

RFP 743 Clarifying Questions – October 27, 2009

- Q. Survey Plan or dimensioned equivalent of the property which is the subject of the RFP.
- A. An existing survey of the City property and a dimensioned site plan for the parking structure project are on the City website – these documents are both there in the 9/23/09 version of the parking structure plans. Also see [aerial maps](#) on the web page.
- Q. Survey Plan of dimensioned equivalent of the property upon which the City wants to eventually construct the Library Building.
- A. Please contact Josie Parker at the Ann Arbor District Library, (734) 327-4263, parkerj@aadl.org for information regarding the Ann Arbor District Library.
- Q. Any documents/descriptives which speak to the development scope of the Library Building (conceptual drawings, number of floors, floor plate sizes, etc.);
- A. Please contact Josie Parker at the Ann Arbor District Library, (734) 327-4263, parkerj@aadl.org for information regarding the Ann Arbor District Library.
- Q. Survey Plan or dimensioned equivalent for the YMCA property upon which the City would like to see a workforce housing project constructed.
- A. See [aerial maps](#) on the web page.
- Q. City Zoning Bylaws affecting the above properties (height limitations, parking requirements, uses, etc.)
- A. This property is part of a downtown rezoning proposal, to be considered by City Council on November 16. The parcel is proposed to be zoned D1/Midtown Character District. The draft zoning regulations may be found at [http://www.a2gov.org/a2d2/zoning/Documents/2009/ProposedOrdinance\(7-6-09\)\[1\].pdf](http://www.a2gov.org/a2d2/zoning/Documents/2009/ProposedOrdinance(7-6-09)[1].pdf)
- Q. Is level 1 ground level? or a "first floor" buildable over some of the projected library lane?
- A. Building over Library Lane is not currently anticipated as part of the parking structure design.
- Q. Is there an archeologist and geologist contracted or volunteered to observe the excavation, in case any signs of pre modern habitation are exposed requiring preservation, and for the opportunity to record the geologic layers, at least down four floors or so, for the knowledge and education of the public. We expect some

area of the site in the "proposal for the commons" will be educational and revelatory about the land where we are and its story.

A. To our knowledge an archeologist (or geologist) has not been retained for excavation observations.

Q. What arrangements are made for the removal of dirt from the site?

A. Soil removed from the site will be handled by the selected excavation contractor. It is anticipated that a large portion of the clean sand will be reused on nearby projects.

Q. Our project, 'the Ann Arbor Commons' envisions return of significant topsoil, the top several feet below the paving, in restoring some green character to the space. Can this earth be segregated and stored separately for possible later return. When is earth excavation going to begin?

A. Earth excavation is anticipated to begin in November. There are no current plans to segregate and store the site topsoil.

Q. Have there been other questions, asked by other responders to the request for proposals, that have been answered, since the September 25 meeting, and are now part of the record, and that we can see?

A. The City department responsible for issuing the development RFP should be tracking questions and answers; and distributing as appropriate.

Q. Are you the person to ask these questions? or to ask to find us the answers?

A. Similar to Item 5, this should be addressed by the department responsible for issuing the development RFP.

Q. The main body text of Appendix A contains language referring to specifications that are not part of the RFP itself. Specifically, references to "terms of sale" and "earnest money" and "Contract" seem inconsistent with the terms of the RFP itself. Is this Appendix A the intended form and language for this RFP?

A. This is the correct form.

Q. At the bottom of Appendix A appears the following text:

*NOTE: Interested Organizations may establish a partnership of more than one Conservation Organization to provide the services identified in the Scope of Services.

As Amended by Ann Arbor City Council on January 23, 2006

Based on the fact that the RFP identifies no Scope of Services, what is the meaning of this text?

- A. Disregard this note.
- Q. Clarify size of pages that “shall not exceed (20) double-sided”. Since maps and plans may be up to 11x17 inches, what size may other pages be?
- A. Besides maps, other pages are intended to be 8 1/2" by 11".
- Q. May an appendix be 11x17 in size?
- A. Yes, if it is a map, drawing or spreadsheet that requires it to be 11 x 17 for readability.
- Q. If the ‘standard’ page size is 8.5x11 inches, then do 11x17 pages count as 4 standard ‘sides’?
- A. No, 11 x 17 pages may be used as described in 3 and 4 above.
- Q. Is it correct to say that a total of thirty (30) pages must include both proposal sections and any appendices? If no appendices, may the proposal itself extend to thirty (30) pages?
- A. Proposals are requested to be a total of 30 pages for everything.
- Q. Does Section 1 comprise an appendix (cf. “Appendix A” of the RFP) of the submittal or should the Proposal Statement fall (be counted as a page) within the proposal?
- A. The Proposal Statement does not have to count as part of the 30 pages.
- Q. Underground Parking Deck - Are any federal funds involved in the Parking Deck project which will have required a “Section 106 Review” for the purpose of determining the impact on any existing archeological or historic resources? In any case, (as a best practice or otherwise) has such a review taken place or will a relevant report be made available?
- A. The “Build America Bond” program, which was included in the American Recovery and Reinvestment Act signed into law by President Obama in spring 2009 was used for the underground parking structure project. No “section 106 review” requirement was associated with this program.
- Q. One of the RFP site development objectives is for innovative runoff water management, but a response to a question indicated that the Parking Deck will “detain storm water in excess of what is required on this site.” Is the RFP objective still valid?

- A. We believe it is. The underground parking structure project will detain all required storm water for this site.
- Q. Zoning and Easements - The online map of proposed zoning for the RFP site and block appears to contain some errors or inconsistency. Public Land (PL) districts are incorrectly shown. Existing zoning is for the RFP site is Parking (P) according to the online maps. Is the online map correct in showing D1 as the proposed zoning on the publicly-owned RFP site?
- A. Yes, D1 is the proposed zoning for this site. Could you be more specific about the online zoning map in #10. There is no zoning map attached to the RFP and review of the section 0929SE correctly illustrates the zoning districts. If there is an error or inconsistency, we would like to correct it as soon as possible.
- Q. What would be the reliable assumption(s)?
- A. I assume this question relates to #10. The property will be rezoned to D1/ Midtown Character Area.
- Q. If a project is based on a lease of Public Land or use of air rights, will a PUD be required?
- A. No.
- Q. What is the status of parcels and easements between the RFP site and Liberty Plaza and Kempf House? Of special concern is the current path to Liberty Plaza. Of additional concern is the implied path south along the rear of the designated historic properties.
- A. There are no active site plans for the privately owned parcels north and east of this property. Planning & Development does not maintain records of private easements. Utility easements are still being secured. It isn't clear which "designated historic properties" are being referenced, as there are several properties abutting the project site in the E. William Historic District and the E. Liberty Historic District.
- Q. Plans - Which Downtown Plan should be referenced for recommendations to address the RFP site development objective of "Beneficial use of the Site."? The 1988 (amended in 1992) Downtown plan is published online among other master plan elements, but the approved amended/new Downtown Plan is also online among A2D2 documents. The new one may still be inconsistent with proposed zoning (including D1 zoning) and design guidelines scheduled for public hearing after the RFP submittal deadline.
- A. The 2009 Downtown Plan is the current master plan. The current A2D2 zoning proposal, including D1 zoning for this site, is consistent with the Downtown Plan.

- Q. City Council has not voted to approve the proposed rezoning. Approval may be likely, but approval is not yet. That is of course why the online zoning map (part of the current Zoning Ordinance) is not the proposed zoning. The inconsistencies derive from this fact and from the fact that some public land is shown on proposed maps as PL and other public land either shows no zoning designation. This is something I have pointed out to other City staff, but the fluid situations seem to have prevented staff from addressing the matter.
- A. Staff is still not clear about the “inconsistencies” mentioned. There is only one official zoning map and it is accurate. The reproductions available online have been checked and are accurate. The one and only map illustrating the A2D2 rezoning proposal is accurate. As mentioned previously, there is no zoning map of any kind attached to the RFP. Please provide copies or links to the map(s) that are “inconsistent” and then staff can either clarify or fix the problem. If the question is trying to ask why a property is zoned PL when another is zoned P or C2A, or other, please rephrase the question.
- Q. I would appreciate your reference to the specific waiver of Section 106 review for the applicable ARRA bond program. I would also appreciate your reference to City policy or justification for not performing some kind of survey for potential underground resources.
- A. Staff are not aware of any City approved policy that sets forward a requirement for this kind of survey.
- Q. In addition to all required detention being provided by the City parking deck project, the proposal should indicate *additional* water management? For what additional area?
- A. As was stated in our response on 10/21/09, the underground parking structure project will detain all required storm water for this site.
- Q. If no PUD, then a development agreement of some kind?
- A. It is quite likely that the City/DDA and the future developer of the site will enter into a development agreement but it is not required. Going back to the original question with a more in depth response may help: Zoning addresses land uses and is blind to ownership of the land, or who pays for what, or what financing is used to develop the site. At this point there is no reason to encourage a PUD for the future development. A PUD is simply a unique zoning district (addressing land use as well as a few other development regulations but is still blind to ownership, developer, etc), and given all the work that has gone into crafting the proposed D1 zoning district and Midtown zoning character overlay district, there just doesn't seem to be any reason to immediately encourage or allow modifications. Development agreements are between two parties to do things

unrelated to zoning. They are literally an agreement about the specific development, and can establish things like who pays for things, timing of promised events, who is responsible for what in a partnership. Aside from notifying a potential developer that they may be asked to enter into a development agreement, it's premature to require the request for proposals to address a development agreement.

- Q. I am interested in any existing or proposed public easements on adjacent private properties for any purpose. And yes, the designated historic properties are in two different historic districts. The questions stand.
- A. We do not know of any existing easements for public use on the adjacent properties. If the question is why the RFP does not mention the requirement to include proposed easements for the benefit of the adjacent private properties, that question may be best addressed by Susan Pollay. This question raises a counter-question of why would those adjacent properties need the 'library lot' site to give them an easement, and for what purpose since 'public easement' can be quite broad?
- A. If there is a question about archeological review, we do have a process that is outlined in our Land Development Regulations. No archeological review was required per the guidelines. There is definitely no identified archaeological site on the library lot and it's not within a high-probability area. The site is just outside of a ½ mile of a known site but it's close.