Word format.

Respondents should note that the village and town intend to complete the project in two phases. At the conclusion of Phase 1, the LUCSC and the Consultant will review the final list of issues and desired changes and revise the Scope of Services, as needed (task 1.C). Separate professional service contracts will be negotiated for Phase 1 and Phase 2 to enable flexibility to respond to issues and concerns that have not yet been identified and which might become more complex than currently anticipated.

Phase 1 Determine Scope of Needed Revisions

1.A Project Start-Up and Internal Scoping (one trip to Lake Placid)

- 1) Review relevant background codes, documents and references (see above).
- 2) Meet with LUCSC to review the work plan and schedule, as well as preliminary findings of the LUCSC regarding needed changes to the JLUC (as summarized above).
- 3) Conduct site visits to neighborhoods and commercial centers within the village and town.
- 4) Attend Village and Town Board meetings to generally discuss project goals and issues.

- 5) Interview Village and Town elected officials and Town of North Elba Building and Planning Department staff.

1.A Deliverables

LUCSC Meeting Notes
Interview Notes
Memorandum Summarizing Issues of Primary Concern to the Community

1.B External Scoping

- 1) Prepare a public involvement plan to address issues of primary concern to the community. At a minimum, public involvement activities during external scoping will include three informational public meetings, organized around existing zoning districts: Shoreland Overlay (North and South Lake Residential), predominantly residential districts (Rural Countryside, Town Residential and Village Residential) and the more commercial districts (Village Center/Corridors).
- 2) Implement elements of the public involvement plan, including preparation of meeting materials and facilitation.
- 3) Prepare a summary of public comments received and recommended responses to comments.

1.B Deliverables

Public Involvement Plan
Public Meeting Materials (agenda, handouts, display boards, presentation)
Public Comment Summary Report
Documentation of Findings from Other External Scoping Activities (as may be identified in the Public Involvement Plan)

1.C Phase 2 Scope of Services

- 1) Finalize the Phase 2 Scope of Services based on findings from internal and external scoping, with an emphasis on work needed to address issues of primary concern to the community, including issues for which best practice and emerging trend research is needed.

1.C Deliverables

Revised Phase 2 Scope of Services (as needed)

Phase 2 Revise and Draft Land Use Code for Adoption

2.A Recommended Changes to the JLUC

- 1) Identify ideas for reorganizing the JLUC into alternative formats that are more user friendly and/or address deficiencies.
- 2) Conduct best practice and emerging trend research for issues of primary concern to the community. Research will identify options for addressing issues and improving the JLUC.
- 3) Summarize recommended changes to the JLUC in a memorandum.

- 4) Review recommended changes to the JLUC with the LUCSC and the Village and Town Boards. Revise recommended changes to the JLUC, as needed.

2.A Deliverables

Draft Memorandum Summarizing Recommended Changes to the JLUC

Final Memorandum Summarizing Recommended Changes to the JLUC

2.B Preliminary Draft Revised JLUC

- 1) Make administrative revisions to the JLUC and add definitions as deemed necessary during Phase 1.
- 2) Make recommended revisions to the JLUC identified in Phase 2.A.4 to address other issues of primary concern to the community as deemed necessary during Phase 1.
- 3) As appropriate based on findings from Phase 1 and Phase 2 Subtask 2.A.1, reorganize the JLUC in an alternative format that is more user friendly and/or that better addresses deficiencies.

2.B Deliverables

Preliminary Draft Revised JLUC (one draft only)

2.C Draft Revised JLUC

- 1) Meet with LUCSC to review the Preliminary Draft Revised JLUC (virtual meeting).
- 2) Incorporate revisions as requested by the LUCSC.
- 3) Present Preliminary Draft Revised JLUC to Village and Town Boards (virtual presentation by the Consultant with JLUC representatives physically present to assist, as needed).
- 4) Incorporate revisions following meeting with Village and Town Boards (virtual presentation with LUCSC representatives present to assist).

2.C Deliverables

LUCSC Review Meeting Notes

Preliminary Draft Revised JLUC (following LUCSC review)

Village and Town Board Meeting Notes

Draft Revised JLUC (following Village and Town Board review)

2.D Public Review of Draft Revised JLUC

- 1) Facilitate public review of the Draft Revised JLUC, including preparation of meeting materials and facilitation.
- 2) Prepare a summary of public comments received and recommended responses to comments.

2.D Deliverables

Public Meeting Materials (agenda, handouts, display boards, presentation)

Public Comment Summary Report

2.E Preliminary Final Revised JLUC

- 1) Meet with LUCSC to review findings from the public review of the Draft Revised JLUC and determine revisions needed (virtual meeting).
- 2) Following the meeting with LUCSC in task 2.E, prepare Preliminary Final Revised JLUC incorporating needed revisions.
- 3) Meet with LUCSC to review the Preliminary Final Revised JLUC (virtual meeting).
- 4) Incorporate revisions as requested by the LUCSC.
- 5) Present Preliminary Final Revised JLUC to Village and Town Boards (virtual presentation by the Consultant with LUCSC representatives physically present to assist, as needed).
- 6) Incorporate revisions following meeting with Village and Town Boards.

2.E Deliverables

LUCSC Discussion of Public Review Findings Meeting Notes
LUCSC Review of Preliminary Final Revised JLUC Meeting Notes
Preliminary Final Revised JLUC

Village and Town Board Meeting Notes
Preliminary Final Revised JLUC (following Village and Town Board review)

2.F Final Revised JLUC for Adoption

- 1) Prepare Final Revised JLUC for Adoption

2.F Deliverables

Final Revised JLUC for Adoption

Project Budget

The Village and Town have budgeted approximately \$50,000 for the tasks described in the above Scope of Services.

A professional services agreement (“the PSA”) will be negotiated separately for Phase 1 and Phase 2. Upon completion of Phase 1, the Scope of Services for Phase 2 will be reviewed and revisions made to the tasks to be performed and the fee for professional services, as necessary. The opportunity to review and revise the scope and fee will ensure that the Village and Town investment targets the primary issues to be addressed. While the LUCSC has sought to identify these in advance, there is potential that some tasks will require fewer or more hours to address than anticipated and/or that some issues arise during the external scoping process.

Project Timeline

Consultant Selection and Contract Negotiation (90 days)	Completion Date
RFP release	October 15, 2020
interested party registration	November 2, 2020
pre-bid meeting (virtual)	November 5, 2020
answers to questions	November 11, 2020
proposals due	November 24, 2020
consultant short-list	December 4, 2020
consultant interviews	December 18, 2020
consultant selection	December 24, 2020
Phase 1 PSA negotiation/notification to proceed	January 15, 2021
Phase 1—Scoping (4 months)	Completion Date
Project Start-Up Meeting and Site Visit	January 29, 2021
Internal Scoping	February 15, 2021
External Scoping	March 15, 2021
Phase 2 Scope of Services (as needed)	April 15, 2021
Phase 2— (8 months)	Completion Date
Recommended Changes to the JLUC	July 15, 2021
Preliminary Draft Revised JLUC	September 15, 2021
Draft Revised JLUC	October 15, 2021
Public Review of Draft Revised JLUC	November 15, 2021
Final Revised JLUC for adoption	January 14, 2022

Communications and Questions

All communications by parties who have indicated an intent to submit or have submitted a proposal in response to this RFP, including any questions or requests for clarifications, submission of the proposal, requests for status updates about the proposal selection process and any other inquiries whatsoever concerning this RFP shall be sent, in writing, to (“LUCSC Contact”):

Dean M. Dietrich
 Land Use Code Steering Committee Chair
deandietrich@verizon.net

No contact is permitted with any other village or town staff member or LUCSC member with regard to this RFP during the RFP process unless specifically authorized in writing. Prohibited contact may be grounds for disqualification.

Parties interested in responding to the RFP should register with the LUCSC Chair by November 2, 2020.

To ensure that all respondents have a clear understanding of the scope and requirements of this RFP, the LUCSC will host a virtual pre-bid meeting on November 5, 2020 at 10:00 AM. Attendance is recommended but not mandatory. Following the pre-bid meeting, respondents will have until 5:00 PM on November 6, 2020 to ask additional questions via email. Questions asked and responding answers will be sent via e-mail to all respondents who have registered and will be posted at futurelakeplacid.com/land-use-code-review.

The LUCSC will make every reasonable effort to keep respondents informed about the RFP process. Notifications about timeline date changes, amendments to the RFP and other information about the RFP will be sent by e-mail

to respondents who have provided an e-mail address to the LUCSC Contact and will be posted at futurelakeplacid.com/land-use-code-review/. The LUCSC's failure to provide such information shall not delay or invalidate the LUCSC's right to make a decision to award an agreement pursuant to this RFP.

The LUCSC's failure to timely respond or provide responses to any questions shall not delay or invalidate the LUCSCs right to make a decision to award an agreement pursuant to this RFP.

Proposal Submission

Proposals must be received by the Town of North Elba Clerk no later than 5:00 pm, on November 24, 2020, as follows:

- Submit one (1) original sealed proposal package containing (a) a flash drive with a pdf of the proposal and (b) two (2) complete hard copies of the proposal by mail or hand-delivery to:

Laurie Dudley, Town or North Elba Clerk
2693 Main Street
Lake Placid, NY 12946

- The submission package must be marked on the outside with the consultant company's name and the name of the project (Lake Placid and North Elba Joint Land Use Code Revision).
- Each hard copy of the proposal included in the submission package shall be signed by an individual authorized to enter into and execute contracts on the Consultant's behalf. Unless otherwise specified in its proposal, the Consultant represents that it is capable of meeting or exceeding all requirements specified in this RFP.

Any proposal received after 5:00 pm, on November 24, 2020, will be returned to the bidder unopened.

Proposal Content

This RFP is designed to facilitate the evaluation and selection of a Consultant or Consultant team that is best able to achieve the Project's objectives. The proposal shall contain a table of contents. All pages shall be numbered and major sections and all attachments shall be referenced in the table of contents. In order to enable the LUCSC to effectively review the information contained in the proposals, proposals shall reference the numbered and lettered sections of the RFP. The response to each section shall be clearly indicated and addressed or an explanation provided for why the Consultant is not submitting a proposal for a specific section or requirement of the RFP. If desired, the proposal may include an executive summary of no more than two pages.

Consultants shall provide sufficient information in their written proposals to enable the LUCSC to make a recommendation to the Village and Town Boards. The LUCSC reserves the right to invite any or all Consultants to an interview via Zoom. Any expenses resulting from such an interview will be the sole responsibility of the Consultant. The LUCSC is under no obligation to select any of the responding Consultants or to conduct the Project described herein. The LUCSC may amend or withdraw the RFP at any time, within its sole discretion. The Village and Town shall have no liability for any costs incurred in preparing a proposal or responding to the LUCSC's requests with respect to the proposal.

The proposal should include the following information in this order:

- **Cover Letter**

Cover letter signed by the Consultant empowered to commit the firm to a contractual arrangement with the Village and Town. It should identify the firm submitting the proposal and any sub-consultants that may be proposed.

- **Table of Contents**

A one-page table of contents providing page numbers corresponding to each of the proposal components listed below.

- **Understanding of the Project**

A narrative that describes the Consultant’s understanding of the need for the Project and the unique value the Consultant will bring to the process. The Consultant must demonstrate a clear understanding of the primary issues to be addressed by the Project

- **Project Team and Qualifications**

Information about the Consultant (and any proposed Sub-consultants) briefly summarizing the firm’s professional service offerings and its overall workforce (including total number of employees) and information about prior engagements similar to that being solicited herein, in particular, highlighting experience in communities of similar size and market as Lake Placid. The Consultant should also demonstrate experience implementing creative and effective public engagement related to land use regulations, particularly regulations pertaining to short-term housing and affordable housing in small resort communities.

Provide documented evidence of the Consultant’s capacity to perform the work. Emphasize your experience with short-term rental management in resort communities.

Include from five (5) summaries of relevant projects completed within the past five years. For each, provide:

- jurisdiction/agency name
- contact (name, title phone number and email)
- jurisdiction population
- project start date and completion date
- brief project summary

If a Sub-consultant is included in the project team, include information describing prior similar projects on which the Consultant and the Sub-consultant have collaborated.

- **Personnel**

Provide an organizational chart illustrating personnel to be assigned to the project. For each person identified in the chart, provide a paragraph summarizing the person’s role and most recent relevant experiences. In addition, provide a one-page resume for each person identified.

- **Description of Services**

Summarize the methodology the Consultant will use to perform the Scope of Services described above in the “Scope of Services and Deliverables”. The proposal text should be organized under the same numbered headings (1.A, 1.B, 1.C, etc.).

In addition, if based on your prior experience on similar projects, you have suggestions for an alternative approach or task, briefly offer alternative recommendations.

- **Proposed Schedule**

Provide a project schedule. The schedule should be organized under the same numbered headings (1.A, 1.B, 1.C, etc.) described above in the “Scope of Services and Deliverables”.

If based on your prior experience on similar projects, there are concerns regarding the project schedule, briefly summarize your concerns and offer alternative recommendations.

- **Project Budget**

Provide an itemized budget including staff hours and billing rates broken down by primary tasks in the Scope of Services (1.A, 1.B, 1.C, etc.).

Selection Process

Evaluation of proposals will be conducted by the LUCSC based on information provided in the Consultant's proposals and on such other available information that the LUCSC determines to be relevant.

The LUCSC will review the submitted proposals and create a short list of three candidates to be interviewed.

Submission of a proposal shall be deemed authorization for the LUCSC to contact the Consultant's references.

The following is a summary of the evaluation criteria for selecting the Consultant:

- **Proposal Quality (35)**

The Consultant's comprehension of Village and Town needs as demonstrated by the description and quality of its proposed approach, tasks, deliverables, and demonstrated understanding of the local context and Scope of Services.

- **Experience and Work Quality (35)**

The Consultant's relevant experience in providing the same or similar service – particularly related to management of short-term rentals in resort communities – as demonstrated by the experience of individual staff to be assigned to the project and comments received from references.

- **References (30)**

Evaluation of the Consultant's work for previous clients receiving similar services to those proposed in this RFP.

Professional Services Agreement

The Consultant selected will be required to enter into a Professional Services Agreement (PSA) with the Village of Lake Placid and Town of North Elba. The establishment of a PSA will be contingent upon approval by the Village and Town Boards and upon the availability of funds for such an agreement. Unless otherwise stated in the proposal, the Consultant's response to this RFP shall be deemed its acceptance of the terms of this PSA.

In the PSA, the Village and Town will reserve the right to terminate the PSA upon completion of Phase 1 of the Scope of Services.

Miscellaneous

The Village and Town reserve the right to amend or withdraw this RFP in their sole discretion, including any timeframes herein, upon notification of all Consultants as set forth above, and in such case, the Village and Town shall have no liability for any costs incurred by any Consultant.

The LUCSC may request additional information from any Consultant to assist the LUCSC in making its evaluation.

The proposal and all materials submitted with the proposal shall become property of the Village and Town and will be subject to NYS Freedom of Information Law. If any proprietary information is submitted with the proposal, it must be clearly identified and a request to keep such information confidential must be submitted.

Submission of a proposal shall constitute a binding offer by Consultant to provide the services at the prices described therein until such time as the parties enter into a PSA.