

EXHIBIT A

REQUEST FOR PROPOSALS

Issued by



and



COLORADO
Department of Local Affairs
Division of Housing

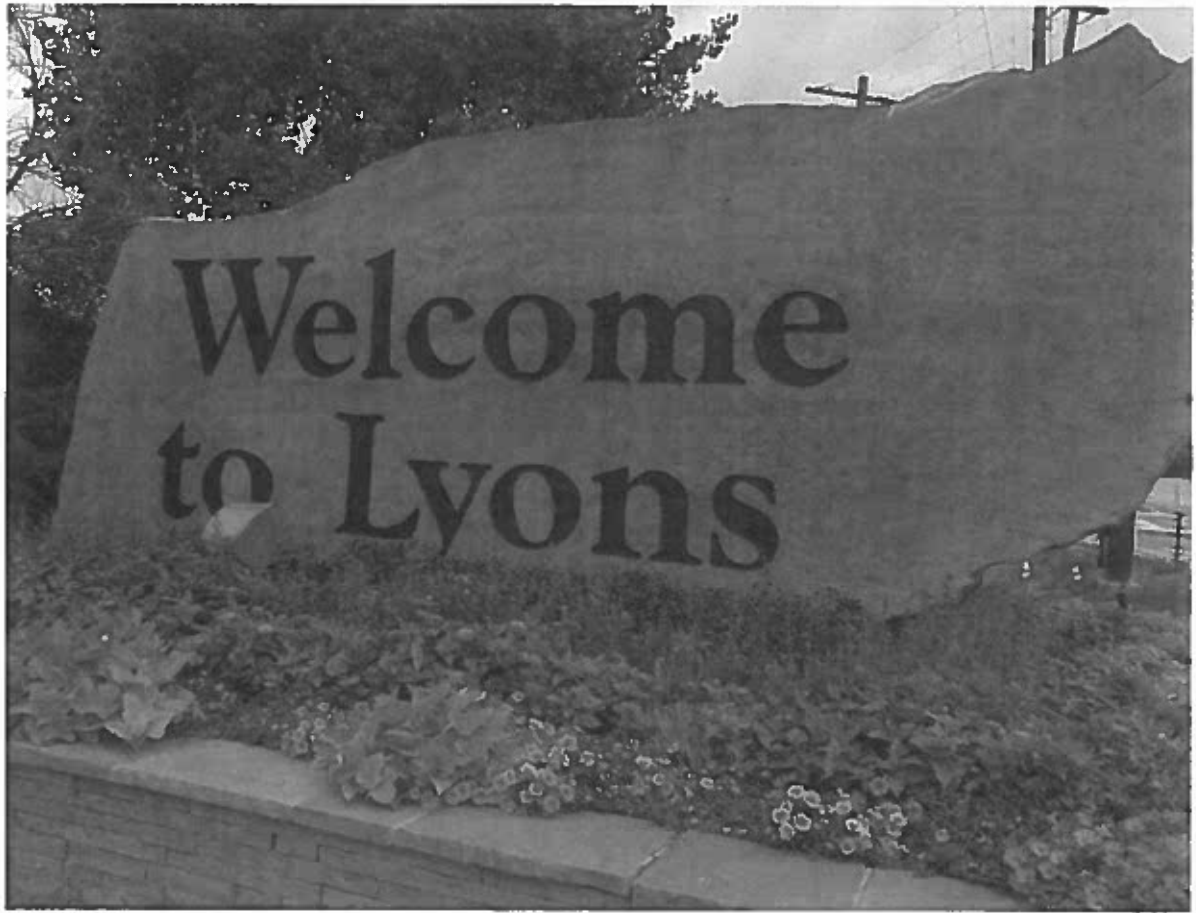
Lyons Valley Park (Filing 8 Tract A) Affordable Housing Development



0 Carter Drive, Lyons, Colorado
Lyons Valley Park Filing 8 – Tract A
(Parcel #120320210011)

February 1, 2018

RFP #2018-2



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Exhibits (included in Dropbox)

<https://www.dropbox.com/sh/xwddu31itsbfppx/AABZhZnp4hzgmpDCc0npTeva?dl=0>

1. Town of Lyons Comprehensive Plan (2010)
2. Environmental Sustainability Action Plan (2014)
3. Sustainable River Corridor Action Plan (2014)
4. Lyons Housing Needs Assessment (2014)
5. Lyons Recovery Action Plan (2014)
6. Intergovernmental Joint Cooperation Agreement between the Town of Lyons and the State of Colorado concerning the use of CDBG-DR for Affordable Housing Recovery in the Town (2018)
7. Purchase and Sale Agreement (2018)

1. Overview

a. Purpose

The Town of Lyons (“Town” or “Lyons”) is offering a prime site for development of affordable housing. The property consists of one parcel of raw land adjacent to single family neighborhoods, schools, and transportation on the west, and to open space on the east and south. The property (hereafter called “the site”) is located in the southeast area of Lyons, south of St. Vrain Creek and east of McConnell Drive.

The site is currently under purchase agreement between the Town and the private owner with a provision for assignment by the Town to a Developer at the Town’s discretion. It is currently zoned through the Town as Residential. It is situated in Lyons Valley Park, one of the few areas identified and available for residential development in the Town of Lyons. The Town seeks development that would complement the existing adjacent residential community and open space, maintain the small-town character and neighborhood feel, and assist with meeting its affordable housing goals following the loss of approximately 100 affordable units during the 2013 flood.

Pursuant to the Colorado Action Plan for Disaster Recovery, \$4 million of Community Development Block Grant – Disaster Recovery (“CDBG-DR”) Housing New Construction has been allocated to support affordable housing development in Lyons, subject to Department of Local Affairs, Division of Housing (DOLA DOH) CDBG-DR funding application and underwriting. The selected developer will enter a contractual agreement with the Town and is anticipated to apply to DOLA DOH to become the recipient of CDBG-DR funds to fill a funding gap in the project development budget.

Lyons, together with the Colorado Department of Local Affairs, Division of Housing (“DOLA DOH”) is soliciting proposals from developers to develop affordable housing on the Site, in accordance with the description herein.

b. Background

In the early morning of September 12th, 2013, following several days of record rainfall totaling 17 inches, the North and South St. Vrain Creeks flooded their banks. Stream flows within the Town of Lyons crested above 26,500 cubic feet per second (CFS) easily surpassing the previous record set in 1941. Typical stream flows for the St. Vrain average 67 CFS (USGS Data) for the month of September. With roads and bridges washed out or under water, the 2,050 residents of the Town of Lyons were cut off from the world and isolated on six different ‘islands’. The entire Town of Lyons began evacuation on September 13, 2013 with the assistance of the National Guard. Every household and business was impacted as a result of flood waters, heavy rain, and/or destruction of infrastructure. All services including roads, bridges, access, water distribution, sewer treatment and collection, gas, electric, telephone, cell phones, cable, internet, gas stations, groceries, businesses, fire protection, law enforcement, bus service and ambulance were all simultaneously unavailable for a period of time-ranging from six to twelve weeks depending on the extent of the damage and ability to get services back online.

It is estimated that Lyons sustained damages totaling nearly \$50 million, including \$5 million in temporary measures and \$45 million in permanent work, which does not include insured public buildings or restoring the stream channel, which is anticipated to be an additional \$20 million. The Town of Lyons typically operates on less than a \$1.5 million a year budget.

With 20% of the housing stock significantly damaged, Lyons is now faced with multiple housing problems, both due to the impacts of the flood and the rising housing costs relative to incomes. The flood fundamentally affected the community in many ways, including the long-term displacement of 185 households from the homes they occupied prior to the flood due to:

- Destruction of approximately 70 homes, including 47 mobile homes that provided affordable options for low income households;
- Damage to approximately 98 other homes, some of which were unsuitable for occupancy, requiring repairs to be made before residents could return;
- Being forced by landlords to leave;
- Being required to sign long-term leases for housing elsewhere upon being displaced by the flood.

With the destruction of two mobile home parks and much of the Confluence neighborhood, the low income population in Lyons was particularly hard hit:

- 90% of the Town's low income housing was severely impacted;
- 133 of the still displaced households have low incomes (less than 80% Area Median Income (AMI)), including 72 that have extremely low incomes (equal to or less than 30% AMI); and
- Households that have been unable to return earn much lower household incomes than Lyons households as a whole – about 50% less on average. The median household income for still displaced households is only \$35,000, compared to about \$92,000 for all Lyons households.

Low-income households have very limited options for ownership in Lyons. Homes prices start around \$350,000, which is affordable to a household earning about \$75,000 per year – much higher than what most of the residents who lost their homes can afford.

The rental market in Lyons is also tight with limited availability and rising rents which are no longer affordable to low income households. The average rent for the five units advertised in December 2017 was \$1,609 per month, which is affordable for a two-person household earning about \$64,360 per year (90% AMI). Renters are having an especially difficult time returning to Lyons, and more than half had an increase in their rent payment following displacement.

Lyons had housing affordability and availability problems prior to September 2013, as did the broader Boulder County market. These problems were exacerbated by the flood due to reductions in income and increases in housing payments since the flood. Of low income renters earning less than 80% AMI, more than 52% are cost burdened by rent payments that exceed 30% of household income.

C. Project Criteria and Assumptions

Please see Section 8, Submission Requirements for details. The successful Developer proposal will, at a minimum:

1. Assume assignment of the purchase agreement from the Town of Lyons; and
2. Conduct appropriate project due diligence on the site (including, but not limited to market study, Phase I Environmental, soils tests, etc.); and
3. Develop a conceptual site design/plan; and
4. Develop a successful financial plan for project development, to potentially include permanent debt, 9% Low-Income Housing Tax Credits (LIHTCs) or 4% LIHTCs and Private Activity Bonds (PABs), Developer investment, and/or local soft sources including fee waivers;
5. Submit an application for project gap funding, as needed to finance the project, to DOLA DOH via DOLA DOH CDBG-DR funding application, in accordance with the CDBG-DR Action Plan, and with The Intergovernmental Cooperation Agreement between the Town and DOLA DOH; and
6. Implement a plan for development of affordable housing on the Site consistent with land use standards set forth in the Lyons Municipal Code and the policies and provisions of the Lyons Comprehensive Plan (2010), the Lyons Primary Planning Area Plan (2016), and the Lyons Recovery Action Plan (2014) and design standards for the area, as well as with the housing construction standards specified in the State of Colorado CDBG-DR Action Plan (CDBG-DR Action Plan) and the Low-Income Housing Tax Credit Qualified Allocation Plan 2018; and
7. Maintain the affordability of the property as specified in the DOLA DOH Beneficiary and Rent Use Covenant (and/or Regulatory Agreement), and in the LIHTC Land Use Restriction Agreement (LURA).

In submitting proposals, Developers should be creative. Proposals should present a concept which will best achieve the Town’s goals and vision to develop the Site to its highest and best affordable housing use while retaining its small-town charm, character and respect for the environment.

d. Process Summary and Schedule

The Town of Lyons and DOLA DOH are using this RFP process as a means to select one or more qualified Developers to undertake development of the Site. Please note that ‘Developer’ refers to any Developer, business, joint venture or other enterprise interested in redevelopment of the Site. Through a Selection Committee made up of representatives of the Town, a list of preferred Developers will be identified, followed by in-person interviews and Site tours with local representatives. Depending on the response, the Committee may select one Developer to develop the entire Site or may select multiple Developers to develop discrete portions of the Site. It is the Selection Committee’s intention to enter into exclusive agreement with the selected Developer(s) by the end of March, 2018.

The Selection Committee proposes the following schedule for the RFP process. The Committee reserves the right to modify the tasks and dates in the schedule, and to add or delete tasks, in its sole discretion upon notice to all selected applicants.

Town of Lyons – Request for Proposals – Development of Affordable Housing – Lyons Valley Park Site

Schedule of Events (subject to change)	All times are given in local Mountain Standard Time
RFP Issued	Thursday February 1, 2018
Optional Pre-Proposal Conference & Site Tour (Location: Town Hall, 432 5 th Avenue, Lyons, Colorado)	Friday, February 9, 2018 from 2:00 – 4:00 PM
Inquiry Deadline	Thursday, February 15, 2018 at 4:30 PM
Final Addendum Issued	Tuesday, February 20, 2018
Proposal Due Date and Time	Monday, March 5, 2018 at 9:00 AM
Interviews with Highest-Ranked Developer(s)	Thursday, March 8, 2018
Approval of Selected Developer and Contract by Town Board of Trustees	Monday, March 12, 2018
Notification of Selected Developer(s)	Tuesday, March 13, 2018
Purchase and Sale Agreement with Site Owner Assigned by Town to Developer	No later than Friday, March 30, 2018

e. Project Contact

The RFP and all supporting materials, including any questions about the information contained in the RFP and any addenda that may be issued, can be requested by contacting the Town of Lyons representative:

Paul Glasgow, AICP
Director of Community Development
Town of Lyons
P.O. Box 49
432 5th Avenue
Lyons, CO 80540

E-mail: pglasgow@townoflyons.com



Street view from north of site entrance via McConnell Drive (Google Earth 2007)

2. Development Opportunity

The Town of Lyons is an attractive community built upon the Lyons Formation Sandstone and developed around the confluence of the North and South St. Vrain Creeks descending from the Rocky Mountains. A community of 2,000 residents, the Town is a hub for outdoor recreation, music, dance and the fine arts. Its retail establishments include many small, independently owned businesses that cater to tourists, artists, musicians, wedding venues and outdoor recreationalists. Town residents enjoy easy access to urban amenities, but relish the small-town charm of their community.

Lyons has been featured in *Sunset Magazine* as a weekend getaway location and was recently featured in *Outside* magazine as one of its top world-wide destinations, and in *Elevations Outdoor* magazine as Colorado's Top Adventure Town in the small-town category. In 2010, Downtown Lyons won the Governor's Award for Downtown Excellence in the Best Public Spaces category. In the past few years, the number of wedding venues increased, municipal parkland doubled, and new parks facilities attract visitors from throughout the region. A combination of publicity, new venues, local festivals and outdoor events are bringing more and more visitors to Town each year.

The Selection Committee will consider all development proposals designed to bring the Site to its highest and best use to meet the Town of Lyons' goals as described in Section 6 of this RFP. The Developer(s) ultimately selected for the acquisition and development of the Site shall be responsible for all activities typically necessary for site development, including securing project development financing, necessary public infrastructure improvements, and compliance with applicable zoning and other Town codes and regulations.

a. Site Details

The entire site is one tract with +/- 4.7 acres situated northeast of the South Ledge Ditch, southwest of the St. Vrain River, and southeast of established single family residential neighborhoods, and Lyons Middle - Senior High School. The entire site is located outside of the flood zone. The Site includes approximately 3.15 acres of building space.

The Floodplain

Properties in the Town of Lyons are regulated by extent of Flood Insurance Rate Maps (FIRMs) adopted in 2012. The maps indicate none of the proposed Site located in the 100-year floodplain.



3. Development Proposal Conditions for Submission

All development proposals are made subject to, and should address, the following conditions:

1. **DEMOLITION:** If the proposed redevelopment of the Site requires demolition of any existing infrastructure or other structures the selected Developer(s) will be responsible for the demolition, and all related expenses.
2. **UTILITIES:** Water service would be available to the Site via a Town of Lyons 12-inch high pressure potable water line that is stubbed to Carter Drive. Wastewater services are provided by the Town of Lyons. The site is currently served by Lyons Electric. Gas service is provided by Xcel Energy.
3. **PROPERTY VALUE:** The Boulder County Assessor's Office lists assessed value of \$128,180 and actual value of the land of \$442,000. A third party appraisal has been completed on as-is basis, and is currently being updated to include post-annexation estimated value. This appraisal will be made available upon receipt by the Town to proposing Developer(s) during the Option Pre-Proposal Conference and Site Tour. The acquisition of the Site from the seller is anticipated to be conducted by the selected Developer(s), following assignment of the purchase and sale agreement by the Town to said Developer(s).
4. **ENVIRONMENTAL:** Pursuant to the anticipated use of federal funding for the project development, the Town of Lyons and DOLA DOH anticipate, at a minimum, the following environmental studies will be conducted by the selected Developer(s), prior to the submission of an application for LIHTCs, and for the CDBG-DR funding allocation from DOLA DOH; (a) Phase I Environmental Site Assessment
5. **LEGAL DESCRIPTION:** A boundary survey and legal description of the parcel comprising the site is included in the RFP materials.
6. **PURCHASE AND SALE CONTRACT:** Upon selection of the Developer(s) by the Town, the selected Developer(s) and the Town shall enter into a contract, following which the Town will assign the existing purchase agreement to the Developer. The Contract between the Town and the Developer is subject to approval by the Town of Lyons Board of Trustees, and by DOLA DOH.
7. **ENTITLEMENT PROCESS:** The selected Developer(s) shall be responsible for any and all approvals and processes required by the Town and a development agreement consistent with the proposed development. All uses must be in conformance with Town codes and zoning requirements, as well as to previously described construction standards, as required pursuant to the presumed LIHTC and CDBG-DR financing. The Town is committed to an expedited approvals process to facilitate redevelopment of the site.

4. RFP Documents

The following documents are included as part of the RFP package. These documents include the following:

1. **Town of Lyons Comprehensive Plan (2010):** The Town of Lyons Comprehensive Plan provides the foundation for policy direction, land use decisions and public investments. It reflects broad community input gathered over 12 months of community workshops, surveys and public meetings, coordinated by the Planning and Community Development Commission together with Town staff and the Community Advisory Committee. The Plan helps translate the community's values into specific actions.
2. **Environmental Sustainability Action Plan (2014):** In August of 2013 the Town of Lyons hired Natural Capitalism Solutions (NCS), a Hygiene based non-profit (paid in part by a Boulder County grant) to support the creation of an Environmental Sustainability Plan. This effort was focused primarily on creating environmental recommendations for Lyons—social and economic sustainable practices are not included in this plan.
3. **Sustainable River Corridor Action Plan (2014):** Lyons adopted the Sustainable River Community Action Plan in 2014. The Plan's vision is to not simply return the St. Vrain Creek to its pre-flood state, but to also enhance the functionality of the river and riparian areas to maximize recreational, ecological, and economic values. This is a long-term plan based on sustainability principals to provide an adaptable and resilient river corridor.
4. **Lyons Housing Needs Assessment (2014):** The report assesses housing needs and the preferences of Lyons area residents to help inform development, site selection and the creation of a replacement housing strategy that is responsive to the needs in terms of housing types, amenities and price points and compatibility with Lyons preferences.
5. **Lyons Recovery Action Plan (2014):** The Plan was adopted in 2014 and subsequently adopted as a comprehensive plan addendum. The Plan was the result of an intense community planning process. Hundreds of citizens engaged in the process, from attending Town Hall meetings to more intense commitments as members of Recovery Working Groups that met weekly to develop and refine objectives and project ideas. This plan lays the framework for Lyons to build back stronger and more resilient in the future. It reflects the community's intentions for the Lyons of tomorrow, and it represents the strength and resilience to come together as a community to chart the course to recovery.
6. **Intergovernmental Joint Cooperation Agreement between the Town of Lyons and the State of Colorado Concerning the use of CDBG-DR for Affordable Housing Recovery in the Town.** Attached is the IGA describing the terms under which the Town and DOH agree to cooperate for affordable housing in Lyons.
7. **Purchase and Sale Agreement** describes the agreement between the current land owner (Lyons Valley Park, LLC) and the Town of Lyons regarding this specific tract of land and adjacent platted parcels.

5. About Lyons

Lyons, Colorado is a dynamic and energetic community of approximately 2,000 residents. One of the few remaining small towns in Boulder County, the Town has successfully retained its unique character during a time when annexed subdivisions have doubled and tripled the populations of nearby towns and cities.

Thousands of visitors each month make their way through the Town on their way to Rocky Mountain National Park. Historically known as the “Double Gateway of the Rockies,” increasing numbers are stopping and visiting the Town, an easy day trip from anywhere along the Front Range and the Greater Denver Metro area.

The Town of Lyons serves as a backdrop for three world-class music festivals each summer, hosted at Planet Bluegrass, a private venue. Planet Bluegrass also regularly hosts smaller music shows at its Wildflower Pavilion venue throughout the year. Building on the success of the Planet Bluegrass summer music festivals, musicians have flocked to Lyons, establishing a great variety of unique music and concert venues which are attracting fans, not only from the region, but nationally and internationally. Complementary businesses, such as a sound engineering design firm, are located in the Town.

Lyons Middle/Senior High School was ranked in the top 3% of all high schools nationwide in 2012, according to US News & World Report, and 85% of its students are involved with one or more extracurricular activities. In 2012, the High School was awarded the John Irwin School of Excellence Award, which recognizes schools demonstrating excellent academic achievement in Colorado. Lyons Elementary School serves grades PK-5 in the St. Vrain Valley Re 1-J School District. It is among the few public schools in Colorado to receive a distinguished Great Schools Rating of 8 out of 10.

(Greatschools.org)

Sunny Lyons is the place to play outside. Kayaking, mountain and road biking, running, hiking and equestrian trails are all easily accessible from 76 acres of developed municipal parkland and 105 acres of nearby Boulder County open space. People come year-round to enjoy the Town’s natural amenities.

Located at the confluence of two creeks, the Town of Lyons provides ample opportunities for stream and pond fishing. Its riverside trails offer convenience and walkability throughout the community. The Town has been awarded numerous grants from *Great Outdoors Colorado* for walking trails, white water parks in the St. Vrain Creek, and to add amenities (from a dirt bike pump track and playground equipment to a community stage and a tennis court) throughout Town parks.



Various festivals bring new visitors and residents out into the community.

With more than a dozen annual recreational events, including competitions like the Lyons 5k River Run and the Lyons Outdoor Games, the Town of Lyons is a fun destination throughout the year. Fireworks following the Town’s annual holiday parade of lights each December have become a cherished tradition. Unique events, such as the 2012 USA Pro Cycle Challenge draws large crowds to Sandstone Park in downtown Lyons.

The Town of Lyons updated Main Street in 2010 along with infrastructure improvements and landscaping, creating welcoming outdoor gathering spaces enjoyed by tourists and residents alike. More than 30 businesses in the improved area have opened their doors or expanded their operations since the Project’s completion. The Main Street Project Phase I received the 2010 Downtown Colorado, Inc. Governor’s Award for Downtown Excellence; the 2010 Colorado Chapter of the American Public Works Association’s Engineering/Construction Management Small Community Award; as well as the APWA Colorado Chapter 2010 Project of the Year.

The Lyons Main Street Streetscape Project Phase II was a \$2.4 million streetscape renovation along the US-36 mid-corridor of Main Street in Lyons, Colorado, completed in late fall 2016. New sidewalks, curb and gutter, driveway consolidations, pedestrian crossings, tree plantings, and landscaping were also incorporated, fostering a safe, pedestrian-friendly setting. Nearly 50 new public parking spaces were also added, which has aided in calming traffic, reducing congestion, and increased accessibility of businesses.



The Main Street Project Phase I received the 2010 Downtown Colorado, Inc. Governor’s Award for Downtown Excellence; the 2010 Colorado Chapter of the American Public Works Association’s Engineering/Construction Management Small Community Award; as well as the APWA Colorado Chapter 2010 Project of the Year.

The Town is a green community, with an active Sustainable Futures Commission; citizens are replacing cars with golf carts (legal to drive on Town streets), the Town installed two EV charging stations and currently every Town resident is entitled to a low-cost system-wide RTD bus pass, obtained through a grant from Boulder County and the Regional Transportation District (RTD).

The Lyons Arts and Humanities Commission continues to place original public art featuring area artists throughout the Town’s parks and commercial areas, as well as supporting public art shows.



Public art features local artists work throughout the community.

The Town offers new and existing businesses many advantages. A highly-educated workforce for which Colorado is renown, is very prominent in the region, as the University of Colorado and Naropa University are located 14 miles south of Lyons in Boulder, Colorado. Front Range Community College is located in Longmont, 10 miles east of Lyons, and Colorado State University (Fort Collins), only 45 miles to the north.

The Town owns its water, sewer and electric utilities. This translates to lower utility costs in general. In fact, the Town’s commercial electric rates are among the lowest in the State of Colorado, and are comparable to larger cities such as nearby Longmont and Loveland (NMPP 2012). The Towns’ location is convenient to the I-25 corridor: 16 miles due west on Highway 66. Highway 36, which runs through town, heads east through Boulder to the Boulder Turnpike in 20 minutes.

1. Development Vision

The site is located in the northeastern area of Lyons, a mile from Downtown. Development in this area, one of the few parcels available for development of housing in the Town, should be sustainable, provide ease of access for multiple modes of travel, and preserve the Town of Lyons’ small town character, and if possible, involve public/private or non-profit partnership to ensure both adequate infrastructure and affordability for the mix of residents vital to the Lyons community.

a. Comprehensive Plan

According to the Town of Lyons 2010 Comprehensive Plan Update and the Sustainable Design and Development Principles (2010 Town of Lyons Comprehensive Plan), the Town strongly encourages all new

development or redevelopment to follow these principles to the extent practicable:

Build for Everyone

- Design neighborhoods, buildings and public spaces to be usable by as many people as possible, regardless of age, ability or circumstance. Follow universal design principles which strive to be all-purpose solutions that helping everyone and recognizing the importance of aesthetic appearance.
- Create a flexible design allowing for updates and changes over time to ensure long-term viability and to promote individuality.
- Every neighborhood should have a variety of housing types and a mix of land uses. The goal is to design a strong neighborhood structure that can accommodate a range of uses and be flexible enough to adapt to change over time. For example, the size, type of unit and cost of residences should be diverse enough to allow residents to continue to live in the area even as their needs change.

Fit Within and Enhance the Environment

- Inventory the property's natural characteristics (soils, topography, hydrology, vegetation) prior to site design so physical features and views are an integral part of the development.
- Work with the Colorado Division of Wildlife and Town-approved ecologists to design projects to minimize impacts to/potential conflicts with wildlife and to enhance habitat.
- Minimize the development's footprint. Preserve existing drainage patterns, minimize grading and impervious areas (building envelope, size of parking lots, roads, etc.).

Create Inviting Public Space

- Design projects to connect people to nature. Integrate natural features and amenities into the development and ensure that users have access to these amenities.
- Establish welcoming public spaces and destinations that encourage social interaction, appeal to people of all ages, interests and backgrounds and promote environmental sustainability.
- Public spaces such as parks, civic buildings and gateway landscapes should be highly visible from the public realm.

Smart Street Design

- Every new street should be designed considering: the experience of the people who will use the streets, landscape features, vegetation, topography and adjacent land uses.
- Streets must be multi-use, safe, functional and attractive.
- Streets should contribute to the Town's interconnected street pattern to disperse traffic, encourage low speeds and keep traffic moving.

Encourage Walking and Biking

- Shade trees, landscaped medians and public art should be included in streetscape whenever possible.

- Sidewalks should be universally-accessible, well buffered from traffic and have sufficient shade.
- Blocks should typically be 400 to 600 feet long.
- Provide a safe, convenient, well-defined bicycle network for both experienced and novice cyclists.

Build to Create Enduring Value and Beauty

- Foster distinctive architecture and a strong sense of place. All developments and buildings shall enhance Lyons’ character through deliberate consideration of building materials, architectural details, colors, building massing and relationship to the street and sidewalk. Standardized architecture and repetitive designs that may be found in other communities should be modified as necessary to complement Lyons’ character.
- Preserve and restore significant historic features when feasible.
- The site design, landscaping and architecture of public buildings should express the structure’s permanence and importance, contribute to Lyons’ identity and be easily accessible by automobile, bicycle, bus and foot.

Conserve Natural Resources

- Reduce water use by using native plants and Xeriscape design techniques, capitalizing on rainwater for irrigation and using efficient irrigation systems and plumbing fixtures.
- Preserve natural drainage and design storm water improvements as landscape amenities to enhance the project, slow storm water runoff, capture water pollutants, prevent erosion and minimize impervious surfaces.
- Consider each building’s solar access and encourage energy conservation measures (e.g., use landscaping to provide summer shade and wind protection, minimize heat islands, construct energy-efficient structures).
- Promote the use of rapidly renewable materials and regional materials in building construction and renovation to save resources and to support local businesses.
- Support ecologically-sensitive construction waste management techniques to help prevent demolition and construction debris from disposal in landfills and to promote their reuse for another purpose.

b. Lyons Primary Planning Area

Recognizing that the Town is nearly at build out, the Town created the Lyons Primary Planning Area plan, to identify areas where the Town can grow. The LPPA identifies local conditions that could influence the type and timing of development within its boundaries and to illustrate the location and character of desired capital and private improvements. It has land use and design recommendations to help guide future annexations and development decisions by representatives of the Town of Lyons.

c. Lyons Recovery Action Plan (LRAP)

The Lyons Recovery Action Plan reflects the community vision post flood. Three principles – resident

driven, sustainability, and resilience – guided the LRAP process and remain the foundation of the Lyons Recovery Action Plan. The town forecasts completing FEMA funded projects by December 2019.

The Lyons Recovery Action Plan is the result of a resident driven process that involved hundreds of the Town's neighbors, friends and colleagues. The process created multiple opportunities for engagement, including weekly working groups, community-wide meetings, public hearings, online discussions, social media, and interactive recovery website, among others. These resources are valuable to anyone wishing to develop in the Town.

Sustainability was a guiding principle for Lyons before the flood, and continues to be during recovery. The floods had huge environmental, social and economic impacts on Lyons but, done correctly, the recovery can have an even greater positive impact in all of these areas. The Sustainable Futures Commission (SFC) ensured that sustainability was at the center of recovery plan discussions by placing a liaison in each of the recovery working groups and nominating a commission member to sit on the recovery steering committee. Additionally, the SFC conducted an exhaustive analysis of each recovery action item to determine its impact on sustainability.

Lyons wants to be a resilient community able to withstand hazards, natural or otherwise, with minimal disruption to everyday life. It should become a community flexible in the face of sudden change; bendable but not breakable. As the Town builds, its community must continue to reflect on its past disasters to provide guidance to build safer and more prosperous futures. Lyons will experience disaster again, whether from floods, fires, economic downturns, or other hazards. The Recovery Action Plan identifies opportunities for reducing future risk and building resilience. The goal is not just to build back, but to build back better.

d. Lyons Environmental Sustainability Action Plan

In August of 2013 the Town of Lyons hired Natural Capitalism Solutions (NCS), a local non-profit (paid in part by a Boulder County grant) to support the creation of an Environmental Sustainability Plan. This effort was focused primarily on creating environmental recommendations for Lyons—social and economic sustainable practices are not included in this plan. The Plan had a number of recommendations for the built environment, including:

- Promoting safe, stable, diverse neighborhoods throughout Lyons that provide a range of housing options and link residents to destinations to learn, work, shop and recreate
- Moving toward net-zero energy use in all new buildings
- Promoting energy efficiency in new and existing buildings It also included the following recommendations:
 - Create a working group to draft a plan to update residential and commercial building standards to incorporate criteria in most recent building codes, and third-party green home/business certifications (e.g. LEED, EnergyStar) ensuring that new and renovated buildings are more water and energy efficient, and to identify and address challenges for building in floodplains/hazardous zones.

- Support the creation of a hotel to accommodate visitors and encourage alternative uses such as events, education, music, and arts. Ensure building conforms to a minimum of LEED Silver standards.
- Encourage denser housing (more homes per acre) near the center of Town and other amenities. Promote mixed-use development such as live/work spaces.
- Support the creation of a library space for events and education and encourage alternative uses such as music, and arts.
- Consider updating commercial building permitting to require new building efficiencies.
- Identify and eliminate existing sources of light and noise pollution coming from municipally owned entities.

e. Sustainable Rivers Community Action Plan

Lyons adopted the Sustainable River Community Action Plan in 2014. The Plan's vision is to not simply return the St. Vrain Creek to its pre-flood state, but to also enhance the functionality of the river and riparian areas to maximize the recreational, ecological, and economic values. This is a long-term plan based on sustainability principals aimed at providing an adaptable and resilient river corridor. The Plan has four main goals:

- Goal 1 Enhance the flood mitigation potential of the North and South Fork of the St. Vrain Creek and riparian areas in Lyons.
- Goal 2 Preserve and improve access to the St. Vrain Creek to provide equal enjoyment by all.
- Goal 3 Improve opportunities for recreation and ecotourism for both residents and visitors that help drive the Lyons economy.
- Goal 4 Encourage ecologically responsible restoration and development within the riparian zone.

6. Public/Private Partnership Opportunities

Redevelopment of the site is envisioned as a partnership between the selected Developer(s) and the Town in order to transform the site into a high-quality development meeting the needs of the community. The Town seeks assurances that the selected Developer(s) will achieve the quality, character, design, and scale to meet the vision outlined in the plan for successful project implementation.

The public sector made the following contributions and commitments in support of this project:

- The Town will explore potential financial assistance for public infrastructure improvements, and consider the waiver of tap, permit and other municipal fees.
- The Town may be willing to negotiate other options and incentives including land transfers, utilities etc.

In addition to the actions listed above, the Town of Lyons is committed to working towards a smooth sale of the property, development process for the site, and identifying additional public/private partnerships that could be beneficial to the Town and the Developer.

7. Submission Requirements

a. Overview

Developers shall submit six (6) numbered sets containing the information requested below and one electronic version on a CD or flash drive. Responses must be marked "RFP for Affordable Housing Development LVP". **Proposals must be delivered no later than Monday, February 26, 2017 at 9:00 am.** Proposals must be submitted in a hard copy format with the electronic copy provided as specified. Proposals submitted via fax, email or other electronic means will not be accepted, or acknowledged. Proposals are to be submitted in a sealed Package marked as noted above and with the Developer's name clearly marked on the outside of the Package.

Package shall be delivered to:

**Paul Glasgow, AICP
Director of Community Development
Town of Lyons
P.O. Box 49 432 5th Avenue
Lyons, CO 80540**

Developers must submit comprehensive proposals to receive consideration. The submittal should provide a straightforward, concise description of the Developer's proposal. Each of the six (6) sets shall contain all documentation requested to be considered a comprehensive proposal. The proposal shall also be paginated and sections clearly called out according to Section (b) below.

Developers must provide the information outlined in Section (b) Information Requested, below. All sections are to be addressed completely. Developers are not to leave any blanks where information is requested; instead, Developers should indicate "none" or "not applicable" as appropriate. The information required in the proposal shall be tabbed and numbered in accordance with sections 1 through 4 herein.

Developers agree to allow the Selection Committee to contact the references listed and any entity referenced in any response to any question in this RFP. The Selection Committee further reserves the right to contact any individual or entity whatsoever or whatsoever in performing its due diligence after Developers' proposals have been received.

Developers warrant that all responses contained in its proposal are true, accurate, and complete. Developers acknowledge that the Selection Committee is relying on the truth and accuracy of the responses. If it is later discovered that any information given in the proposal was false, then it may result in the Developer's elimination from consideration.

The proposal, its completion by Developer, and its use by the Selection Committee shall not result in any liability on the part of the Town, its management and/or its agents to Developer's organization or any third party.

b. Information Requested

1. Development Plan

- A. Narrative and graphic description of the proposed project and its components, including, as appropriate, multi-family, single family, rental, homeownership, mixed use, community/open space, and parking. Please include break out by square feet by use, number of parking spaces and any other project details.
- B. Preliminary conceptual site plan at 1" = 50' or 100' scale or equivalent metric scale illustrating all elements proposed in the project. This site plan shall provide 11" x 17" or 8.5" x 11" reductions of the site plan as part of the response.
- C. Renderings or concept plans illustrating the project's design intent (e.g. character, scale, height, context, materials and finishes).
- D. Estimated schedule for the proposed development which addresses all phases, including acquisition, zoning, design, construction, project opening, etc.
- E. A narrative description of the vision and rationale for the project, including evidence of market support, sales and tenant rent structure, target markets, cost and quality level, market information, property affordability and proposed unit mix, marketing plans, and the number of jobs created or employment projection (including Section 3 Business interests and Minority and/or Women Owned Business Interests), as applicable.

2. Development Entity

- A. Describe the development entity. This entity must be the same legal entity that will carry out the development of the site, or that will serve as the General Partner in a potential, eventual LIHTC Partnership. The Selection Committee reserves the right to review the qualifications of and approve or reject any substitute legal entity proposed by the Developer during the RFP process or subsequent negotiations for the purchase and development of the site.
- B. Name, title, street address, phone number and e-mail address of Developer's authorized point of contact concerning this submittal.
- C. Name, title, street address, phone and e-mail address of person authorized to sign binding commitments for the Developer if different from 2.B.
- D. A copy of a Certificate of Good Standing with the Colorado Secretary of State, and of evidence of active registration in SAM.gov, for the Developer, and for any known team members.
- E. Number of years the entity has been in business. The number of years the members of entity, or related entities which will be involved with this proposed project, have been in business.
- F. Identify the contractual relationship among multiple Developers, if applicable.

- G. Identify the known team members; e.g. architects, engineers, contractors, legal representatives, real estate brokers/marketing representatives, property managers, and, if secured, tenants. Provide documentation of each team member's commitment to/role in the proposed project. Specifically identify the leasing agent/property management agency if an outside firm will be used. Provide resumes and references for each key team member.

3. Experience

- A. Describe the Developer's relevant project experience and success with projects similar to that contemplated in this RFP. Specify previous experience developing and owning/operating LIHTC funded (both 9% and 4% if applicable) and HUD funded projects, in Boulder County, in Colorado, and nationwide.
1. Provide a list of LIHTC and HUD funded portfolio properties, including number of units, total development cost, and placed in service date. The Selection Committee, at its sole discretion, may visit these sites as part of the evaluation process.
 2. Provide brief project summaries, including the role of the development entity and its team members, history of each project, any unique challenges of the projects, descriptions and concept, brochures, photographs or renderings, site plans, and development costs. Discuss project schedules and whether projects were on schedule and within budget.
 3. Describe entity's experience in property management and operation of projects similar to that contemplated in this proposal.
 4. Provide references and contact information for persons familiar with the development entity and its activities. These are in addition to financial references, and may include public officials worked with, community leaders, major tenants in past projects, etc.

4. Financial Information

- A. Describe proposed development budget. Include details of an estimated construction budget. The budget must include line items exhibiting land acquisition costs, site costs, construction costs (hard and soft), financing costs, contingency and any fees to be paid to the development entity, to a related party, etc.
- B. Provide a project pro forma at a minimum three operating years showing gross potential income, expenses, net operating income, and annual debt service. Include assumptions regarding gross rents (rent/square foot), and assumed stabilized vacancy rate.
- C. Describe your proposed financing for the project. This information shall include the debt and equity components, including estimated LIHTC investment, use of CDBG-DR funds, permanent financing, and anticipated local contributions.
1. The debt component shall include:
 - a. The financing entity (bank, mortgage company, etc.) and contact person: name, address, telephone, e-mail.

- b. A letter of interest specific to this project. The letter must provide clear indication that the representative from the financing entity has reviewed the financial elements of the development and has an interest in providing the necessary financing. If a commitment letter in draft form is available, then please include with submission.
 - c. Loan amount and structure (construction and permanent): loan amount, rate (expected), terms.
 2. Disclose any equity injection to the project by the development entity or related party. The information is a mandatory inclusion and shall include:
 - a. Amount and type of equity
 - b. Percentage of financing
 - c. Source(s) of financing - specifically identify and document. If there are multiple sources, then provide a breakdown by amount and identification of equity source (entity or individual)
 - d. Terms related to equity injection, to include future contributions projected, retention of equity, recapture of equity and projected return on investment, valuation thresholds, etc.
 3. For the residential development the following information in the outlined format is required:
 - a. Estimated market absorption rate
 - b. Marketing/sales strategy (specifically identify outside agencies to be engaged)
 - c. Fiscal impact of the project, including estimated property tax and sales and use tax (if applicable) to be generated by the project on an annual basis at build out. Please include estimated number of jobs to be created.
 4. Describe any public assistance requested, financial or otherwise.

8. RFP Evaluation

a. Selection Process

The Town of Lyons is committed to an open and transparent process for the selection of Developer(s) for the site. A Request for Proposals (RFP) process is being utilized to select a preferred Developer(s). The Town reserves the right to modify the process in its sole discretion upon notice to all affected Developers.

A Selection Committee will review proposals and conduct interviews. The Selection Committee shall be composed of Town of Lyons representatives and DOLA DOH representatives. The Committee shall have the right to seek input from consultants and/or other staff to assist with the proposal review and interview process.

The Town of Lyons shall exercise reasonable diligence in their respective review of any and all Developer responses to the RFP and shall reasonably cooperate in determining which RFP responses present the best opportunity to develop and complete the project in accordance with the best interests of the Town. The Town shall have the right to make a final and binding decision as to the most appropriate land use or uses for the site and to make a final and binding decision as to the most appropriate purchase price for the site. The Town may select an RFP Response that proposes to acquire and develop the entire site, or to acquire the site in its entirety, with a development plan for a portion of the site. If the Town is unable to agree on a RFP Response due to a rejection of either the land use or other development plan factors, it may either completely reject such RFP Response, or request revisions to such RFP Response.

The Selection Committee will initially rank Developer submittals based on the Evaluation Criteria outlined in Section b below. The Selection Committee may, at its sole discretion, provide all Developers with a written list of required clarifications or modifications. Developers shall respond in writing, within the period allotted, with the required clarifications, modifications and adjustments to their proposals, as appropriate.

The Selection Committee will notify Developers whether or not they have been selected to participate in the interview process.

The Selection Committee reserves the right to include as part of the interview process public presentations by the Developers of their proposal concepts. The Selection Committee also reserves the right to request all Developers qualifying for the interview process, to revise or supplement their proposals in writing.

Upon completion of the Developers' interviews, the Selection Committee will perform a final scoring of the proposals; again rank the Developers, and present recommendations to the Town Board of Trustees. Based on that action, the Town may conduct interviews of the finalists and enter into discussions with the finalists to reach an agreement with the preferred Developer(s). The Selection Committee reserves the right to terminate negotiations with any Developer at any time. Without limitation of the foregoing right, if the Selection Committee and any Developer are unable to reach an agreement within a time period of six (6) months from commencement of negotiations (with the option of extensions to be approved by the Town in its sole and reasonable discretion), then negotiations with said Developer shall

be deemed terminated. At the conclusion of the negotiation process, the Selection Committee will notify all interviewed Developers of the final selection, if any.

b. Evaluation Criteria

The Selection Committee will apply the following evaluation Criteria to RFP responses:

Evaluation Criteria
<ul style="list-style-type: none">• Quality and Viability of the Proposed Project in the Context of RFP Goals• Meeting Town’s vision for development• Consistency with the Lyons Comprehensive Plan, Lyons Primary Planning Area Plan, and Lyons Municipal Code, and other referenced documents• Reasonable and realistic work plan and timeline• Meeting the Town’s affordable and attainable housing goals• Consistency with the findings of the Housing Needs Assessment• Qualifications and Experience (Individual and Organizational)• Experience with similar projects including uses proposed• Experience working with municipalities and public agencies• Experience with projects of a similar quality• Compatibility of past projects with surrounding communities• Success of past projects / References• Agreement to assignment of purchase agreement, and to meeting expectations of RFP Section 1.C. Project Criteria and Assumptions• Financial and Financing Considerations• Viability of the proposed project• Evidence of financial capacity and commitments to complete project• Risk to the Town

c. Administrative Information

1. **Issuing Office:** The Town of Lyons contact listed herein is to be the sole point of contact concerning this RFP. Developers shall not directly contact other personnel regarding matters concerning this RFP or to arrange meetings related to such.
2. **Means of Communication:** The primary source of communication will be a bid list maintained by the RFP Contact. The RFP Contact will send via email/mail to each potential Developer on this list the RFP and any addenda, modifications to administrative or performance requirements, answers to inquiries received, clarifications to requirements, and the announcement of award. It is incumbent upon Developers to carefully and regularly monitor their email for any such postings.

3. **Inquiries:** Prospective Developers may make written inquiries by e-mail before the written inquiry deadline concerning this RFP to obtain clarification of requirements. There will be opportunity to make inquiries during the pre-proposal conference, if any. Response to Developers' inquiries will be sent out via email to all contacts on the bid list in a timely manner. Developers cannot rely on any other statements that clarify or alter any specification or other term or condition of the RFP.

Any prospective Developer desiring an explanation or interpretation of the RFP must request it at least seven calendar days before the scheduled date proposals are due. Any non-proprietary information provided by the Town to a prospective Developer concerning the RFP will be furnished promptly to all other prospective Developers as a written Addendum to the RFP.

4. **Incurred Expenses/Assumption of Risk:** The Town is not responsible for any expenses that Developers may incur in preparing and submitting proposals in response to this RFP. Developer assumes the risk of any expenses incurred in responding to this RFP, and the Town shall have no liability whatsoever to any Developer as a result of the selection of a different developer.

5. **Reservation of Rights:** The Selection Committee reserves the right to:

- Waive irregularities or non-essential requirements of the RFP in the best interest of the Town, in its sole discretion.
- Request additional information as may be necessary to further the selection process.
- Reject any and all proposals received for any reason.

6. **Amendment of RFP:** The Selection Committee reserves the right to amend or supplement this RFP, in writing, at any time. If the Selection Committee amends or supplements this RFP, then the Selection Committee will furnish the amendment or supplement by written Addendum to all prospective Developers who received an original RFP and who are still engaged in the RFP process. The Selection Committee reserves the right in its sole discretion to waive or modify conditions contained herein as part of the negotiations with the selected Developer. No purported oral amendment or supplement to this RFP shall have any force or effect.

7. **Proprietary Information:** All responses submitted by Developers to this RFP are for the exclusive and deliberative use of the Selection Committee and its designees assisting it in this RFP process. All responses submitted by Developers to this RFP will become the property of the Town and the Town will not return the same to the Developers. To the extent permissible by law, the Town will make best efforts to keep the content of all responses confidential while the RFP process is ongoing.

To the extent permissible by law, the Town will make best efforts to keep the content of any trade secrets or proprietary information submitted as part of the response to this RFP confidential, if and to the extent Developer shall have:

- (a) specifically designated such trade secrets or proprietary information as confidential (it shall be insufficient to designate the entire response as confidential);
- (b) cited to the applicable provision of Colorado law which permits confidentiality; and (c) stated the reason[s] why protection is necessary.

8. **Developer’s Certifications:** By submitting a proposal, Developer certifies that the RFP has been read in its entirety and the proposed process is understood and full knowledge of the scope, nature, and quality of work to be performed is had.
9. **Late Proposals:** The Selection Committee will not consider any proposals received after the time specified for receipt. The Selection Committee will not permit supplementation of proposals after submittal except as expressly requested by the Selection Committee. Developers shall assume full responsibility for timely delivery of responses.
10. **Due Diligence:** The Town makes no representations or warranties regarding the condition of the development sites, or the suitability of the site for any development planned or proposed. The selected Developer is responsible for ascertaining whether conditions are suitable for the proposed development, and shall at its own cost be responsible for all investigations and due diligence regarding the subject property regardless of prior analyses and investigations performed by others or any information provided by or through the Town.
11. **Project Entitlement:** The Selected Developer(s) is responsible for obtaining all necessary permits, variances, waivers, or governmental approvals of any sort required to develop the site and any applicable zoning.
12. **Cancellation, Rejection, Disclaimer:** The Selection Committee may cancel this RFP or reject any and all responses in whole or in part, seek new proposals, or require amendments or modifications to the responses, with no liability whatsoever, when it is in the Town’s best interest to do so in its sole and absolute discretion.

The Town finds the information contained in this RFP reliable, however the Town does not guarantee it as so. The Town has not platted or zoned the proposed development sites to its final configuration. Therefore, the acreage estimates provided are approximations. The information regarding land matters provided to Developers are only intended as a convenience to facilitate due diligence by the Developer. Developers are obligated to inspect the sites and prepare proposals based on information confirmed by independent review and inspection.