

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 363-13

AN ORDINANCE

authorizing an agreement with Clarion Associates, LLC for professional services for a comprehensive update to the City of Columbia development codes (zoning and subdivision); appropriating funds; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Manager is hereby authorized to execute an agreement with Clarion Associates, LLC for professional services for a comprehensive update to the City of Columbia development codes (zoning and subdivision). The form and content of the agreement shall be substantially in the same form as set forth in "Attachment A" attached hereto.

SECTION 2. The sum of \$150,000.00 is hereby appropriated from Account No. 110-0000-341.01-00 to Account No. 110-4010-532.49-90.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2013.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

CERTIFICATION: I certify there are sufficient funds available in Account No. 110-0000-341.01-00 to cover the above appropriation.

Director of Finance

DEVELOPMENT CODE AGREEMENT

This Agreement is entered into on this _____ day of _____, 2013, between the City of Columbia, Missouri, a municipal corporation of the state of Missouri (hereinafter "City") and Clarion Associates, LLC., a Colorado corporation, (hereinafter "Clarion").

NOW, THEREFORE, the Parties hereto, for good and sufficient consideration, the receipt of which is hereby acknowledged, intending to be legally bound, do hereby agree as follows:

1. Agreement Documents. The following documents, attached as Exhibit A, B, C and Exhibit D, are incorporated into this agreement:

- a. Request for Proposal, Development Code, RFP #129/2013.
- b. Clarion's response to RFP #129/2013, dated August 16, 2013.
- c. Clarion's revised Scope of work
- d. Clarion/Supplemental Materials and Clarion/Duluth, Minnesota Material Included by reference

In the case of a conflict between any provisions of the documents constituting this Agreement, the provisions of this document shall control. The provisions of the documents incorporated by reference shall control in the order listed above.

2. Services. Clarion shall perform all services set forth in this Agreement in a diligent, competent, and workmanlike manner. Clarion hereby agrees to complete the Development Code Update Agreement in accordance with the project timeline on page 20 of Clarion's proposal.

3. Compensation. Total compensation to be paid to Clarion under this agreement shall not exceed One Hundred and Fifty Thousand Dollars (\$150,000.00)

- a. Professional fees will be invoiced per actual billing hour according to hourly rates as listed on page 5 of the cover section of Clarion's response to the RFP. A ten (10) percent retainage will be withheld by the City until the completion and acceptance by the City of each task, as specified. At the time the task is complete and accepted, the retained amount of that task will be paid to Clarion.
- b. Proposed fees reflect the total cost for provision of all services described in the proposal's "Team Cost Proposal" section of bidder's response. Clarion shall not charge City for project out-of-pocket expenses (such as travel expenses, overnight mail, printing of private survey results, mileage,

etc.) other than specified in Clarions Team Cost Proposal. Clarion team does not include a licensed Missouri land use attorney.

4. Term. The term of this agreement shall be for a twenty-four month (24) period. Agreement may be extended by mutual agreement, on a month to month basis, not to exceed an additional six (6) month period.

5. Termination by Mutual Agreement. Termination of the agreement can be made at the mutual agreement of both Clarion and the City.

6. Termination for Cause. Either party may terminate this agreement for cause if the other party has breached its obligations under this agreement. The terminating party must provide thirty (30) days advance written notice to the other party of its intent to terminate, which notice shall include the reasons for the termination, and shall provide the other party with an opportunity to cure the breach within the thirty (30) day period following notice from the terminating party.

7. Termination for Convenience. The City is entitled to terminate this agreement for convenience, provided that the City provides sixty (60) days advance notice to Clarion of its intent to terminate.

8. Liability. Notwithstanding anything to the contrary in this Agreement, neither Party shall be liable to the other, by reason of any representation or express or implied warranty, condition or other term or any duty at common or civil law, for any lost profits; indirect, incidental, or consequential damages, however caused.

9. Employment of Unauthorized Aliens Prohibited. Clarion agrees to comply with Missouri State Statute Section 285.530 in that Clarion shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the State of Missouri. As a condition for the award of this contract, Clarion shall, by sworn affidavit and provision of documentation, affirm its enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted services. Clarion shall also sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services. Clarion shall require each subcontractor to affirmatively state in its contract with Clarion that the subcontractor shall not knowingly employ, hire for employment or continue to employ an unauthorized alien to perform work within the State of Missouri. Clarion shall also require each subcontractor to provide Clarion with a sworn affidavit under the penalty of perjury attesting to the fact that the subcontractor's employees are lawfully present in the United States.

10. General Laws. Clarion shall comply with all federal, state, and local Laws, statutes, ordinances, and rules and regulations.

11. Amendment. No amendment, addition to, or modification of any provision hereof shall be binding upon the Parties, and neither Party shall be deemed to have waived any provision or any remedy available to it unless such amendment, addition, modification or waiver is in writing and signed by a duly authorized officer or representative of the applicable Party or Parties.

12. Insurance Requirements. Clarion agrees to maintain, on a primary basis and at its sole expense, at all times during the life of this contract the following insurance coverages, limits, including endorsements described herein. The requirements contained herein, as well as City's review or acceptance of insurance maintained by Clarion is not intended to and shall not in any manner limit or qualify the liabilities or obligations assumed by Clarion under this contract.

Commercial General Liability. Clarion agrees to maintain Commercial General Liability at a limit of liability not less than \$2,000,000 combined single limit for any one occurrence covering both bodily injury and property damage, including accidental death. Coverage shall not contain any endorsement(s) excluding nor limiting Contractual Liability or Cross Liability.

Professional Liability. Clarion agrees to maintain Professional (Errors & Omissions) Liability at a limit of liability not less than \$2,000,000 Per Claim and \$2,000,000 aggregate. All a self-insured retention (SIR) or deductible amounts are the sole responsibility and discretion of Clarion. For policies written on a "Claims-Made" basis, Clarion agrees to maintain a Retroactive Date prior to or equal to the effective date of this contract. In the event the policy is canceled, non-renewed, switched to an Occurrence Form, retroactive date advanced; or any other event triggering the right to purchase a Supplemental Extended Reporting Period (SERP) during the life of this contract, Clarion agrees to purchase a SERP with a minimum reporting period not less than two (2) years. The requirement to purchase a SERP shall not relieve Clarion of the obligation to provide replacement coverage.

Business Automobile Liability. Clarion agrees to maintain Business Automobile Liability at a limit of liability not less than \$1,000,000 combined single limit for any one occurrence covering both bodily injury, including accidental death, and property damage, to protect themselves from any and all claims arising from the use of Clarion's own automobiles and trucks; hired automobiles and trucks; and automobiles both on and off the site of work. Coverage shall include liability for Owned, Non-Owned & Hired automobiles. In the event Clarion does not own automobiles, Clarion agrees to maintain coverage for Hired & Non-Owned Auto Liability, which may be satisfied by way of endorsement to the Commercial General Liability policy or separate Business Auto Liability policy.

Workers' Compensation Insurance & Employers' Liability. Clarion agrees to take out and maintain during the life of this contract, Employers' Liability and Workers' Compensation Insurance for all of their employees employed at the site of the work, and in case any work is sublet, the Clarion shall require the subcontractor similarly to

provide Workers' Compensation Insurance for all the latter's employees unless such employees are covered by the protection afforded by the Clarion. Workers' Compensation coverages shall meet Missouri statutory limits. Employers' Liability minimum limits shall be \$500,000 each employee, \$500,000 each accident and \$500,000 policy limit. In case any class of employees engaged in hazardous work under this contract is not protected under the Workers' Compensation Statute, the Clarion shall provide and shall cause each subcontractor to provide Employers' Liability Insurance for the protection of their employees not otherwise protected.

Excess/Umbrella Liability. The above liability limits may be satisfied by any combination of primary and excess/umbrella liability policies.

Additional Insured. Clarion agrees to endorse City as an Additional Insured with a CG 2026 Additional Insured – Designated Person or Organization endorsement, or similar endorsement, to the Commercial General Liability. The Additional Insured shall read "City of Columbia."

Waiver of Subrogation. Clarion agrees, by entering into this contract, to a Waiver of Subrogation for each required policy herein except Professional Liability. When required by the insurer, or should a policy condition not permit Clarion to enter into an pre-loss agreement to waive subrogation without an endorsement, then Clarion agrees to notify the insurer and request the policy be endorsed with a Waiver of Transfer of Rights of Recovery Against Others, or its equivalent. This Waiver of Subrogation requirement shall not apply to any policy, which includes a condition specifically prohibiting such an endorsement, or voids coverage should Clarion enter into such an agreement on a pre-loss basis.

Certificate(s) of Insurance. Clarion agrees to provide City with Certificate(s) of Insurance evidencing that all coverages, limits and endorsements required herein are maintained and in full force and effect. Said Certificate(s) of Insurance shall include a minimum thirty (30) day endeavor to notify due to cancellation and a ten (10) day notice for nonpayment of premium. The Certificate(s) of Insurance shall name the City as an additional insured on those policies as allowed.

Right to Revise or Reject. City reserves the right, but not the obligation, to review and revise any insurance requirement, not limited to limits, coverages and endorsements based on insurance market conditions affecting the availability or affordability of coverage; or changes in the scope of work / specifications affecting the applicability of coverage. Additionally, the City reserves the right, but not the obligation, to review Certificates of Insurance and reject any failing to meet the criteria stated herein or any insurer providing coverage due of its poor financial condition or failure to operating legally.

13. **Hold Harmless Agreement.** To the fullest extent not prohibited by law, Clarion shall indemnify and hold harmless the City of Columbia, its directors, officers, agents and employees from and against all claims, damages, losses and expenses (including

but not limited to attorney's fees) arising by reason of any negligent act or failure to act, or willful misconduct, of Clarion, of any subcontractor (meaning anyone, including but not limited to consultants having a contract with Clarion or a subcontractor for part of the services), of anyone directly or indirectly employed by Clarion or by any subcontractor, or of anyone for whose acts the Clarion or its subcontractor may be liable, in connection with providing these services except as provided in this Agreement. This provision does not, however, require Clarion to indemnify, hold harmless or defend the City of Columbia from its own negligence, except as set out herein.

14. Notices. Any notice, demand, request, or communication required or authorized by the Agreement shall be delivered either by hand, facsimile, overnight courier or mailed by certified mail, return receipt requested, with postage prepaid, to:

If to City:

City of Columbia
Community Development
P.O. Box 6015
Columbia, MO 65205-6015
ATTN: Tim Teddy

If to Clarion:

Clarion Associates
621 17th Street, Suite 2250
Denver, CO 80293
ATTN: Don Elliott, FAICP

The designation and titles of the person to be notified or the address of such person may be changed at any time by written notice. Any such notice, demand, request, or communication shall be deemed delivered on receipt if delivered by hand or facsimile and on deposit by the sending party if delivered by courier or U.S. mail.

15. Assignment. Clarion will not assign this agreement, or portions of this agreement, without the express written consent of City. Clarion is authorized to subcontract portions of the work to Ferrell Madden as specified in Clarion's response to the City's request for proposal.

16. Governing Law. This Agreement shall be governed by, interpreted and enforced in accordance with the laws of the State of Missouri and/or the laws of the United States, as applicable. The venue for all litigation arising out of, or relating to this Agreement, shall be Boone County, Missouri or the United States Western District of Missouri. The parties hereto irrevocably agree to submit to the exclusive jurisdiction of such courts in the State of Missouri and waive any defense of forum non conveniens.

17. Sole Benefit of Parties. This agreement is for the sole benefit of City and Clarion. Nothing in this agreement is intended to confer any rights or remedies on any third party.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the PARTIES have hereunto set their hands and seals the day and year first above written.

City OF COLUMBIA, MISSOURI

By: _____
Mike Matthes, City Manager

ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Nancy Thompson, City Counselor

CERTIFICATION: I hereby certify that this Agreement is within the purpose of the appropriation to which it is to be charged, that is, Account No. 110-4010-532-49-90 and that there is an unencumbered balance to the credit of such account sufficient to pay therefore.

John Blattel, Director of Finance

Clarion Associates, LLC

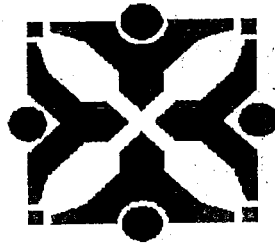
By: _____
Name: _____
Title: _____

ATTEST:

By: _____

Name:
Title:

REQUEST FOR PROPOSAL
DEVELOPMENT CODE - RFP
FOR THE
CITY OF COLUMBIA, MISSOURI



FINANCE/PURCHASING DIVISION
WILL HOBART
PURCHASING AGENT
701 E. BROADWAY, 5TH FLOOR
COLUMBIA, MO 65201
(573) 874-7687

TIMOTHY TEDDY
COMMUNITY DEVELOPMENT DIRECTOR

JOHN BLATTEL
DIRECTOR OF FINANCE

MICHELLE SORENSEN
PROCUREMENT OFFICER

Request For Proposal No. 129/2013
Closing Date: 5:00 p.m., CST, Friday, August 16, 2013

TABLE OF CONTENTS

	PAGE
1 GENERAL REQUIREMENTS	1
1.1 PURPOSE	1
1.2 SCHEDULE OF ACTIVITIES	2
1.3 DUE DATE FOR PROPOSALS	2
1.4 QUESTIONS/CLARIFICATIONS OF THE REQUEST FOR PROPOSAL	2
1.5 VALIDITY OF PROPOSALS	2
1.6 REJECTION OF PROPOSALS	2
1.7 WITHDRAWAL OF PROPOSALS	3
1.8 ALTERATION OF SOLICITATION	3
1.9 RESPONSE MATERIAL OWNERSHIP	3
1.10 INCURRING COSTS	3
1.11 COLLUSION CLAUSE	3
1.12 CONTRACT DOCUMENTS	3
1.13 FUNDS	3
1.14 TAX EXEMPTION	3
1.15 APPLICABLE LAW	3
1.16 RESPONSIBILITY	4
1.17 ASSIGNMENT	4
1.18 AUDITING OF INVOICES	4
1.19 NONDISCRIMINATION IN EMPLOYMENT	4
1.20 TERMINATION FOR DEFAULT	4
1.21 TERMINATION FOR CONVENIENCE	5
1.22 EMPLOYMENT OF UNAUTHORIZED ALIENS PROHIBITED	5
1.23 INSURANCE REQUIREMENTS	5
2 SCOPE OF WORK	7
2.1 BACKGROUND	7
2.2 PRELIMINARY RECOMMENDED CHANGES	8
2.3 PROJECT GOALS AND GUIDING PRINCIPLES	12
2.4 FUNDING AND SCHEDULE	13
3 TECHNICAL REQUIREMENTS	13
3.1 PRICING TO BE QUOTED	12
3.2 EXPERIENCE	12
3.3 PRICING TO BE QUOTED	13
4 FORMAT OF SUBMISSION OF PROPOSAL	13
4.1 TRANSMITTAL LETTER	14
4.2 VENDOR INFORMATION	15
5 EVALUATION AND AWARD	15
5.1 EVALUATION	15
5.2 SELECTION AND AWARD	16

1 GENERAL REQUIREMENTS

1.1 PURPOSE:

Summary of Request.

The City of Columbia seeks a qualified professional planning consultant to lead a comprehensive amendment of the City's land development codes, principally the Zoning Ordinance (City Code, Chapter 29) and Subdivision Regulations (City Code, Chapter 25).

Project Scope.

This project will yield a significant update of the City of Columbia development codes, primarily the Zoning Ordinance and the Subdivision Regulations and, as necessary, several related sections of the City Code.

Products.

The final product of this effort will be a new development code which may be delivered in one of several formats, including comprehensive amendments to the existing Chapters 29 and 25 or a "unified development code" that combines 29 and 25 into a single chapter. The zoning map will be modified to the extent that existing zoning districts are changed. The City does not desire a large-scale remapping or reclassification of existing, developed property and advises caution in the remapping or other revision of approved but not yet constructed planned districts.

The focus of procedural changes to the ordinances should be improvement in the predictability, transparency, and consistency of code administrative procedures. The geographic focus of changes should be on areas of the City: a) That have potential to develop or undergo change in use; b) That are potential redevelopment areas; c) That are districts and neighborhoods experiencing "infill" development or changes in use; and; d) That are areas needing environmental protection. Both the Subdivision Regulations and the Zoning Ordinance will be supplemented with illustrations.

Public Process.

The process of amending the code should be transparent to the public. Consultants are expected to include a public communications and public involvement strategy in their proposals that indicates the media by which the team will communicate the progress of the project, the methods by which the public will participate, and how the team will use the input received in the process. Outreach should include special efforts to involve disadvantaged persons.

"Two-tier" approach

The City requests that work on the ordinance be organized into two "tiers": 1) A general revision and update of the Zoning and Subdivision codes as it applies City-wide, and 2) Detailed attention to the downtown and adjacent neighborhoods where a form-based code or "hybrid" code (e.g., elements of form-based code within a more conventional code framework) approach may be desired.

1.2 SCHEDULE OF ACTIVITIES:

DATE	ACTIVITY
July 31, 2013	Close of written <i>Requests for Additional Information</i>
August 8, 2013	Written responses to <i>Requests for Additional Information</i> sent to all
August 16, 2013	Request for Proposal is due by 5:00 p.m. CST
October 1, 2013	Contract Start Date – Fiscal Year 2014
The above dates are target dates and may change.	

1.3 DUE DATE FOR PROPOSALS:

Proposals may be submitted in a sealed envelope at the purchasing office or uploaded electronically on the City's E-bidding website. No fax or e-mail proposals will be accepted. Sealed proposals must be delivered to the Purchasing Department, 701 E. Broadway, 5th Floor, Columbia, MO 65201 by the closing date and time. Proposals received after the appointed time will be determined non-responsive and will not be opened. Sealed proposals must be submitted in three (3) copies, one of which must be an original and so marked. The proposals must be in sealed envelopes and marked in bold letters "RFP 129/2013/ DEVELOPMENT CODE PROJECT

1.4 QUESTIONS/CLARIFICATIONS OF THE REQUEST FOR PROPOSAL:

All questions concerning the solicitation and specifications shall be submitted in writing via e-mail or fax to the name below. You are encouraged to submit your questions via e-mail.

Michelle Sorensen, Buyer
Phone: (573) 874-6317
Fax: (573) 874-7762
E-mail: mdsorens@GoColumbiaMO.com

Any oral responses to any question shall be unofficial and not binding on the City of Columbia. An Addendum to this RFP providing the City of Columbia's official response will be issued if necessary to all known prospective respondents. Questions must be submitted no later than 5:00 p.m. on July 31, 2013.

This written *Request for Additional Information* will take place of the normal Pre-Proposal Conference.

1.5 VALIDITY OF PROPOSALS

Respondents agree that proposals will remain firm for a period of ninety (90) calendar days after the date specified for the return of proposals.

1.6 REJECTION OF PROPOSALS:

The City of Columbia reserves the right to reject any or all proposals received in response to this RFP, or to cancel the RFP if it is in the best interest of the City of Columbia to do so. Failure to furnish all information requested in this RFP may disqualify the proposal. Any exceptions to the requirements specified must be identified in the proposal.

1.7 WITHDRAWAL OF PROPOSALS:

Any Presenter may withdraw his proposal at any time prior to the scheduled closing time for the receipt of proposals. However, no proposal will be withdrawn for a period of ninety days after the scheduled closing time for the receipt of proposals.

1.8 ALTERATION OF SOLICITATION:

The wording of the City of Columbia's solicitation may not be changed or altered in any manner. Respondents taking exception to any clause in whole or in part should do so by listing said exceptions on their letterhead and submitting them with their proposal; such exceptions will be evaluated and accepted or rejected by the City of Columbia, whose decision will be final.

1.9 RESPONSE MATERIAL OWNERSHIP:

All material submitted regarding this RFP becomes the property of The City of Columbia. Any person may review proposals after the "Notice of Intent to Award" letter has been issued, subject to the terms of this solicitation.

1.10 INCURRING COSTS:

The City of Columbia shall not be obligated or be liable for any cost incurred by Respondents prior to issuance of a Contract. All costs to prepare and submit a response to this solicitation shall be borne by the Respondent.

1.11 COLLUSION CLAUSE:

Any agreement or collusion among Respondents and prospective Respondents to illegally restrain freedom of competition by agreement to fix prices, or otherwise, will render the proposals of such Respondents void.

1.12 CONTRACT DOCUMENTS:

The final Contract between the City of Columbia and the Respondent will include by reference:

- Respondent's Proposal
- The Specifications contained in this RFP

Any changes, additions or modifications hereto will be in writing and signed by the Purchasing Agent. No other individual is authorized to modify the Contract in any manner.

1.13 FUNDS:

Financial obligations of the City of Columbia payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available. In the event funds are not appropriated, any resulting Contract will become null and void, without penalty to the City of Columbia.

1.14 TAX EXEMPTION:

The City of Columbia is funded by public monies and as such has been approved by the State of Missouri for sales/use tax-exempt status. The Missouri tax identification number and certificate is available upon request by the successful Respondent.

1.15 APPLICABLE LAW:

The proposal and Contract shall be governed in all respects by the ordinances of The City of

Columbia and the laws of the State of Missouri, and any litigation with respect thereto shall be brought in the courts in the State of Missouri.

1.16 RESPONSIBILITY:

The City of Columbia reserves the right to require the apparent successful vendors to file proof of his/her ability to properly finance and execute the Contract, together with his/her record of successful completion of similar Contracts prior. The award of the Contract will be contingent upon providing acceptable proof and record of performance. *This information will become a part of the contents of the file and hence public record unless the Respondent indicates this material confidential and request this information be returned at the expense of the Respondent. This applies only to matters of financial reporting.*

1.17 ASSIGNMENT:

Firm shall not assign the Contract, subcontract it, or sublet it as a whole without the prior written consent of the City of Columbia. Assignment, subcontracting, or subletting without such consent will in no way relieve the Firm of any of its obligations under this Contract unless specifically stated by the City of Columbia in its consent.

1.18 AUDITING OF INVOICES:

Invoices are subject to audit for a period of five (5) years after the expiration date of the final year of the Contract. If during the audit it is revealed that the Respondent charged the City of Columbia a price higher than the proposed price, the Respondent will reimburse the City of Columbia the amount of the overcharge.

1.19 NONDISCRIMINATION IN EMPLOYMENT

In connection with the furnishing of supplies or performance of work under this Contract, the Firm agrees to comply with the Fair Labor Standard Act, Fair Employment Practices, Equal Opportunity Employment Act, and all other applicable Federal and State laws and further agrees to insert the foregoing provisions in all subcontracts awarded hereunder.

Contractor agrees to comply with all applicable provisions of: the Fair Labor Standards Act, as amended; the Employment Practices Act, as amended; the Civil Rights Act of 1964, as amended; Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; the Omnibus Reconciliation Act of 1981, as amended; the Americans with Disabilities Act of 1990, as amended; Chapter 12 of the City of Columbia Code of Ordinances, and all other applicable Federal and State laws which prohibit discrimination in employment and the delivery of services on the basis of race (racism), color, national origin, ancestry, sex, religion, disability, marital status, sexual orientation, gender identity, age (employment), and familial status (housing).

1.20 TERMINATION FOR DEFAULT

If, through any cause, the firm shall fail to fulfill, in a timely and proper manner, its obligations under this contract, or if the firm shall violate any of the covenants, agreements, or stipulations of this contract, the City of Columbia shall thereupon have the right to terminate this contract for cause by giving written notice to the firm of its intent to terminate and at least ten (10) calendar days to cure the default or show cause why termination is otherwise not appropriate. In the event of termination all finished or unfinished documents, data, studies, survey, drawings, maps, models, photographs, and reports or other material prepared by the firm under this contract shall, at the option of the City of Columbia, become its property, and the firm shall be entitled to receive just and equitable compensation for any services and supplies delivered and

accepted. The firm shall be obligated to return any payment advanced under the provisions of this contract.

Notwithstanding above, the firm shall not be relieved of liability to the City of Columbia for any damages sustained by the City of Columbia by virtue of any breach of the contract by the firm, and the City of Columbia may withhold any payment to the firm for the purpose of mitigating its damages until such time as the exact amount of damages due the City of Columbia from the firm is determined.

If after such termination it is determined, for any reason the firm was not in default, or that the firm's action/inaction was excusable, such termination shall be treated as a termination for convenience, as described herein.

1.21 TERMINATION FOR CONVENIENCE:

The performance of work under this Contract may be terminated by the City of Columbia in whole or in part, whenever the Purchasing Manager will determine that such termination is in the best interest of the City of Columbia. Any such termination will be affected by delivery to the Respondent of a letter of termination specifying the extent to which performance of work under the Contract is terminated and the date upon which such termination is effective.

After receipt of a termination letter the Respondent will:

- Stop work on the Contract on the date and to the extent specified in the letter.
- Place no further orders for materials, services or facilities except as may be necessary to complete any portions of the work under Contract not terminated.
- Complete on schedule such part of the work as will not be terminated by termination letter.

1.22 EMPLOYMENT OF UNAUTHORIZED ALIENS PROHIBITED:

- (a) Contractor agrees to comply with Missouri State Statute section 285.530 in that they shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the state of Missouri.
- (b) As a condition for the award of this contract the contractor shall, by sworn affidavit and provision of documentation, affirm its enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted services. The Contractor shall also sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services.
- (c) Contractor shall require each subcontractor to affirmatively state in its contract with contractor that the subcontractor shall not knowingly employ, hire for employment or continue to employ an unauthorized alien to perform work within the state of Missouri. Contractor shall also require each subcontractor to provide contractor with a sworn affidavit under the penalty of perjury attesting to the fact that the subcontractor's employees are lawfully present in the United States.

1.23 INSURANCE REQUIREMENTS:

CONTRACTORS INSURANCE: The Contractor shall not commence work under this Contract until they have obtained all insurance required under this paragraph and such insurance has been approved by the City, nor shall the Contractor allow any subcontractor to commence work on their contract until all similar insurance required of subcontractor has been so obtained and approved. All

policies shall be in amounts, form, and with companies satisfactory to the City which must carry an A-6 or better rating as listed in the A.M. Best or equivalent rating guide.

WORKERS COMPENSATION INSURANCE: The Contractor shall take out and maintain during the life of this Contract Employers Liability and Workers Compensation Insurance for all of their employees employed at the site of the work, and in case any work is sublet, the Contractor shall require the subcontractor similarly to provide Workers Compensation Insurance for all of the latter's employees unless such employees are covered by the protection afforded by the Contractor.

Workers Compensation coverages shall meet Missouri statutory limits. Employers Liability limits shall be \$500,000.00 each employee, \$500,000.00 each accident, and \$500,000.00 policy limit. In case any class of employees engaged in work under this Contract at the site of the work is not protected under the Workers Compensation Statute, the Contractor shall provide and shall cause each subcontractor to provide Employers Liability Insurance for the protection of their employees not otherwise protected.

COMMERCIAL GENERAL LIABILITY INSURANCE: Contractor shall carry Commercial General Liability Insurance written on ISO occurrence form CG 00 01 07 98 or later edition (or a substitute form providing equivalent coverage) and shall cover all operations by or on behalf of the Contractor, providing insurance for bodily injury liability and property damage liability for the limits indicated below and for the following coverage:

Premises and Operations
Products and Completed Operations

Contractual Liability insuring the obligations assumed by the Contractor under this Contract.
Personal Injury Liability and Advertising Injury Liability

Except with respect to bodily injury and property damage included within the products and completed operations hazards, the general aggregate limit shall apply separately to the Contractor's project under this Contract. Completed Operations coverage must be maintained for the correction period provided by the agreement.

Limit of Liability. The Commercial General Liability policy limits shall not be less than:
\$1,000,000 Each Occurrence (Comb. Single Limit for Bodily Injury & Prop. Damage)
\$1,000,000 Aggregate for Products/Completed Operations
\$1,000,000 Personal Injury/Advertising Injury
\$1,000,000 General Aggregate (provide endorsement to apply the General Aggregate per project, if available).

Additional Insured The Owner, all of its officers, directors and employees, shall be named as Additional Insureds under the Commercial General Liability Insurance using ISO Additional Insured Endorsements CG 20 10 or substitute providing equivalent coverage. This endorsement must be stated on the insurance certificate provided to the Owner and a copy of the endorsements confirming coverage should accompany the insurance certificate.

Primary Coverage The Contractor's Commercial General Liability Policy shall apply as primary insurance and any other insurance carried by the Architect or the Owner shall be excess only and will not contribute with Contractor's insurance. This must be stated on the insurance certificate and a copy of the endorsement confirming coverage should accompany the insurance certificate.

BUSINESS AUTOMOBILE LIABILITY INSURANCE: The policy should be written on ISO form CA 0001, CA 0005, CA 0002, CA0020 or a substitute form providing equivalent coverage and shall provide coverage for all owned, hired and non-owned vehicles. The limit of liability should be at least \$1,000,000 Combined Single Limit for Bodily Injury and Property Damage each accident and should also cover Automobile Contractual Liability. The policy should name the Owner and all of its

officers, directors and employees as Additional Insureds. The policy shall be endorsed to be primary coverage and any other insurance carried by the Owner shall be excess only and will not contribute with Contractor's insurance. To confirm coverage, a copy of the Additional Insured Endorsement should accompany the insurance certificate.

WAIVER OF SUBROGATION: The Commercial General Liability and Automobile Liability policies shall each contain a waiver of subrogation in favor of the Owner and its officers, directors and employees.

CERTIFICATES OF INSURANCE: As evidence of the insurance, limits and endorsements required, a standard ACORD or equivalent Certificate of Insurance executed by a duly authorized representative of each insurer shall be furnished by the Contractor to the Owner and Architect before any Work under the Contract is commenced by the Contractor. Owner shall have the right, but not the obligation, to prohibit Contractor or any Subcontractor from entering the Project site until such certificates are received and approved by the Owner. With respect to insurance to be maintained after final payment, an additional certificate(s) evidencing such coverage shall be promptly provided to Owner as a precondition to final payment. The Certificate of Insurance shall provide that there will be no cancellation or reduction of coverage without 30 days prior written notice to the Owner. The certificate must also contain a description of the project or work to be performed. Failure to maintain the insurance required herein may result in termination of the Contract at Owner's option. In the event the Contractor does not comply with the requirements of this section, the Owner shall have the right, but not the obligation, to provide insurance coverage to protect the Owner and charge the Contractor for the cost of that insurance. The required insurance shall be subject to the approval of the Architect, but any acceptance of insurance certificates by the Owner shall in no way limit or relieve the Contractor of their duties and responsibilities in this Agreement.

SUBCONTRACTORS: Contractor shall cause each Subcontractor to purchase and maintain insurance of the types and amounts specified herein. Limits of such coverage may be reduced only upon written agreement of Owner. Contractor shall provide to Owner copies of certificates evidencing coverage for each Subcontractor. Subcontractors' commercial general liability and business automobile liability insurance shall name Owner as Additional Insured and have the Waiver of Subrogation endorsements added.

HOLD HARMLESS AGREEMENT: To the fullest extent not prohibited by law, Contractor shall indemnify and hold harmless the City of Columbia, its directors, officers, agents, and employees from and against all claims, damages, losses, and expenses (including but not limited to attorneys fees) arising by reason of any act or failure to act, negligent or otherwise, of Contractor, of any subcontractor (meaning anyone, including but not limited to consultants having a contract with Contractor or a subcontractor for part of the services), of anyone directly or indirectly employed by Contractor or by any subcontractor, or of anyone for whose acts the Contractor or its subcontractor may be liable, in connection with providing these services. This provision does not, however, require Contractor to indemnify, hold harmless, or defend the City of Columbia from its own negligence.

2 SCOPE OF WORK

2.1 BACKGROUND:

The City of Columbia is a growing central Missouri city with a census population of 108,500 in 2010. The City is home to the flagship campus of the University of Missouri which is also its largest employer. The City limits enclose an area of 63.5 square miles. There is no extraterritorial zoning jurisdiction in keeping with Missouri land use law. Boone County has similar zoning and

subdivision regulations. The City operates as a fourth class charter city (home rule powers) with a budget of \$447.4 million and more than 1,300 permanent employees.

The City's Existing Planning and Zoning Framework

The City primarily uses the Zoning Ordinance (Chapter 29 of the City Code) and the Subdivision Regulations (Chapter 25) to manage land use and land development activity. The City's first Zoning Ordinance was adopted in 1935 together with the first City Plan. It received a major amendment in 1957 which changed the names and notation of the zoning districts but did not fundamentally change the structure of the ordinance. Similarly, the City adopted amended Subdivision Regulations in 1964. Since that time, the City has approved frequent amendments to particular sections and subsections of the zoning and subdivision codes but it has never done a comprehensive amendment of either.

The existing City of Columbia zoning ordinance follows a conventional or traditional model which divides the City into districts which are differentiated by lists of permitted and conditional uses and varying height and area requirements for the placement of buildings and structures. The ordinance uses a familiar land use hierarchy in which, with exceptions for residential use in industrial districts, the most restrictive residential zoning districts are adopted by reference in the less restrictive districts. Planned Districts are also used to provide for public review of site plans and flexible regulations. Overlay zoning is used for flood plains, historic resources, neighborhood conservation areas, and scenic roadway corridors. The ordinance also contains standards for parking, landscaping, and lighting, as well as sections on height and area exceptions, non-conforming uses and structures, and administration and enforcement. The Subdivision Regulations are also conventional and are not as complete as typical subdivision codes; for example, public improvement standards primarily focus on streets and storm drainage with very general reference to other land improvements and reference to the City's Standard Specifications manuals. A major revision in 2004 added street standards (cross sections) for each type of street in the street hierarchy.

Land use regulations are found in sections of several other chapters of the City Code. The following list might be considered other components of the "development code." The consultant will not be responsible for revising these ordinances but should make recommendations for their revision in the event cross-references to the zoning and subdivision ordinances are inadequate, inaccurate, or contradictory.

To review the complete Code of Ordinances, go here:

http://www.gocolumbiamo.com/Council/Code_of_Ordinances_PDF/

- Chapter 12A Land Preservation regulates storm water management, tree preservation, soil erosion and sedimentation control, stream buffering, and soil stockpiles.
- Chapter 6 adopts the International Building Code and local amendments.
- Chapter 9 adopts the International Fire Code and local amendments.
- Chapter 11 is the Health Code.
- Chapter 23 is the Sign Ordinance
- Chapter 24 is entitled Streets, Sidewalks and Public Ways
- Chapter 27 is entitled Utilities.

2.2 PRELIMINARY RECOMMENDED CHANGES

Several city planning exercises as well as City Council, citizen advisory committees, boards, and commissions, and public comments in public meetings have pointed out a number of weaknesses in the zoning ordinance and some have suggested specific changes to the zoning, subdivision

and related ordinances. Documentation of these public concerns is included in this section of RFP.

Land development code recommendations recommended by previous plans and studies:

I. Guidance for the General Code Tier

Affordable Housing Task Force

To review the complete report of the Affordable Housing Policy Committee, go here:

http://www.gocolumbiamo.com/community_development/commission_archive/Commissions/AHP/C/documents/AHPCFinalReport022808.pdf

- Standards for cottage and "tandem" housing and other higher density housing options
- Allow building of dwellings on small non-conforming lots without a variance procedure
- Establish a fast-track development process
- Create an administrative process for simple minor subdivisions

Bonne Femme Watershed Plan (a sensitive watershed located south of Columbia)

- Zoning ordinances will establish specific criteria for development in karst recharge areas.
- Consider a plan to provide special protections to karst and recharge areas
- Local governments should establish additional zoning and subdivision regulations that allow LID [low impact development] as a matter of right (i.e., approval will be expedited). This avoids the problems associated with the planned development process and encourages LID.
- Use voluntary zoning changes to direct density, and therefore higher runoff, to the most appropriate areas
- Revise local government ordinances and design manuals to enable reductions in impervious surface by allowing flexibility in street width, sidewalks, etc.
- Exempt agricultural land from restrictions and stream buffers to maintain and enhance maximum economic opportunity for farmers and related agricultural activities, as well as to keep land in agricultural use
- Locate retail by appropriate zoning to areas that will allow the most efficient use of infrastructure and the least hazard of stream pollution.
- Amend zoning regulations to allow for increased density in exchange for improved storm water quality and quantity management

East Area Plan (Special Area Land Use Plan):

To review the complete plan, go to:

http://www.gocolumbiamo.com/community_development/planning/documents/EastColumbiaAreaPlan.pdf

- [Goal] Encourage land preservation through subdivision and zoning code regulations by [strategies]:
 - Reduce ambiguities in subdivision and zoning codes by refining language to be more specific in its intent and implementation
 - Encourage preservation of usable/accessible open space in planned unit developments
- Implement conservation subdivision standards
- Investigate a performance-based zoning system for reviewing new residential developments

Northeast Area Plan (Special Area Land Use Plan):

To review the complete plan, go to:

http://www.gocolumbiamo.com/community_development/planning/documents/NECAP_approved1009.pdf

- [Goal] Develop residential areas that promote a high quality of life for all people living in the plan area, by [strategies]:
 - Establish reduced setbacks to allow for compact or clustered development while maintaining open space requirements
 - Develop incentives (density bonuses) that encourage compact or cluster development
 - When developers do not desire compact or clustered housing, encourage the development of large estate lots as an alternative [note: The City of Columbia does not have an adequate "estate lot" zoning district]
 - Develop minimum open space requirements for new residential developments that encourage more efficient land use
 - Revise conventional and planned zoning classifications to incorporate the above strategies
- [Goal] Promote limited commercial development within residential areas that supports neighborhoods and provides a buffer between more intense land uses and roadways by [strategies]:
 - Revise conventional and planned zoning classifications to include performance standards that address the above strategies for neighborhood commercial districts
- Develop appropriate and attractive employment centers between the extension of Clark Lane and I-70.
 - Revise conventional and planned zoning classifications to include performance standards that address the above strategies

II. Guidance for the Downtown Tier:

Downtown Campus City-Development Opportunities Study

To review the complete study, go to:

<http://www.gocolumbiamo.com/cc-oppstudy1-9-2007.php>

- Promote mixed use
- Prohibit certain land uses
- Establish urban dimensional controls and parking standards

H3 Design Studio Downtown Planning Charrette Report

http://www.gocolumbiamo.com/Council/Commissions_Archive/DLC/documents/COMO_FinalReport_Standard.pdf

- Recommends a form-based code & sustainability plan for three areas within the downtown to consist of:
 - Building envelope standards
 - Detailed design guidelines
 - Thoroughfare standards (including "green streets" and urban boulevards)
 - District character requirements
 - Requirements for building and infrastructure performance

City Council request for review of C-2 Central Business District:

- Parking requirements in C-2 District especially for residential
- Setback and/or open space requirements in C-2 District
- Maximum height standards
- Historic preservation and encouragement of re-use, restoration, rehabilitation of existing buildings

Recommendations in Imagine Columbia's Future (visioning report):

To review the complete vision report, go here:

http://www.gocolumbiamo.com/Public_Comm/Visioning/Final_Vision_Report/index.php

- "Strategy 2" of the Plan and Manage Growth Subcommittee, Development Citizen Topic Group: Implement a growth management plan that incorporates form-based zoning
- "Strategy 3 of the Revitalization Subcommittee, Community Character Citizen Topic Group: Be pro-active, creative, and flexible about mixed-use zoning to encourage workable walking communities, and expand opportunities for farmers, gardeners, restaurateurs, service providers, and craft workers to sell and deliver produce and service.
- Implement incentive zoning that encourages residential developers to provide a percentage of affordable units within newly constructed communities.

Columbia Imagined Chapter 5 Implementation Plan (DRAFT Comprehensive Plan, currently in review by the City Council). To review the whole plan, go to:

http://www.gocolumbiamo.com/community_development/comprehensive_plan/index.php

- Encourage universal design standards in residential building codes
- Create codes that allow for multigenerational housing and accessory dwelling units
- Create zoning that encourages a variety of housing options and services
- Follow the recommendations of the Affordable Housing Policy Committee report (see above)
- Introduce a small lot zoning district
- Allow zero lot line and narrower lot width standards in the R-2 District (Two family dwelling)
- Use Metro 2020 Land Use District Design Guidelines as a basis for developing and applying form-based zoning.
- Revise development standards to establish a fair allocation of funds for offsite improvements.
- Develop a scorecard system for new development proposals similar to Boone County's
- Establish development review criteria
- Establish a zoning district to delineate regulated natural preservation areas
- Establish zoning protections to preserve current agricultural uses on prime agricultural land
- Create a City steep slopes ordinance
- Strengthen tree preservation regulations
- Reduce ambiguities in subdivision and zoning codes
- Establish policies in the code encouraging preservation of common open space

As is the case in many comprehensive plans, Columbia Imagined includes a Future Land Use Map. Its land use categories and mapping of future land use should be taken into account when drafting the new ordinance.

2.3 PROJECT GOALS AND GUIDING PRINCIPLES

In undertaking this project the City has several goals, as follows:

- Consistency with the laws of Missouri and the City of Columbia Charter
- Increased predictability and transparency in the development approval process
- Consistency in the application of protective standards
- Greater accessibility and ease of use
- Increased effectiveness in producing desired public policy outcomes, for example, removal of barriers to affordable housing development; incentives for environmental protection; and enabling of design for healthy living
- Implement land use/land development plans and policies, especially implementation of the forthcoming Columbia Imagined comprehensive plan; existing special area plans and reports; and City Council initiatives;
- Institute best practices in the areas of zoning, subdivision, and other land development regulation, especially where such practices exemplify growth management and smart growth principles;
- Consider adoption of a form-based code as a component of the development ordinance for selected areas of the City. The City is open to a "hybrid" code format in which form-based zoning elements coexist within a more traditional zoning ordinance structure.
- Update procedural requirements to foster meaningful public participation;
- Create a more unified development ordinance;
- Create an ordinance that is adapted to advances in infrastructure and technology; i.e., ordinance standards that recognize the evolving nature of land use, business types, development patterns, and high-technology infrastructure;
- Move away from "one-size fits all" permitted uses to more form-based or performance based standards that allow, disallow, or restrict particular uses based on size, scale and true impact on their surroundings.
- Reduce the reliance on planned districts in which development standards and conditions are negotiated ad hoc and at considerable cost and inconvenience to applicants, the City, and interested parties.
- Minimize the creation of non-conforming uses and structures and minimize major disruptions in the development rights in existing developed areas and developments currently in progress
- Encourage adaptive reuse of historic structures
- Encourage energy-efficient and other "green" building types and site designs

- Encourage the development of affordable and attainable housing and reduce the regulatory barriers to the production of affordable housing
- Design a process for master-planned developments that allows conceptual approval of large-scale, multi-phased development with the flexibility to make changes in the layout of phases as the market may dictate
- Develop parking requirements for downtown development that balance the desire to reduce automobile trips with the need for adequate parking supply.
- Develop a set of standards and procedures for temporary and seasonal uses such as farmers' markets, construction staging and storage yards, temporary and seasonal sales lots, temporary parking lots, entertainment events, and homeless shelters.
- Develop revised height and area standards that respond to the most frequently appealed existing regulations.
- Incorporate procedures for design, construction and acceptance of new public improvements based on the standard specifications of the City as well as utility districts that serve outlying areas of the City.

2.4 FUNDING AND SCHEDULE

This project has been authorized by the Columbia City Council. The budget for the project is approximately \$150,000 over an 18-month to 24 month period.

3 TECHNICAL REQUIREMENTS

3.1 PRICING TO BE QUOTED

1. Cost. Cost/price should be broken out and clearly separated from the remainder of the proposal. The City will evaluate cost/price for reasonableness, completeness, and realism as appropriate. The City anticipates awarding a fixed price contract.
 - a. Respondents should submit detailed budgets by task and summary format. The task budget for each task should present a breakdown of number of hours and fully loaded hourly rates by firm, position, and name.
 - b. The cost/prices included in the proposal should include all items of labor, materials, and other costs necessary to perform the contract. Any items omitted from this RFP which are clearly necessary for the completion of the work being proposed should be considered a part of the work though not directly specified or called for in this RFP.

4 FORMAT OF PROPOSAL SUBMISSION

Respondents should provide a concise yet thorough proposal which addresses the scope of services as stated above. Proposals may be submitted in hard, paper copy or by electronic submission through the City's web site. Proposals should be written no smaller than font size 11 pt and a maximum of 30 pages. Respondents must include the following information in their proposal and should use the following format when compiling their responses.

2. Cover letter. Enclose a cover letter that introduces your firm, team and approach to land use ordinances.
3. Relevant experience. List new and amended ordinances completed within the last ten years. Indicate clearly your role in the projects, the client, the scope of the assignment, and the outcomes.
4. Project personnel and qualifications. Provide a resume or c.v. for each person included on the team, indicating the person's title, expertise, and experience within the last ten years.
5. Detailed description of approach. Include a narrative (not more than seven pages) describing your team's general approach to development code updates including:
 - a. Resources at your disposal and resources that you need from the client,
 - b. Methodology. The stages of code development and the methods by which you will assess the client's needs, develop alternative solutions, and choose among alternatives
 - c. Interim work products – Technical memoranda, progress reports, working drafts, and other products on which you will seek client decisions or other feedback
 - d. Communications – The media by which you will notify the public of significant meetings and milestones and how you will publicize the project in general
 - e. Proposed Schedule - Attach a tentative schedule indicating the duration of project phases and when you would accomplish the tasks and sub-tasks of each phase.
 - f. Project Management Structure - Provide a graphic or written description of the proposed project management structure indicating principal-in-charge, project manager, and all personnel assigned to the project and the responsibility of each. Provide an indication of the percentage of time allocated to each member of the team.
 - g. Involvement of client staff, appointed commissioners, and elected officials – Provide a statement indicating how you build consensus among the direct users of the development code: City Council, Planning & Zoning Commission, Board of Adjustment, and City staff.
 - h. Compliance with applicable law – Provide assurances that ordinance amendments that you prepare will comply with the laws of Missouri and the City Charter.
6. Data needs. Besides the information provided in this proposal, indicate the types of data you would need from the City to accomplish your work.
7. Work samples. Provide digital files or hard copy sample of documents from two ordinances that you prepared within the past five years that indicate a level of effort comparable to the Columbia project. Documents must include ordinance text, graphics, samples of project information releases (e.g., project newsletters, meeting announcements) and technical reports or memoranda.
8. References. Provide five references from municipalities or units of local government.

4.1 TRANSMITTAL LETTER

All Respondents must submit a transmittal letter prepared on the vendor's letterhead. An individual who is authorized to bind this firm to all statements, services, and prices contained in

the proposal for both the primary and sub firms must sign the letter. In addition, a letter from any sub-vendor to be used in the service should be included. This letter must be signed by an individual who is authorized to bind the firm and should give a brief description of the work they are to perform.

4.2 VENDOR INFORMATION:

Provide information about your firm to include:

- Name, address, phone and fax number(s) and email address of firm
- Name and title of primary contact person
- Date firm established
- Proposed service team including titles and responsibilities
- Resume on each team member

5 EVALUATION AND AWARD

5.1 EVALUATION

The City of Columbia reserves the right to reject any or all response documents, to negotiate with any respondent considered qualified, or to make an award without further discussion. Evaluation will be based on all elements of the RFP criteria. It is the purpose of this request to obtain data as complete as possible from each respondent that will enable the City to determine which respondent(s) is best able to serve all the criteria which are to be considered in the award of the this contract.

The City will evaluate all responsive and responsible response documents to determine which qualifications best meets the City's needs based on the evaluation criteria. A committee established for this purpose will conduct the evaluation process. The City reserves the right to accept or reject any or all response documents or part(s) of response documents to waive minor variations to specifications, and in the RFP process. The City reserves the right to make an award based on the qualifications, which are in its best interest. All qualifications will be evaluated in accordance with the considerations listed in the evaluation criteria.

The evaluation team will "short-list" respondents that they determine can best meet the city's needs. The short-listed respondents may be asked to make a presentation to the evaluation team to further explain and expand on their qualifications. The city reserves the right to make an award decision based on the qualifications above and/or to request presentations. The City also reserves the right not to engage in post-bid negotiations with any respondent that has not made the short list. This negotiation process will allow individual contract points to be refined and changed, upon agreement between both parties.

All qualifications will be evaluated in accordance with the considerations listed in the evaluation criteria. Award will be based on a review of all information provided by the respondent, plus a review of references submitted and certain objective and subjective considerations including:

- 20 points Quality of Project Personnel
- 20 points Quality of References
- 40 points Project Approach
- 20 points Cost and Value

Failure of the Respondent to provide in his/her proposal any information requested in this RFP may result in disqualification of the proposal and shall be the responsibility of the proposing

individual or firm.

During the evaluation process, discussions may be conducted with Respondents who submit proposals determined to be reasonably susceptible of being selected for award. It will be the recommendation of the evaluation committee if discussions for clarification are needed.

The objective of the evaluation committee will be to recommend the Respondents whose proposal is most responsive to the City of Columbia's needs while within the available resources. The specifications within this RFP represent the minimum performance necessary for response.

5.2 SELECTION AND AWARD

The City of Columbia reserves the right to reject any or all proposals, to negotiate with any respondent considered qualified, or to make an award without further discussion.

Clarion Associates, LLC
621 17th Street, Suite 2250
Denver, Colorado 80293
303.830.2890
303.860.1809 fax

Community Planning
Zoning/Design Standards
Impact Fees
Growth Management
Sustainability

CLARION

August 16, 2013

City of Columbia
Purchasing Department
701 E. Broadway, 5th Floor
Columbia, MO 65201

Attn: Michelle Sorensen, Buyer

RE: RFP 129/2013/Development Code Project

Dear Ms. Sorensen:

Enclosed please find the Clarion / Ferrell Madden proposal to prepare a new Columbia Development Code with all materials required by RFP 129/2013.

This is to confirm that I am authorized to bind Clarion Associates to all statements, services, and prices contained in this proposal for both Clarion Associates and Ferrell Madden.

A letter signed by Ferrell Madden confirming their participation and role in this proposal is also enclosed.

We look forward to working with you to create an exceptional new Development Code for the City of Columbia.

Sincerely,



Donald L. Elliott, FAICP
Director

FERRELL
MADDEN

urban design
town planning
form-based coding

August 9, 2013

Re: RE: Columbia, MO, Development Code; RFP 129/2013

Dear Mr Elliot:

This letter is to confirm that Ferrell Madden is pleased to provide Clarion Associates urban design and form-based analysis and coding services for the above referenced project, and that I am authorized to bind the firm in this regard.

We have provided a sample of our Overland Park, KS, downtown form-based controls as an example of our expertise in these areas.

We look forward to working with you and the City of Columbia should the Clarion/Ferrell Madden team be awarded this exciting project.
Sincerely,



R Geoffrey Ferrell
Partner
Ferrell Madden LLC

19 14th Street SE
Washington
DC 20003

202.547.7141

525 S. Sparks St.
State College
PA 16801

703.966.7128

Columbia, MO, Development Code
Clarion / Ferrell Madden Team Cost Proposal

TASK	Don Elliott	Paul Anthony	Alyssa Myers	Geoff Ferrell	Mary Madden	Total by Task
Hourly Rate	\$190	\$85	\$65	\$180	\$180	
Task 1. Initial Scoping, Analysis and Direction						
1.1 Review	16	16		2	2	
1.2 Half-day Workshop	24	24	8	12	12	
1.3 Engagement Strategy	8	8				
1.4 Code Outline	16	24	8	2	2	
Task Hours	64	72	16	16		
Task Fees	\$12,160	\$6,120	\$1,040	\$2,880	\$0	\$22,200
Task 2. Staff Draft of Development Code						
2.1 Zoning Districts and Uses	56	72	32	28	28	
2.2 Form and Development Stds.	56	72	32	28	28	
2.3 Approval Procedures	32	32	8	4		
Task Hours	88	104	72	60	56	
Task Fees	\$16,720	\$8,840	\$4,680	\$10,800	\$10,080	\$51,120
Task 3. Public Draft of Development Code						
3.1 Revisions and Public Review	64	48	16	16	16	
3.2 Integration	32	40	8	6	6	
Task Hours	96	88	24	22	22	
Task Fees	\$18,240	\$7,480	\$1,560	\$3,960	\$3,960	\$35,200
Task 4. Code Testing						
4.1 Selection of Scenarios	8			4		
4.2 Testing and Refinement	24	32	72	0	0	
Task Hours	32	32	72	0	0	
Task Fees	\$6,080	\$2,720	\$4,680	\$0	\$0	\$13,480
Task 5. Refinement and Adoption						
5.1 Hearing Draft	16	16	16	4	0	
5.2 Public Hearings	40	8	8	0		
5.3 Final Revisions	8	8	8	4	0	
Task Hours	64	32	32	8	0	
Task Fees	\$12,160	\$2,720	\$2,080	\$1,440	\$0	\$18,400
TRAVEL EXPENSES	\$4,800	\$2,400		\$1,800	\$600	\$9,600
TOTAL HOURS	344	328	216	106	78	
PERCENTAGE OF TIME	34%	32%	21%	10%	8%	
FIRM BUDGETS	Clarion		\$114,480	F&M	\$35,520	
TOTAL						\$150,000



CLARION

Clarion Associates, LLC

CITY OF COLUMBIA

August 16, 2013

Request for Qualifications to Prepare for:

City of Columbia, Missouri

Development Code Update

RFP # 129/2013

Clarion Associates, LLC
621 17th Street, Suite 2250
Denver, Colorado 80293
303.830.2890
303.860.1809 fax

Community Planning
Zoning/Design Standards
Impact Fees
Growth Management
Sustainability

CLARION

August 16, 2013

City of Columbia
Purchasing Department
701 E. Broadway, 5th Floor
Columbia, MO 65201

Attn: Michelle Sorensen, Buyer

RE: RFP 129/2013/Development Code Project

Dear Ms. Sorensen:

Clarion Associates, in cooperation with Ferrell Madden, is pleased to submit this proposal to prepare an exceptionally effective, efficient, and user-friendly hybrid development code for the City of Columbia. The Clarion/Ferrell Madden team brings to this exciting project the best of national practice in all of the key areas of expertise required by RFP 129/2013 – including form-based downtown coding, graphic excellence, integration of land development regulations, and complex project management. Our past clients for hybrid and unified development codes or code updates include Philadelphia, Overland Park, St. Louis County, Detroit, Winnipeg, Duluth, Youngstown, Kalamazoo, and Ann Arbor, among others. Well over 95% of the zoning and development code projects led by Clarion Associates are successfully adopted. More importantly, our codes have proven effective not only in achieving key planning goals but in raising public and stakeholder understanding of and satisfaction with zoning, subdivision, and design controls.

Clarion Associates is a national land-use consulting firm with offices in Denver and Fort Collins CO, Chapel Hill NC, Suntree FL, and affiliate offices in Chicago, Philadelphia, and Cincinnati. Our unusual combination of talents in land use and urban planning, design, land use law, and real estate economics allows us to develop creative solutions to difficult land use and design questions. Clarion is particularly known for its expertise in land use and plan implementation. Clarion Associates has represented both private and public sector clients on a variety of land-use planning and zoning matters. Its principals have written plans and drafted ordinances, regulations and design standards throughout the United States. **Don Elliott**, FAICP, will serve as day-to-day project manager and is authorized to sign this proposal and to commit Clarion Associates to the services contained in this proposal. He will be assisted by Clarion associates **Paul Anthony** and **Alyssa Myers**.

Ferrell Madden, an urban design and town planning firm located in Washington DC, is at the forefront of the innovative regulatory technique of form-based coding. Its form-based regulations have been featured in a variety of publications, such as: *Planning* magazine; *On Common Ground*, the Realtors' magazine on smart growth; *APA Zoning Practice*; and *Codifying New Urbanism: How to Reform Municipal Land Development Regulations*. **Geoffrey Ferrell** and **Mary Madden** are founding members of

the Form-Based Codes Institute. Ferrell Madden's primary role will be to draft those form-based districts and controls requested for downtown Columbia.

The Clarion/Ferrell Madden team is particularly excited about this opportunity because it combines three of the key challenges facing urban development and redevelopment today -- integration of graphically rich form-based and traditional zoning controls, integration of a variety of land development-related controls into a consistent and user-friendly format, and implementation of a broad range of important planning goals. We believe that our team brings to Columbia unsurpassed experience in each of these areas and we look forward to partnering with the City to craft innovative solutions to each.

Our detailed proposal responding to each of the requests in RFP 129/2013 is set forth in the following pages. Please do not hesitate to contact us if you have questions or comments about any of the enclosed materials. We can't wait to get started.

Sincerely,

A handwritten signature in black ink that reads "Don Elliott". The signature is written in a cursive, flowing style.

Don Elliott, FAICP

Director

CONTENTS

1.	RELEVANT EXPERIENCE.....	3
2.	PROJECT PERSONNEL & QUALIFICATIONS	9
3.	PROJECT APPROACH	12
4.	DATA NEEDS	23
5.	WORK SAMPLES.....	24
6.	REFERENCES	25

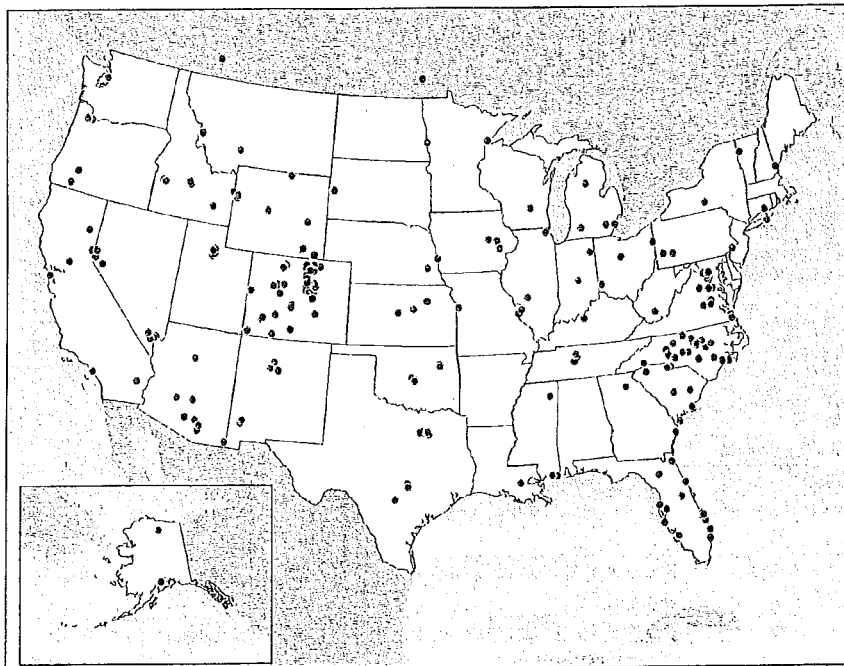
1. Relevant Experience

CLARION ASSOCIATES

Since its founding in 1992, Clarion Associates (CA) has developed expertise in a broad range of planning areas, including:

- Hybrid and traditional zoning systems;
- Design standards and development regulations;
- Downtown plans and strategies;
- Sustainable community planning and development codes;
- Community, regional, and neighborhood planning;
- Historic preservation;
- Citizen participation strategies;
- Growth management strategies for cities and regions; and
- Implementation strategies.

In the process, Clarion Associates has prepared zoning and land development regulations for over 130 communities across the U.S. and Canada, as illustrated on the following map.



"Of all the consulting firms that I have worked with in the past 25 years in both the private and public sectors, Clarion is ranked at the top of my list. I highly recommend them to any entity seeking the most professional, knowledgeable, comprehensive and innovative solutions to local/regional planning and development regulation needs."

Mayor Ralph Becker
Salt Lake City

FERRELL MADDEN

Ferrell Madden (FM) creates and codes downtown and neighborhood plans by combining sophisticated urban design with sound planning practices. The firm approaches all of its projects with practical idealism, seeking to balance the principles of true neighborhood and town building with market realities. FM has more than 20 years of experience working in collaboration with talented multi-disciplinary teams to address complex urban design and master-planning projects in locations as diverse as the San Francisco Bay area; Dallas, Texas; Peoria, Illinois; and Arlington, Virginia—developing master plans rooted in tradition that also accommodate contemporary issues and produce results. In addition to being founding members of the Form-based Codes Institute, Geoffrey Ferrell and Mary Madden have spoken on form-based coding in numerous forums, including national conferences such as the American Planning Association, the Congress for the New Urbanism, EPA Growing Smart, and the National Trust for Historic Preservation, as well as locally for the Washington Regional Network, and the EPA Smart Growth Speaker series in Washington, DC.

TABLE OF EXPERIENCE

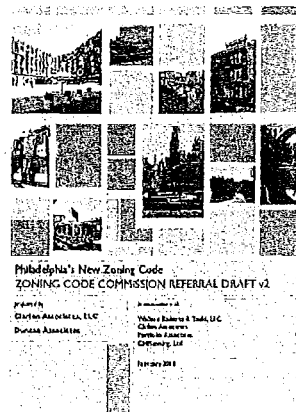
The following table outlines Clarion / Ferrell Madden's experience in drafting development codes over the last 10 years.

<i>Client</i>	<i>Project / Scope</i>	<i>Role</i>	<i>Result</i>
Albuquerque, NM	Huning Highlands/EDO Corridor Standards in Form Code	FM Sole	Adopted
Anchorage, AK	Land Use Planning Ordinance	CA Lead	Adopted
Ann Arbor, MI	Development Codes Integration	CA Sole	Current
Arlington Co, VA	Columbia Pike Form-Based Code and Streets for New Centers	FM Sub	Adopted
Austin, TX	Mixed Use/Non-residential Standards	CA Sole	Adopted
Avon, CO	New Unified Development Code	CA Sole	Adopted
Bainbridge Island, WA	New Zoning and Subdivision Codes	CA Lead	Adopted
Biloxi, MS	New Land Development Code	CA Lead	Adopted
Boise, ID	Development Code Updates	CA Lead	Current
Buckeye, AZ	Land Use Code Updates	CA Sole	Adopted
Cary, NC	New Unified Development Code	CA Lead	Adopted
Cedar Rapids, IA	New Zoning Ordinance	CA Sole	Adopted
Chesterfield, MO	New Zoning Ordinance	CA Sole	Adopted
Colorado Springs, CO	Mixed Use Development Standards	CA Sole	Adopted
Contra Costa County, CA	Pleasant Hill BART Station Area Code and Streets	FM Sole	Adopted
Dublin, OH	Bridge Street Corridor Hybrid Development Code	CA Lead	Adopted
Duluth, MN	New Hybrid Unified Development Code	CA Lead	Adopted
Farmers Branch, TX	Hybrid Mercer Crossing Form-Based Code and DART Station/New Downtown Code	FM Sole	Adopted
Fayetteville, NC	New Land Development Ordinance	CA Sole	Adopted

<i>Client</i>	<i>Project / Scope</i>	<i>Role</i>	<i>Result</i>
Fort Collins, CO	New Complete Land Use Code	CA Sole	Adopted
Fort Wayne & Allen County, IN	Align and Streamline Zoning and Subdivision Codes	CA Sole	Current
Franklin, TN	New Land Development Code	CA Lead	Adopted
Fremont, MI	City-wide Hybrid Form-Based Code and Streets	FM Lead	Adopted
Greenville, SC	New Unified Development Code	CA Lead	Adopted
Greenville, SC	New Form-Based TOD Toolkit	CA and FM teamed	Current
Hamilton, OH	Form-based Downtown Code and Complete Streets	CA Lead	Adopted
Henderson, NV	Comprehensive Zoning Code Revisions	CA Lead	Adopted
Herndon, VA	New Zoning Code	CA Lead	Adopted
High Point, NC	Development Code Updates	CA Sole	Adopted
Hillsboro, OR	New AmberGlen Regional Center Development Code for 600 acres	CA Lead	Adopted
Hillsborough, NC	New Unified Development Code	CA Lead	Adopted
Indianapolis, IN	Code Integration and Sustainability Amendments	CA Prime Sub	Current
Iowa City, IA	New Form-Based Neighborhood District	FM Sub	Adopted
Leavenworth, KS	Downtown Development Regulations	CA Lead	Adopted
Lake Oswego, OR	Development Code Reorganization and Integration	CA Sole	Adopted
Lakewood, CO	Review and Revisions to Staff Draft Zoning and Subdivision Codes	CA Sole	Incorporated
Marana, AZ	Development Code and Design Standards Revisions	CA Sole	Not Adopted
Marquette, MI	Form-Based Waterfront Code and Streets	FM Lead	Adopted
Midway, KY	New Form-Based Industrial District	FM Sole	Adopted
Morrisville, NC	Town Center Code	CA Sole	Adopted
North Las Vegas, NV	Major Zoning Code Revisions and New Industrial Districts	CA Sole	Adopted
Oro Valley, AZ	Zoning Code Amendments	CA Sole	Adopted
Overland Park, KS	Form-Based Downtown Code and Streets	FM Lead	Adopted
Pagosa Springs, CO	New Development Code	CA Sole	Adopted
Parker, CO	New Overlay Districts to Preserve Industrial Lands	CA Sole	Adopted
Pasadena, CA	Historic Preservation Ordinance Rewrite	CA Sole	Adopted
Pascagoula, MS	New Hybrid Development Code	CA Sole	Adopted
Peoria, IL	Major Zoning Code Revisions and Four New Form-Based Districts	FM Lead	Adopted
Philadelphia, PA	New Unified Development Code	CA Lead	Adopted
Pitkin County, CO	New Unified Development Code	CA Sole	Adopted
Pompano Beach, FL	New Hybrid Development Code	CA Lead	Adopted
Portsmouth, VA	Form-Based Downtown Code and Streets	FM Lead	Adopted
Reno, NV	Phase 1 Zoning Code Updates	CA Sole	Adopted
Rock Hill, SC	New Zoning Ordinance	CA Lead	Adopted
Rowlett, TX	New Unified Development Code	CA Lead	Adopted
Salt Lake City, UT	Historic, Riparian, and Sensitive Lands Ordinances	CA Sole	Adopted
Salt Lake City, UT	Sustainable Development Code	CA Lead	Current

<i>Client</i>	<i>Project / Scope</i>	<i>Role</i>	<i>Result</i>
Tahoe Regional Planning Agency	Regional Plan Code Updates	CA Lead	Current
Tulsa, OK	Pearl District Form-Based Code	FM Sole	Adopted
Winnipeg, MB	Zoning Bylaw Revisions	CA Lead	Adopted
Woodford Co KY	Woodford County Form-Based Code	FM Sub	Adopted
Youngstown, OH	New Hybrid Redevelopment Code	CA Lead	Adopted

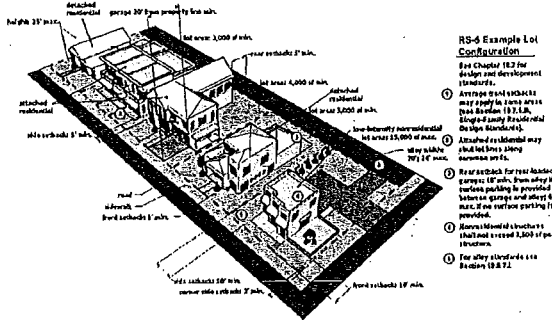
Philadelphia, PA | New Zoning Code



Clarion Associates was retained by the City of Philadelphia to lead a team to draft a complete rewrite of the Philadelphia zoning code. Working with consultants Duncan Associates, Clafien Associates, WRT, Portfolio Associates, and CHPlanning, as well as a 31 member Zoning Code Commission of key stakeholders, Clarion completed a thorough Assessment of the current code, a Best Practices report on key innovations, Detailed Recommendations for the new Code, and then the new Code itself. An extensive public outreach process used a series of six on-line surveys to reach 2,585 Philadelphians, and over 37 neighborhood and district meetings were held. The 57 existing base

zoning districts were consolidated into 35, the 33 existing overlay districts were consolidated into 11, and the antiquated list of permitted uses was replaced with a shorter and more flexible approach. Major improvements in landscaping, tree protection, sustainability, open lands protection, and form/design controls were incorporated. Required parking ratios were lowered and maximums adopted, and review and approval procedures were clarified and simplified. The final code was approved unanimously by the Philadelphia City in December 2011 and became effective in August of 2012. The Pennsylvania AIA awarded Philadelphia its 2012 President's award for excellence for these planning and zoning reforms.

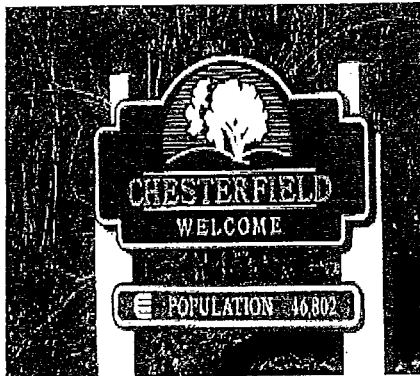
Henderson, NV | Comprehensive Zoning Code Revisions



Influenced by the growth of the Las Vegas area, Henderson has been one of the fastest-growing areas in the West. Clarion Associates prepared a complete rewrite of the Henderson zoning code in the late 1990s, leading a team that included Duncan Associates. At that time,

key elements of the code revision included implementation of a town center concept contained in the new comprehensive plan, design standards, landscaping provisions, and revamping of the development review process. The Nevada Chapter of the American Planning Association honored the 1998 Henderson code with a statewide planning award. Beginning in 2008, the city again retained a team led by Clarion Associates to prepare a new version of the code that implemented the city's most recent planning efforts, including a new comprehensive plan and a new open space and trails plan. Key features of this newest Henderson code include a comprehensive rewrite of the development standards, which will allow the city to move from a fragmented, district-based approach to development quality towards a more uniform set of citywide standards. The new code also is more graphically rich than the earlier version and features a user-friendly approach that illustrates prototypical development in each of the city's zoning districts.

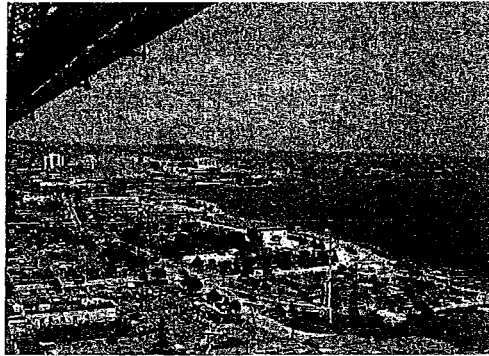
Chesterfield, MO | Zoning Ordinance



The City of Chesterfield is a community of approximately 46,000 residents known for quality development at the western edge of the St. Louis metropolitan area. When Chesterfield incorporated in 1988, it adopted the St. Louis County Zoning Ordinance and then made many amendments to adapt the ordinance to the city's evolving identity. This approach resulted in an unwieldy, difficult-to-use document. The city selected the team of Clarion Associates

and Curtis, Otting, Heinz, Garrett, and O'Keefe in 2002 to update the zoning ordinance. The project focuses on reorganization, clarification, editing, indexing, and legal review, with limited significant substantive changes, to create a more user-friendly document.

Duluth, MN | Hybrid Unified Development Chapter



The City of Duluth retained Clarion Associates to lead a team including Farr Associates and Ayres Associates in the development of the city's first unified development code. The new code consolidates, integrates, and streamlines existing regulations on zoning, subdivision, signs, street permits, right-of-way vacation, erosion and sediment control, stormwater management,

wetlands, floodplains, heritage preservation, and view protection. Building on form-based charrettes supported by the Knight Foundation, the UDO code includes nine highly graphic form-based districts with detailed building type regulations developed by Farr Associates. Form-based districts are designed for application in five older, walkable areas of the city, including downtown Duluth and the emerging waterfront mixed use/entertainment area. The UDO also includes some of the first municipal stormwater and shoreland regulations in Minnesota implementing strict new state mandates in those areas. In order to promote investment and reinvestment in Duluth, the UDO regulations also streamline development review and approval procedures. The new UDO was adopted unanimously by the Duluth City Council in August 2010.

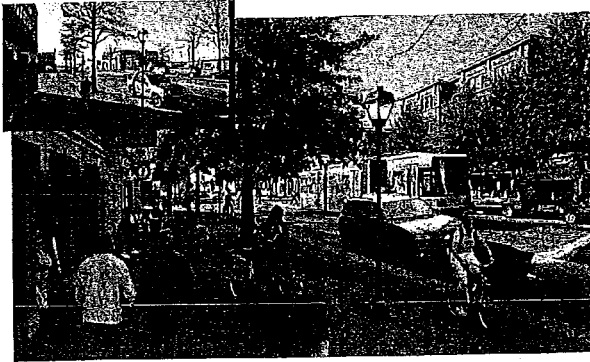
Overland Park, KS | Downtown Form District



Overland Park, Kansas is a thriving suburb of Kansas City. While it continues to grow, the city had a neglected downtown core and several auto-oriented corridors with dead and dying strip shopping centers at several major intersections.

Ferrell Madden led an interdisciplinary team studying Downtown Overland Park, the Metcalf Corridor and adjacent retail nodes—reviewing previous vision plans, analyzing traffic patterns, and exploring the current and future market potential—to produce detailed master plans, potential implementation strategies, and a new form-based code for the targeted districts, with the goal of encouraging infill, redevelopment and revitalization. The project involved a stakeholder charrette and extensive coordination with City staff integrating the full range of planning and implementation issues, from stormwater, utility placement, urban forestry, and state zoning law. The project received the Kansas APA 2011 Pioneer Award.

Portsmouth, VA | Uptown Form District



The City of Portsmouth, Virginia engaged a team lead by Ferrell Madden, to work with the community to define a vision for the area west of Old Town, the area of the city with the largest amount of under utilized land. In early 2009, the team led a week-long urban design charrette

involving residents, business owners, and staff, to craft an implementation plan and draft Form-Based development regulations to encourage context-appropriate redevelopment and revitalization. The group studied the district in detail—the urban design, the traffic and transportation considerations, and the underlying economic and market conditions. The design master plan focused on transforming the district and its defining corridors into mixed-use, pedestrian-friendly, urban neighborhoods to complement the adjacent historic downtown. Designs will accommodate the addition of light rail in the future. The Master Plan and the Form-Based Development Regulations were adopted in 2010. The project was an EPA 2012 National Award for Smart Growth Achievement Blue Ribbon Winner and a Virginia APA 2010 award winner.

2. Project Personnel & Qualifications

The key personnel assigned to the Columbia Development Code rewrite will include

- Don Elliott, FAICP, Director, Clarion Associates
- Geoff Ferrell, FBCI, Principal, Ferrell Madden
- Paul Anthony Associate, Clarion Associates
- Mary Madden, AICP, Principal, Ferrell Madden
- Alyssa Myers, Associate Clarion Associates

DONALD L. ELLIOTT, FAICP



Don is a Director with Clarion Associate. His practice focuses on land planning and zoning, growth management, and international land and urban development issues. Mr. Elliott's major projects have included the project management, drafting and successful adoption of new citywide zoning codes for Detroit, Philadelphia, and Winnipeg, as well as over 30 other U.S. cities and counties. Mr. Elliott is the author of A Better Way to Zone (Island Press 2008), co-author of The Rules that Shape Urban Form (APA 2012) and The Citizen's Guide to Planning (APA 2009), and has served as the general

editor of Colorado Land Planning and Development Law for over 20 years. He teaches a graduate level course on Urbanization in Developing Countries at the University of Colorado at Denver School of Architecture and Planning. Don has a bachelor's degree in Urban Planning and Policy Analysis from Yale University, a law degree from Harvard Law School, and a master's degree in City and Regional Planning from the John F. Kennedy School of Government at Harvard. He is a past national Chairman of the Planning and Law Division of the American Planning Association and a past president of the Colorado Chapter of the American Planning Association.

R. GEOFFREY FERRELL, FBCI



Geoff is a principal in Ferrell Madden and one of the originators of the modern practice of Form-Based Codes. His work ranges from site-specific urban designs to zoning-toolkits to replace Euclidean zones – development regulations that emphasize clarity for end-users. Before establishing his firm in 1992, Geoff was an urban designer & code writer for Duany Plater-Zyberk Architects in Miami. He also served two years as the Director of Urban Design for the Treasure Coast Regional Planning Council in Florida. Geoff's experience includes the master plan & form-based code (with Dover Kohl & Partners) for the redevelopment of the Columbia Pike Corridor in Arlington, Virginia. His firm's Form-Based Codes for the Farmers Branch, Texas, Station Area and for the Heart of Peoria Form-Districts in Peoria, Illinois, received the Richard Driehaus Form-Based Code Award in 2007 and 2010, respectively. Mr. Ferrell holds a Master of Architecture degree with a Certificate in American Urbanism from the University of Virginia, a Bachelor of Architecture from Oregon School of Design, and a Bachelor of Science in Public Policy from Willamette University. He is a Charter Member of the Congress for the New Urbanism and a Charter Board Member for the Form-Based Codes Institute.

PAUL ANTHONY



Paul is an Associate in the Denver office of Clarion Associates. He works in the areas of zoning, sustainable development, hazard mitigation, and affordable housing. He was the primary drafter of the first major update in two decades to the zoning ordinance for the Tahoe Regional Planning Agency and continues to work with TRPA on additional code revisions. He was also the lead drafter for the rewrite and reorganization of the Tucson, AZ, development code, and is following up that work by drafting a Sustainable Land Use Code for Tucson that integrates new and flexible zoning standards for alternative energy systems, urban agriculture, and mixed-used development. Prior to joining Clarion Associates, Paul worked as a current planner for Teton County, Wyoming, Santa Barbara County, California, and Washington County, Oregon. Paul holds a Juris Doctor degree from Northwestern School of Law at Lewis and Clark, a

Masters in Urban and Environmental Planning from the University of Virginia, and a Bachelor of Arts degree in government from the University of Notre Dame.

MARY MADDEN, AICP



Mary Madden is a principle in Ferrell Madden with nearly 20 years of experience in the fields of urban planning and design, community development, and historic preservation at the federal, state, and local levels. Her recent projects have been completed in a variety of diverse locales, including: Overland Park, Kansas; Portsmouth, Virginia; Tulsa, Oklahoma; Prince George's County, Maryland; Peoria, Illinois; Memphis, Tennessee; Farmers Branch, Texas; Marquette, Michigan; Arlington, Virginia; and Fayetteville, Arkansas. Before joining Ferrell Madden in 2002, Ms. Madden served in several positions at the U.S. Department of Housing and Urban Development. Earlier in her career, she was the co-director of the Mayors' Institute on City Design and worked in the Arkansas Historic Preservation Program. Mary holds a Master of Urban and Environmental Planning degree from the University of Virginia and a Bachelor of Arts in Architecture from Princeton University. She is a member of the American Institute of Certified Planners, the Congress for the New Urbanism and the American Planning Association. She is a Charter Board Member of the Form-Based Codes Institute, where she is currently serving as Board Chair.

ALYSSA MYERS



Alyssa Myers is the graphic designer for Clarion Associates. Mrs. Myers attended college at Arizona State University where she received her Bachelors and Masters in Architecture. Through her education, she has had experience working in public and private sector positions, which has provided her with client-facing expertise in planning and development. Mrs. Myers's varied projects have helped to cultivate her passion for design, in particular, graphic design. She has created multi-varied graphics that visually explain her architectural and planning design concepts as well as provide accurate and detailed presentations. Her expertise lies within computer generated print graphics using software such as Adobe Creative Suite and Google Sketch Up to create photo-realistic images that foster client engagement and collaboration.

3. Project Approach

The core elements of the Clarion/Ferrell Madden approach are to:

- **Informed Choices.** Ensure that Columbia staff and stakeholders fully understand the full range of form-based and traditional zoning tools that are available to guide future development and the consequences of its choices for each area of the city.
- **Integration.** Ensure that the resulting mix of zoning and subdivision (and other land use) controls, including both form-based and traditional elements, is fully integrated so that it sends a clear and consistent message to the citizens and the development community.
- **Plan-based.** Ensure that the new development code clearly and transparently promotes the goals in Columbia's many adopted plans and studies (including the East and West Area Plans, the downtown opportunities and charrette work, and the clear list of potential improvements in Chapter 5 of the comprehensive plan).
- **Efficient and Predictable.** Ensure that the new development code is easily administrable within Columbia's resources, that decisions are made efficiently, that unnecessary hearings and review steps are eliminated, and that the code promotes consistent, predictable decisions for citizens, neighborhoods, and investors.
- **User-friendly.** Ensure that the new code is intuitively organized, well-illustrated, graphically rich, internally consistent, and easily understandable to and usable by Columbia's citizens.

RESOURCES

The Clarion/Ferrell Madden team has ample resources at its disposal to create an exceptional new Columbia Development Code. First and foremost, our combined 19 staff members have a wealth of experience in creative public engagement; code drafting; form-based charrettes, analysis and coding; oral, written, and graphic communication; and building community support for major land use reforms. In addition, we use keypad polling equipment, project specific web-sites, and social networking accounts to broaden public awareness of and engagement in the project.

Our primary need from Columbia is the full engagement and availability of committed project management staff and periodic access to appointed and elected officials in order to keep them informed and build support for the new code. Looking back on two decades of code writing, it is clear that a close partnership with client project management staff – and through them to other decision-makers – is a key to every successful project. In addition, we will need electronic versions of the existing zoning and subdivision codes and other ordinances being considered

for inclusion in a unified development code. We will also need a list or database of variances, exceptions, and waivers granted during the past several years. Early in the new code drafting process we will prepare on-line surveys of various staff, citizen, and stakeholder groups (as described below) and will require staff assistance in promoting participation in those surveys. Finally, we generally expect staff to arrange meeting rooms and setup for public and stakeholder meetings and to document the result of those meeting based on staff understanding of the personalities involved and the background to the comments made. The consulting team can, of course, perform those tasks themselves, but in our experience the process moves more smoothly and our team can provide more substantive value to the city if Columbia staff undertakes those logistical and documentation tasks.

METHODOLOGY

Each development code project is different, and we develop a tailored methodology for each. For the Columbia Development Code, we will organize this work into five tasks:

- Task 1. Initial Scoping, Analysis, and Direction
- Task 2. Staff Draft of Development Code
- Task 3. Public Draft of Development Code
- Task 4. Code Testing
- Task 5. Refinement and Adoption

Each of these tasks is described in more detail below

TASK 1. INITIAL SCOPING, ANALYSIS AND DIRECTION

The early stages of a development code project are critical. Key decisions need to be made that will guide the look, feel, effectiveness, and user-friendliness of the final code, and they need to be made with full understanding of their consequences.

1.1. REVIEW, SURVEYS, AND INTERVIEWS

The Clarion/Ferrell Madden team will begin by reviewing in detail the current zoning, subdivision, and land use controls, as well as each of the plans, visioning exercises, and studies referenced in RFP 129/2013. Ferrell Madden staff will focus on review of downtown studies and charrettes as background for the form-based elements of the new development code. The team will prepare on-line surveys for staff, citizens, and key stakeholders and interest groups in order to ensure that their detailed concerns are integrated early in the process. In addition, we will interview key stakeholders and leaders identified by staff.

1.2. HALF-DAY KICKOFF WORKSHOP

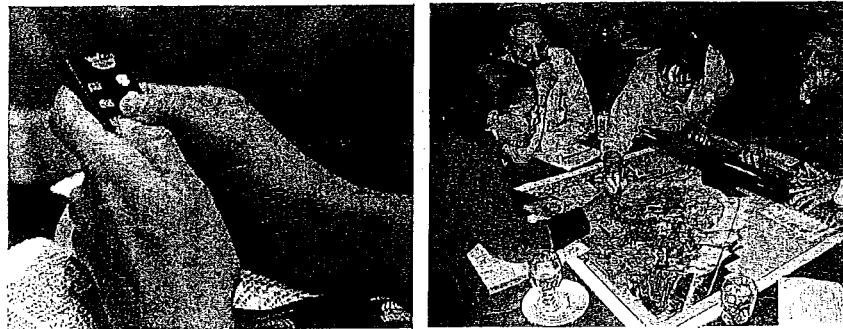
Based on guidance gleaned from the review and interviews in Tasks 1.1 and 1.2, the team will then organize and conduct a half-day workshop with key stakeholders, staff, and appointed and elected officials to present different options for the

structure, look, and feel of the new Columbia Development Code. We will present our initial observations about Columbia's codes and plans, the results of the on-line surveys, and graphics illustrating potential types of form-based controls, and will use keypad polling to ensure that we are capturing the reactions and preferences of participants. Key issues and choices to be presented will include:

- The area in which form-based controls could and should apply, and the participant's vision(s) for those areas;
- Whether some types of form-based controls should apply outside the downtown area;
- The benefits and consequences of a unified development code structure;
- The benefits and consequences of a different district-based or topic-based code structures; and
- The benefits and consequences of including innovative redevelopment/infill tools to facilitate the reuse of underused or vacant lands.

Experience shows that an in-depth discussion of these topics early in the process avoids misunderstandings and wasted effort down the road and significantly contributes to stakeholder buy-in and support for the final product. It ensures that everyone is "on the same page" as to the basics of the new code structure.

1.3. PUBLIC ENGAGEMENT STRATEGY



Following the workshop, and based on the choices made at that workshop, the Clarion/Ferrell Madden team will draft a public engagement strategy for approval by the city. The strategy will include a mix of project web site, web-based tools, social media, stakeholder interviews, public meetings/open houses, and a web-based response tool as discussed in more detail in the Communications section below.

1.4. DETAILED CODE OUTLINE

Clarion/Ferrell Madden will then summarize our analysis of the current Columbia regulations and public preferences of how they would like current weaknesses addressed, and will prepare a detailed outline of the new Columbia Development Code. The outline will include annotations as to whether each section will contain new material, revisions to existing provisions, or a carryover of current standards

and procedures that work well. In each case, it will include the rationale for the change. The Outline will be posted on the project web site and approximately one month later will be the topic of a public meeting to ensure broad understanding and support. If changes are needed based on public review, they will be reflected in an addenda to the Outline.

While the RFP list of zoning and subdivision items that need to be "fixed" is extensive, the Clarion/Ferrell Madden team has significant experience in almost all of those areas. We have addressed those issues in the following contexts, among others:

- Infill and redevelopment controls (Calgary, Youngstown, Detroit)
- Procedural streamlining (Philadelphia, Duluth, Fort Wayne/Allen County)
- Innovative housing types (Aurora, Indianapolis, Dublin)
- Integration of multiple ordinances (Duluth, Lake Oswego, Kalamazoo)
- New approaches to non-conformities (Youngstown, Lake Oswego)
- Revised and lowered parking standards (Almost all of our codes)
- Modern subdivision controls (Pitkin County, Mesa County, Bainbridge Island)
- Low impact/sustainable development (Hillsboro, Tucson, Salt Lake City)

TASK 2. STAFF DRAFT OF DEVELOPMENT CODE

Based on the Code Outline developed in Task 1, Clarion/Ferrell Madden will then begin preparing the new Columbia Development Code through a three draft process. Task 2 will produce Staff Drafts for review and correction by staff before public distribution; Task 3 will produce corrected Public Drafts for public distribution, and Task 5 will produce integrated Hearing Drafts corrected to respond to public comments and ready for consideration during the formal adoption process. In order to allow focused public understanding and review of related provisions, the Staff Draft and Public Drafts will be released in the following stages. Each draft will include detailed footnotes identifying the substance of changes from the current zoning and subdivision controls.

2.1. ZONING DISTRICTS AND USES

First, we will prepare drafts of the form-based districts, mixed use districts, traditional districts, and the uses allowed by right or by review in each district. This is the backbone of most zoning codes, and it is important that the form-based and traditional districts be drafted simultaneously to ensure that they use a common or consistent vocabulary and that the code does not include repetitive or overlapping districts. Nothing is more confusing than an ordinance in which form-based districts and controls are "stapled onto" an existing code, because differences in terminology, measurements, and approach generally leave many questions unanswered. One important component of this work is to modernize and simplify permitted use lists and controls in order to allow flexibility for market-driven adjustments wherever possible. This work will include integration of any use-based controls currently contained in other land-related regulations listed in RFP 129/2013. Clarion Associates' recent research for *The Rules That Shape Urban Form* (APA 2012) has given us new insights as to best practices in this area.

"The most valuable aspect of Clarion's consultancy was its deep appreciation of when and how to provide the professional advice of the consultant team, reflecting experience from many other cities and national standards and norms, while respecting Philadelphia's traditions, context, and circumstances."

Eva Gladstein
Former Executive Director
Philadelphia Zoning Code
Commission

2.2. FORM AND DEVELOPMENT CONTROLS

Second, we will draft the controls that address the look and feel of new development and redevelopment in Columbia. This will include form-based building controls for the downtown area, dimensional and location standards, landscaping/screening/open space standards (integrated with low-impact development/stormwater standards if possible), land preservation controls, sign controls (if desired) and other site-related controls from the numerous other land use ordinances listed in the RFP. Again, it is important that the controls for form-based and more traditional districts be drafted together, because the use of form-controls is not an "on-off" switch but a spectrum of choices; many cities decide to include some basic form-based controls in traditional districts.

2.3. APPROVAL PROCEDURES

Finally, Clarion Associates will revise the development review and approval procedures to promote faster, more efficient, and more predictable decision-making under the new development code. In recent years, the rising importance of economic competitiveness and declining staff resources for code administration has made this a key topic in code reform. We have experience streamlining development controls in Fort Wayne/Allen County, Indiana, Youngstown, Ohio, and Calgary, Alberta, and this was a major topic of discussion in Don Elliott's book *A Better Way to Zone* (Island Press, 2008).

TASK 3. PUBLIC DRAFT OF DEVELOPMENT CODE

3.1. REVISION AND PUBLIC REVIEW

Each Staff Draft will be reviewed with Columbia project staff (and a Technical Advisory Committee with representation from other city departments, as described below, if desired) through a web conference allowing us to make revisions while jointly viewing the same draft document. The Clarion/Ferrell Madden team will then make any corrections necessary to correct inaccuracies and to avoid approaches or solutions that staff deems to be unworkable based on available staff resources or political context, and will embody those changes in a Public Draft of that portion of the code. To build momentum and complete the project efficiently, this work will be phased. While staff is reviewing the Staff Draft of uses and districts, we will be preparing the Staff Draft of form and building controls, and when the Public Draft of uses and districts has been posted for public review we will move on to begin work on the Staff Draft of approval procedures.

Approximately three weeks after each Public Draft has been posted for public review, Clarion/Ferrell Madden will come to Columbia to conduct a public meeting on that draft, to hold any additional citizen or stakeholder meetings requested by staff, and to meet with staff and the Steering Committee regarding the status of the project.

3.2. INTEGRATION

After all three Public Drafts have been reviewed in public meetings, the consultant team will integrated document that brings together the three sections of the Development Code and includes any revisions authorized by Columbia staff and the Steering Committee. In addition, this draft will include all required drawings, illustrations, photos, and flowcharts needed to create a truly user-friendly document. This document will form the basis for Code Testing in Task 4 and will be posted on the web site as an additional Public Draft document available for review.

TASK 4. CODE TESTING

Fear of unintended consequences can bog down even a well-run development code revision process. The best way to allay those fears is to test the proposed code provisions against a sample of likely or desired development scenarios, publish the results, and make revisions.

4.1. SELECTION OF DEVELOPMENT SCENARIOS

The Clarion/Ferrell Madden Team will consult with Columbia staff to identify up to six development scenarios that the city feels are likely to be proposed in the next several years, or that the city would like to see the new code accommodate either by right or with only administrative review and without the need for variances. Because the downtown form-based controls will have been crafted through analysis of the downtown built fabric, less testing is generally required in those areas. We anticipate that approximately four of the six development scenarios will be in areas of the city outside of downtown, but the final decision should respond to specific concerns expressed through the public review process in Task 3. The scenarios to be tested will be based on a proposed zone district and lot size, a proposed type of building or facility, and a proposed typical size of that facility, and will take into account landscaping and open space requirements.

4.2. TESTING AND REFINEMENT

The consultant team will then prepare axonometric drawings of each proposed development and will identify whether the combined impacts of proposed development code requirements would make it difficult to design, construct, or park the proposed structure.

TASK 5. REFINEMENT AND ADOPTION

5.1. HEARING DRAFT

The Clarion/Ferrell Madden team will then ask Columbia staff to consolidate all changes necessary to the integrated Public Draft and will reflect those changes in a Hearing Draft of the community development code.

5.2. PUBLIC HEARINGS

Clarion Associates' staff will then participate in two public hearings to present the revised Columbia Development Code for review by appointed and elected officials, and will prepare presentation materials for those hearings.

5.3. FINAL REVISIONS

If the Hearing Draft of the new development code is revised during the review and adoption process, Clarion / Ferrell Madden will incorporate those changes. We will then deliver a final version of the product in InDesign format and in a PDF version suitable for posting on the City of Columbia web site.

INTERIM WORK PRODUCTS

As described above, the interim work products to be delivered by the Clarion / Ferrell Madden team include:

- On-line surveys
- Web site materials describing the project, process, and timeline
- Half-day kickoff workshop materials
- Public engagement strategy
- Detailed code outline (including both form-based and traditional elements)
- Staff Drafts of development code (in three parts, integrating form-based and traditional elements)
- Public Drafts of development code (in three parts, integrating form-based and traditional elements)
- Presentation materials for public review of Public Draft
- Integrated Public Draft of development code
- Six testing drawings with annotations
- Hearing Draft of development code
- Adoption presentation materials
- Final draft of development code

COMMUNICATIONS

Clarion Associates firmly believes in robust public engagement process using a wide range of interactive formats and media to engage the public and to elicit thoughtful responses to the choices raised in all development code projects. At the outset, however, it is important to establish expectations that an effective public participation for development code reform differs significantly from the techniques that would be used in a planning effort. In areas where new form-based controls are not being proposed, there is much less "visioning" in areas and conceptual discussion involved, and public participation needs to focus on communicating (1) specific problems with the current regulations (2) different regulatory options available to the City, and (3) the tradeoffs and impacts of those different options to the functioning, investment climate, and appearance of the city. Instead of having a detailed discussion of each issue, related issues need to be presented together so the public and stakeholders can understand that, for example, open space,

landscaping, lot coverage, and stormwater requirements have to be addressed in an integrated fashion.

Clarion Associates has the communication skills to complete these tasks exceptionally well. In Task 1.3 we will develop a public engagement process that includes:

- A web page with key background resources on zoning for smart growth, transportation choice, housing choice, and sustainability, as well as different approaches to form-based regulations, as well as a "click to comment" feature;
- Press coverage of the goals, scope, and timetable for the project at project inception.
- Informal open houses (with pictures and graphics to illustrate the impacts of zoning regulations);
- On-line surveys (separate ones for staff, the public, elected officials, and key stakeholders);
- Individual and group meetings with stakeholders and stakeholder groups;
- Content for a Facebook page or Twitter account (if desired);
- An open e-mailing list so that everyone who wants can receive regular updates throughout the process – particularly when new interim products are posted for review; and
- Well publicized public meetings at project inception, as each module is posted for review, when the discussion draft map is posted, and before the adoption hearings begin (with keypad polling to record and tabulate reactions to specific changes being proposed).



In our experience, while social media like Facebook and Twitter can supplement other forms of public outreach, they cannot yet substitute for a broad outreach program. Use of social media in zoning reform projects is still somewhat limited to the demographics that use Facebook, Twitter, and blogs for other purposes. The large segment of the U.S. population that do not use those services on a regular basis will generally not choose to learn and use them for purposes of engaging in zoning reform. Indeed, although electronic and face-to-face engagement techniques should both be used, the challenge is often to avoid having two or more disconnected discussion threads happening on either side of the digital divide. Where we have used Facebook as an outreach tool, we find that the public

engagement is stronger when the consultant team provides content for posting through the city's pages, rather than through freestanding pages developed by the consultant.

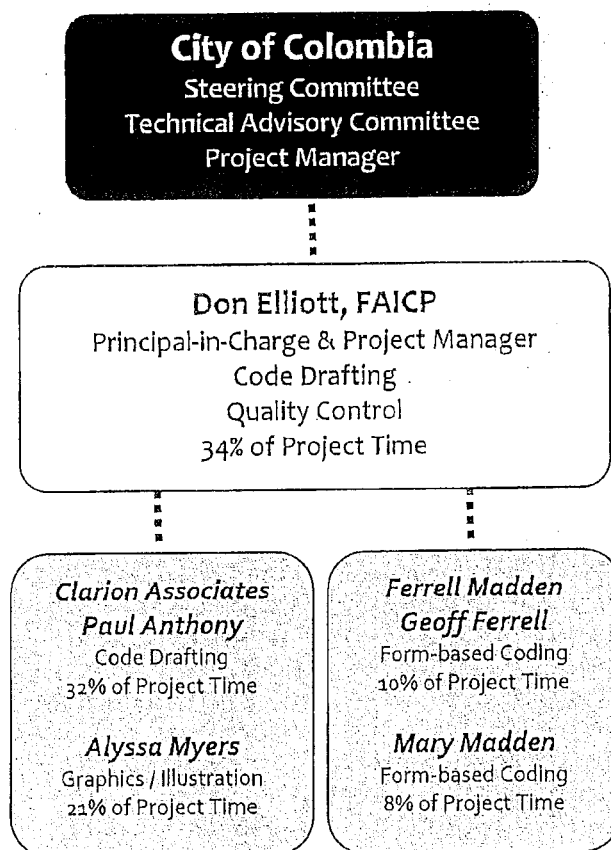
PROPOSED SCHEDULE

Based on our understanding of the city's desires for both "Tiers" of work – the downtown form-based standards and significant work to the more traditional portions of the zoning and subdivision (and other) codes, we estimate that a 24 month project timeline will be required. While the consultant work necessary to prepare the development code can be accomplished within the 18 month period mentioned in the RFP, thorough public and stakeholder understanding of the new code and its consequences generally requires significant public discussion that can extend the project timeline to 24 months. The timeline below reflects this timeframe, but we are happy to discuss options to shorten that timeframe if desired.

COLUMBIA, MO, DEVELOPMENT CODE PROPOSED TIMELINE																								
Tasks	2013			2014												2015								
	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.
Task 1: Initial Scoping, Analysis, Direction																								
Task 2: Staff Draft of Development Code																								
Districts & Uses																								
Form & Development Standards																								
Approval Procedures																								
Task 3: Public Draft of Development Code																								
Districts & Uses																								
Form & Development Standards																								
Approval Procedures																								
Integrated Draft																								
Task 4: Code Testing																								
Task 5: Refinement and Adoption																								

PROJECT MANAGEMENT STRUCTURE

Our proposed management structure for the Columbia Development Code project is shown below. While the chart below describes the management structure of the consultant team, the internal organization of this work within Columbia is equally important. We strongly recommend the creation of a Steering Committee broadly representative of key interests in the city, including citizens, business groups, special interests and developers. We also suggest the creation of a Technical Advisory Committee made up of representatives of key city departments involved in planning, development review, infrastructure, and engineering. While the Steering Committee can provide guidance and ensure that the evolving zoning code and map reflect the city's values and political realities, the Technical Committee can resolve more detailed issues where changes will require cross-departmental coordination or to resolve apparent inconsistencies between different codes, regulations, and guidelines administered by different entities.



INVOLVEMENT OF CLIENT STAFF, APPOINTED COMMISSIONERS, & ELECTED OFFICIALS

“Whether at a large public meeting, a small work session with key stakeholders, or a City Council meeting, Clarion proved to be a master at presenting complex information, soliciting feedback, and providing expert guidance.”

Cindy Petkac
Deputy Director
Duluth, Minnesota

Meaningful engagement of elected and appointed officials is critical to the smooth adoption and success of every development code reform effort – and a hallmark of the Clarion/Ferrell Madden team. One proven way to achieve regular communication – and to ensure that there is engagement with and support for the changes reflected in the Public Draft of the development code – is to include two representatives of appointed and elected bodies to the Steering Committee. This approach was key to the success (and unanimous approval) of Clarion Associates’ unified development codes in Philadelphia and Duluth. Each time a draft segment of the code is delivered, the consultant team will review that draft with the Steering Committee, the Technical Advisory Committee, and the public – so any issues and choices of concern to elected and appointed officials can be identified and addressed long before the formal review and adoption process begins. In addition, the consultant team will request update meetings with key elected and appointed groups to present and discuss the Detailed Code Outline prepared in Task 1.4 and the Integrated Public Draft prepared in Task 3.2, and will be available to meet with those officials during any of our trips to Columbia.

The secrets to building consensus among these groups is candor about each change and its consequences, careful documenting of each proposed change, the ability to clearly outline and communicate the pros and cons of different options available to address Columbia’s challenges, and the ability to draw on our vast knowledge of how over 100 U.S. communities have addressed similar challenges. Together, these steps will build confidence in not only the qualifications of the Clarion/ Ferrell find and craft optimal solutions to thorny issues. Based on two decades of drafting successful development codes, we are also adept at avoiding “capture” of the process by any one interest group and in building a working atmosphere based on a balancing of interests that appointed and elected officials can respect.

Partnership with staff is also an area where Clarion Associates shines. Because we are a small firm, and because our principals-in-charge also serve as project managers, we keep in regular – often daily – communication with client staff. During the project initiation in Task 1, we will discuss with staff what elements of the development code work they want to be involved in and how they want to be involved. In several of our past projects client staff members have asked to undertake some research or review tasks in order to build their own expertise in various aspects of land use regulation, and we have integrated those efforts into our workplan. We also ensure that our interim work products are reviewed and understood by city staff outside the planning department because their support and cooperation will be essential for the successful implementation of the new development code. We urge you to contact any of our references to confirm our track record of very successful client partnerships – relationships that not only result in a smoothly adopted development code but that result in mutual education and friendships that often last long past the end of the project.

COMPLIANCE WITH APPLICABLE LAW

The Clarion/Ferrell Madden team does not include a licensed Missouri land use attorney, but we will be happy to discuss adding one if needed or to refer specific issues to a knowledgeable local attorney on an as-needed basis. Two of Clarion Associates' project staff – Don Elliott and Paul Anthony – are attorneys with extensive experience crafting land use regulations throughout the U.S. Since 1992, Don Elliott has also served as the editor of six editions of Colorado Land Use and Development Law, which requires him to remain familiar with not only state but federal law in key areas like regulatory "takings", due process, equal protection, and the nuances of federal laws affecting treatment of manufactured homes, group homes, telecommunications facilities, signs, religious institutions, fair housing, and accommodation for persons with disabilities. The firm has also gained specific experience with Missouri land use law through our work with the City of Chesterfield. Our experience shows that the most efficient way to ensure compliance with local law is to form a close working relationship with the staff in the city attorney's office responsible for land use issues and for staffing elected and appointed bodies. We communicate clearly and efficiently with city attorney staff and identify and resolve issues unique to each state in collaboration with those professionals. Not only does that help us reduce project expenses, but it avoids potential disagreements in judgment between third party attorneys and city legal staff – and in the end it is the city attorney's staff that needs to be comfortable with those judgments. In some cases where we have included a local attorney as a team member we have later been told that their involvement was not needed, and that project resources should instead be devoted to drafting, research, and revision of the development code itself.

4. Data Needs

In addition to those items listed in Task 1.1 (Review, Surveys, and Interviews) the Clarion/Ferrell Madden team will need to obtain the following information:

- Electronic copies of the current zoning code, subdivision regulations, and other ordinances being considered for integration into a unified code;
- An electronic copy of the current zoning map;
- A database showing the amount of land in each zoning district in the city and (if possible) how much of the land in that category is vacant;
- A list or database of zoning and subdivision variances, exceptions, and waivers granted in the last five years;
- A list of known problems and inconsistencies (beyond those listed in the RFP) with the current regulations, if one is available;
- Copies of any flowcharts showing how Columbia currently reviews and processes development applications, and any related submittal-and-review schedules or review cycle deadlines; and
- The analysis and background data used for the downtown design charrette, and any other design studies prepared for specific areas of the city.
- Scale base maps, in both hard copy and digital form, and aerial photographs (in color, if possible) for areas where form-based controls will be created.

- GIS data (if available) of tax lots, land uses, zoning, lot size, building square feet, and lot coverage for areas where form-based controls will be created.
- Any previous studies, including traffic studies, infrastructure studies, or market studies, and historical background (such as Sanborn maps) for areas where form-based controls will be created.

5. Work Samples

We have enclosed with this proposal digital copies of the following work products, including the supplemental outreach and analysis materials requested by the RFP.

- **Duluth, MN, Unified Development Chapter.** Completed and unanimously adopted in 2010, this hybrid code for a medium sized U.S. city integrates form-based controls for five different areas of the city (all of them in or near downtown) as well as integrating zoning, subdivision, historic preservation, sign, streets, erosion/sediment control, and water resource/stormwater management regulations. The link to this code is found at:
http://www.duluthmn.gov/planning/zoning_regulations/
- **Overland Park, KS, Form-Based Zoning Controls and Regulating Plan.** These graphically rich regulations adopted in January 2011 reflect current best practices in the area of form-based analysis and coding. The effort involved a three-day on-site design charrette, a master plan and a related form-based code to regulate redevelopment and urbanization of 3 Urban Centers including the historic downtown. The link to this code is found at:
<http://www.opkansas.org/wp-content/uploads/downloads/Downtown-Form-Based-Code-Manual.pdf>

Additional work products can be viewed at the following links.

- **Philadelphia, PA, New Zoning Ordinance**
(version codified by American Legal Publishing missing some key graphics)
<http://zoningmatters.org/code/>
- **Dublin, OH, Bridge Street Corridor Code**
<http://dublinohiousa.gov/bridge-street/developing-the-district/>
- **Portsmouth, VA, Uptown District**
<http://www.portsmouthva.gov/planning/uptownguidelines.aspx>
- **Peoria, IL Form Districts**
(2010 Richard Drelhaus Form-Based Code Award Winner)
Chapter 6 covers the Form Districts.
http://www.peoriagov.org/content/uploads/2012/11/1327520549_6.0_Form_Districts.pdf

- Farmers Branch Station Area, TX
(2007 Richard Dreihaus Form-Based Code Award Winner)
<http://www.farmersbranchtx.gov/documentcenter/view/396>
- Columbia Pike, Arlington County, VA
<http://www.columbiapikeva.us/revitalization-story/columbia-pike-initiative/columbia-pike-form-based-code/>

6. References

Five references for the Clarion/Ferrell Madden team are shown in the table below.

CLARION/FERRELL MADDEN TEAM REFERENCES	
<i>Philadelphia New Zoning Code - Clarion</i>	
Eva Gladstein, former Executive Director, Philadelphia Zoning Code Commission Eva.Gladstein@phila.gov (215) 683-4677	
<i>Overland Park Downtown Form-based Zoning - Ferrell Madden</i>	
Jason Beske, former Overland Park Senior Planner jbeske@arlingtonva.us 703.228-0765	
<i>Duluth Hybrid Unified Development Chapter - Clarion</i>	
Cindy Petkac, Deputy Director, Duluth Community Development cpetkac@duluthmn.gov (215) 683-4677	
<i>Portsmouth Form Districts</i>	
Paul Holt, former Planning Director Paul.Holt@jamescitycountyva.gov 757-377-7992	
<i>Greenville Unified Code & Form-based Zoning – Clarion / Ferrell Madden Team</i>	
Nathalie Schmidt, Development Planner nschmidt@greenvillesc.gov 864.467.4552	

SCOPE OF SERVICES

TASK 1 INITIAL SCOPING, ANALYSIS, AND DIRECTION

TASK 1.1 REVIEW, SURVEYS, AND INTERVIEWS

The Clarion/Ferrell Madden team will begin by reviewing in detail the current zoning, subdivision, and land use controls, as well as each of the plans, visioning exercises, and studies referenced in RFP 129/2013. Ferrell Madden staff will focus on review of downtown studies and charrettes as background for the form-based elements of the new development code. The team will prepare on-line surveys for staff, citizens, and key stakeholders and interest groups in order to ensure that their detailed concerns are integrated early in the process. In addition, we will interview key stakeholders and leaders identified by staff.

TASK 1.2 HALF-DAY KICKOFF WORKSHOP

Based on guidance gleaned from the review and interviews in Tasks 1.1 and 1.2, the team will then organize and conduct a half-day workshop with key stakeholders, staff, and appointed and elected officials to present different options for the structure, look, and feel of the new Columbia Development Code. We will present our initial observations about Columbia's codes and plans, the results of the on-line surveys, and graphics illustrating potential types of form-based controls, and will use keypad polling to ensure that we are capturing the reactions and preferences of participants. Key issues and choices to be presented will include:

- The area in which form-based controls could and should apply, and the participant's vision(s) for those areas;
- Whether some types of form-based controls should apply outside the downtown area;
- The benefits and consequences of a unified development code structure;
- The benefits and consequences of a different district-based or topic-based code structures; and
- The benefits and consequences of including innovative redevelopment/infill tools to facilitate the reuse of underused or vacant lands.

TASK 1.3 PUBLIC ENGAGEMENT STRATEGY

Following the workshop, and based on the choices made at that workshop, the Clarion/Ferrell Madden team will draft a public engagement strategy for approval by the city. The strategy will include a mix of project web site, web-based tools, social media, stakeholder interviews, public meetings/open houses, and a web-based response tool as discussed in more detail in the Communications section below.

TASK 1.4 DETAILED CODE OUTLINE

Clarion/Ferrell Madden will then summarize our analysis of the current Columbia regulations and public preferences of how they would like current weaknesses addressed, and will prepare a detailed outline of the new Columbia Development Code. The outline will include annotations

as to whether each section will contain new material, revisions to existing provisions, or a carryover of current standards and procedures that work well. In each case, it will include the rationale for the change. The Outline will be posted on the project web site and approximately one month later will be the topic of a public meeting to ensure broad understanding and support. If changes are needed based on public review, they will be reflected in an addenda to the Outline.

TASK 2 TEAM DRAFT OF DEVELOPMENT CODE

Based on the Code Outline developed in Task 1, Clarion/Ferrell Madden will then begin preparing the new Columbia Development Code through a three draft process. Task 2 will produce Team Drafts for review and correction by staff before public distribution; Task 3 will produce corrected Public Drafts for public distribution, and Task 5 will produce integrated Hearing Drafts corrected to respond to public comments and ready for consideration during the formal adoption process. In order to allow focused public understanding and review of related provisions, the Team Draft and Public Drafts will be released in the following stages. Each draft will include detailed footnotes identifying the substance of changes from the current zoning and subdivision controls.

TASK 2.1 ZONING DISTRICTS AND USES

First, we will prepare drafts of the form-based districts, mixed use districts, traditional districts, and the uses allowed by right or by review in each district. This is the backbone of most zoning codes, and it is important that the form-based and traditional districts be drafted simultaneously to ensure that they use a common or consistent vocabulary and that the code does not include repetitive or overlapping districts. Nothing is more confusing than an ordinance in which form-based districts and controls are "stapled onto" an existing code, because differences in terminology, measurements, and approach generally leave many questions unanswered. Form-based district drafting will focus on the downtown area. One important component of this work is to modernize and simplify permitted use lists and controls in order to allow flexibility for market-driven adjustments wherever possible. This work will include integration of any use-based controls currently contained in other land-related regulations listed in RFP 129/2013.

TASK 2.2 FORM AND DEVELOPMENT CONTROLS

Second, we will draft the controls that address the look and feel of new development and redevelopment in Columbia. This will include form-based building controls for the downtown area, dimensional and location standards, landscaping/screening/open space standards (integrated with low-impact development/stormwater standards if possible), land preservation controls, sign controls (if desired) and other site-related controls from the numerous other land use ordinances listed in the RFP. Again, it is important that the controls for form-based and more traditional districts be drafted together, because the use of form-controls is not an "on-off" switch but a spectrum of choices; many cities decide to include some basic form-based controls in traditional districts.

TASK 2.3 APPROVAL PROCEDURES

Finally, Clarion Associates will revise the development review and approval procedures to promote faster, more efficient, and more predictable decision-making under the new development code. In recent years, the rising importance of economic competitiveness and declining staff resources for code administration has made this a key topic in code reform. We have experience streamlining development controls in Fort Wayne/Allen County, Indiana, Youngstown, Ohio, and Calgary, Alberta, and this was a major topic of discussion in Don Elliott's book *A Better Way to Zone* (Island Press, 2008).

TASK 3. PUBLIC DRAFT OF DEVELOPMENT CODE

TASK 3.1 REVISION AND PUBLIC REVIEW

Each Team Draft will be reviewed with Columbia project staff and a Technical Advisory Committee with representation from other city departments, as described below through a web conference allowing us to make revisions while jointly viewing the same draft document. The Clarion/Ferrell Madden team will then make any corrections necessary to correct inaccuracies and to avoid approaches or solutions that staff deems to be unworkable based on available staff resources or political context, and will embody those changes in a Public Draft of that portion of the code. Approximately three weeks after each Public Draft has been posted for public review, Clarion/Ferrell Madden will come to Columbia to conduct a public meeting on that draft, to hold any additional citizen or stakeholder meetings requested by staff, and to meet with staff and the Steering Committee regarding the status of the project.

TASK 3.2 INTEGRATION

After all three Public Drafts have been reviewed in public meetings, the consultant team will integrated document that brings together the three sections of the Development Code and includes any revisions authorized by Columbia staff and the Steering Committee. In addition, this draft will include all required drawings, illustrations, photos, and flowcharts needed to create a truly user-friendly document. This document will form the basis for Code Testing in Task 4 and will be posted on the web site as an additional Public Draft document available for review.

TASK 4 CODE TESTING

Fear of unintended consequences can bog down even a well-run development code revision process. The best way to allay those fears is to test the proposed code provisions against a sample of likely or desired development scenarios, publish the results, and make revisions.

TASK 4.1 SELECTION OF DEVELOPMENT SCENARIOS

The Clarion/Ferrell Madden Team will consult with Columbia staff to identify up to six development scenarios that the city feels are likely to be proposed in the next several years, or that the city would like to see the new code accommodate either by right or with only administrative review and without the need for variances. Because the downtown form-based controls will have been crafted through analysis of the downtown built fabric, less testing is generally required in those areas. We anticipate that approximately four of the six development scenarios will be in areas of the city outside of downtown, but the final decision should respond to specific concerns expressed through the public review process in Task 3. The scenarios to be tested will be based on a proposed zone district and lot size, a proposed type of building or facility, and a proposed typical size of that facility, and will take into account landscaping and open space requirements.

TASK 4.2 TESTING AND REFINEMENT

The consultant team will then prepare axonometric drawings of each proposed development and will identify whether the combined impacts of proposed development code requirements would make it difficult to design, construct, or park the proposed structure.

TASK 5 REFINEMENT AND ADOPTION

TASK 5.1 HEARING DRAFT

The Clarion/Ferrell Madden team will then ask Columbia staff to consolidate all changes necessary to the integrated Public Draft and will reflect those changes in a Hearing Draft of the community development code.

TASK 5.2 PUBLIC HEARINGS

Clarion Associates' staff will then participate in two public hearings to present the revised Columbia Development Code for review by appointed and elected officials, and will prepare presentation materials for those hearings.

TASK 5.3 FINAL REVISIONS

If the Hearing Draft of the new development code is revised during the review and adoption process, Clarion / Ferrell Madden will incorporate those changes. We will then deliver a final version of the product in InDesign format and in a PDF version suitable for posting on the City of Columbia web site.

INTERIM WORK PRODUCTS

As described above, the interim work products to be delivered by the Clarion / Ferrell Madden team include:

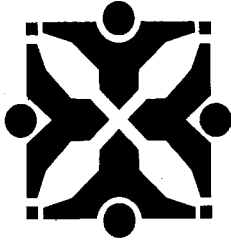
[illegible]

RFQ # 129/2013

**CLARION /SUPPLEMENTAL
MATERIALS**

**CLARION/DULUTH, MINNESOTA
MATERIALS**

**INCLUDED
BY REFERENCE**



Source: Community Development - Planning

Agenda Item No:

To: City Council
From: City Manager and Staff

Council Meeting Date: Dec 2, 2013

Re: Approving a contract for professional services related to the development codes update; appropriating funds

EXECUTIVE SUMMARY:

Attached for Council consideration is an ordinance approving a contract for consultant services to prepare a comprehensive update to the City of Columbia development codes (zoning and subdivision) and appropriate funds for the consultant's fees in the amount of \$150,000.

Following a competitive Request for Proposals process, City staff is recommending the award of the contract to Clarion Associates in collaboration with Ferrell Madden Associates. Clarion, based in Denver, Colorado, has extensive experience in development codes. Ferrell Madden, based in Washington, D.C., has particular expertise in "form-based" codes. The selection committee believed that Clarion/Ferrell Madden has highly relevant experience, a straightforward, organized approach to a complex assignment, and a solid grasp of the City's needs.

Upon completion of the consultant's tasks, the project will deliver to the Council a completely updated Zoning Ordinance and Subdivision Regulations.

The anticipated schedule for project starts in January 2014 and runs for a 24 month period.

DISCUSSION:

Zoning is the City's primary ordinance for regulating the location, size, height, intensity, and site planning of buildings and their associated uses throughout the City. Subdivision Regulations regulate the process of dividing land for purposes of sale and the required land improvements to provide services to subdivided lots. Both ordinances are examples of local application of the "police powers" of government - the regulation of private activity to protect the public interest.

Columbia has had "development codes" since the adoption of the 1935 zoning ordinance but seldom have these portions of the City Code received a top to bottom review and revision. Land development trends, building technologies, community facility needs, and public expectations of development change through time, and development ordinances need to adapt to changing circumstances. In addition to being cited as a priority in *Imagine Columbia's Future* (visioning) and now *Columbia Imagined* (comprehensive plan) there is a need to make a multitude of changes to align the ordinances with the City's strategic objectives expressed in its Strategic Plan, particularly Customer-focused Government, Growth Management, Infrastructure, and Economic Development objectives.

Clarion, the lead consultant, has a long track record of preparing and updating zoning ordinances for city clients. Examples include Philadelphia, PA; Duluth, MN; Chesterfield, MO; Ft. Collins, CO; Greenville, SC; and Salt Lake City, UT, among many other clients. The firm's principal, Don Elliott, is the author of several texts on zoning and land use regulations including *A Better Way to Zone*.

Ferrell Madden, represented on the project team by principal Mary Madden, will provide advice on how elements of form-based code may be integrated into the City's new zoning ordinance. The firm has experience both working in partnership with Clarion and working as sole consultant on form-based code projects, including work for Overland Park, KS; Portsmouth, VA; Greenville, SC and numerous others.

The Scope of Services does not presuppose a particular code format. Clarion puts considerable weight in its proposal on an early public process to select a code format in which all interested parties learn the available options and understand the consequences of choosing a particular code format.

The project as delineated in Clarion's proposal consists of six tasks:

1. Initial Scoping, Analysis and Direction
2. Team Draft of Development Code
3. Public Draft of the Development Code
4. Code Testing (i.e. using the draft code in selected development scenarios to test its effectiveness)
5. Refinement and Adoption by the Planning & Zoning Commission and the City Council.

Upon completion of the project the City will have an illustrated new development code (zoning and subdivision) in electronic formats suitable for editing and posting on the web.

FISCAL IMPACT:

The proposed contract requires an appropriation of \$150,000.00 from the general fund. This expenditure was originally included in the FY2012 City budget. In preparing the FY 2013 budget, the development codes project was identified as a project. While the RFP was prepared in FY2013, the staff did not move ahead on consultant procurement until *Imagine Columbia's Future* was approved by the Council.

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

5.1.2 Strategy: Redefine planning and zoning to make sure infrastructure implementation is aligned with the comprehensive growth plan.

5.4.2 Strategy: Implement a growth management plan that incorporates form based zoning.

SUGGESTED COUNCIL ACTIONS:

Approval of the attached ordinance authorizing the City Manager to execute a professional services agreement with Clarion Associates, LLC.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Epands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	Yes
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	5.4.2
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	5.1.2
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	