City of Council Bluffs, Iowa
Request for Proposals
Redevelopment of Land Located at South 28th Street and 2nd Avenue
Proposal Due Date: October 25, 2024

The City of Council Bluffs is inviting proposals for the purchase and development of a 2.54-acre parcel of land in the West End Neighborhood. The property, situated north of 2nd Avenue between South 28th Street and South 29th Street, is intended for the development of a multi-family housing project consisting of approximately 100 units. This opportunity is being managed by the city's Community Development Department, which is seeking developers interested in contributing to the area's residential growth.

The City of Council Bluffs is seeking to develop a multi-family housing project on the site in the 1st Avenue Corridor. The block, located between a commercial district to the north and a single-family neighborhood to the south, presents a unique opportunity to blend different densities while respecting the character of the surrounding areas. To align with the city's vision, the development should focus on creating an urban environment along 1st Avenue by increasing density on the northern half of the block. This area should feature higher-density housing, establishing a distinct edge that complements the nearby commercial district. The southern half of the block, closer to the existing single-family homes, should transition to a lower-density design, ensuring a smooth integration with the neighborhood's traditional aesthetic.

In addition, the recent completion of the FIRST AVE Trail and the City's ongoing exploration of a potential streetcar corridor enhance the appeal of the area, making it a key location for thoughtful urban residential development.

City Objectives

The city is seeking proposals to develop the site in conformance with applicable ordinances, as well as in compliance with the following stated objectives. These objectives include, but are not limited to:

- To meet the objectives of the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) and HOME programs and cause the construction of housing units for low and moderate income persons. Proposals may be submitted for the development of a mix of unit types.
- To cause the construction of new affordable housing units with occupancy on or before December 31, 2027.
- To provide a positive impact on the city resulting in increased tax revenues and contribute to the city's long term economic and community growth objectives.
- To implement the recommendations contained in the West Broadway Urban Renewal Plan and the West Broadway Corridor Plan. Information is available online at https://www.councilbluffs-ia.gov/2347/West-Broadway-1st-Avenue-Corridor.

Site Description

First Avenue, a former rail corridor vacated in 2013, is located one block south of West Broadway, the city's main thoroughfare. Roughly 60% of Council Bluffs residents live within one mile of this

corridor. The West Broadway Corridor Plan (adopted July 2015) proposed transforming the former rail line into a multi-modal corridor featuring trails, transit, and redevelopment.

The multi-modal corridor enhances the operation of West Broadway, makes an essential link in the trail system, creates a transit link to Downtown Omaha, and provides the opportunity for redevelopment of obsolete industrial properties. The FIRST AVE trail presents a unique user experience. Conducive to walking, biking, and micro-mobility options, trail amenities include lighting, landscaping, public spaces, and trail plazas, making the corridor a linear park, not just a trail. Trail plazas are fashioned with an industrial pallet inspired by the former rail line featuring shaded seating, open green spaces, and bicycle parking. The corridor was designed with the trail offset to the south, preserving a corridor for future transit.

First Ave concepts also contain future redevelopment introducing a variety of innovative and diverse opportunities for housing options, commercial prospects, and transit. It's more than a trail. FIRST AVE is an acronym for the City's comprehensive approach to redeveloping this corridor: Furthering Interconnections, Revitalization, Streetscapes, Transportation, and Aesthetics for a Vibrant Economy.

Our vision is a connected Omaha-Council Bluffs metro with transit that seamlessly provides residents access between their homes, jobs, education, healthcare, and entertainment.

Utilities

The parcel is served with water, sanitary sewer, storm sewer, and street paving, but individual service lines may need to be extended to accommodate the project. The city will install underground stormwater detention for the development as a separate but cooperative part of the residential project.

Existing Zoning and Preferred Development

The property is currently zoned R-4 High Density Multi-Family Residential District with an appended Planned Residential Overlay. Additionally, the frontages of the property along South 28th and South 29th Streets are located within a Corridor Design Overlay. The selected developer will be required to submit a set of detailed development plans that address all R-4 District, PR Overlay, and CDO standards, and said plans must be reviewed by the City Planning Commission and approved by City Council prior to any construction activity occurring on this site (Attachments A).

Floodplain

The property is located in the Zone X (protected by the levee).

Value of the Property

Property evaluation in progress and the City will provide this as an addendum to the RFP, prior to the submittal deadline. The City intends to sell the property for no less than fair market value.

Site Condition

A Phase I Environmental Site Assessment (ESA) was completed in 2014 and is available upon request.

Inquiries, Questions and Deadlines
All inquiries/questions regarding this RFP must be directed via the electronic submission system at https://cbiabids.ionwave.net/ . Any changes or additions to the RFP information will be sent to via Ion Wave. Any other contact in reference to this RFP prior to the time of an award decision will not be addressed.

RFP Issued: September 10, 2024

Q&A Ends: September 30, 2024 at 3:00 pm (CST)

Answers to all questions will be posted no later than October 7, 2024 at 3:00 pm (CST).

RFP Due: October 25, 2024 by 5:00 p.m. (CST)

Proposals submitted in person, facsimile transmission (fax) or electronic mail (email) will *not* be accepted.

Proposal and Submittal Requirements
In a clear and concise manner, developers must submit proposals that demonstrate the developer's capacity to satisfy the requirements of this RFP. Proposals do not need to be elaborate or costly, but should be prepared in a professional manner. The following information to be submitted for consideration:

1. Application – must be completed and attached as proposal cover page (see Attachment B).

2. Project Summary – A brief written description of the project.

3. Project Plans – A scaled plot plan of the proposed development. The plot plan should illustrate the location of structures, parking areas, ingress and egress, open or landscape areas, etc. The developer must also submit additional information such as elevation drawings, photos of similar projects, typical floor plans, etc.

4. Developer Experience – Provide a listing of previous projects completed, especially with regard to projects that are relevant to the proposed development.

5. Project Timeline – A timeline for the project design, bidding, construction and occupancy.

6. Financial Summary – Developer must provide a proposed cost and source of funding for the project, including a minimum 10-year project pro forma. Developer must also outline expected funding sources and projected date all financing will be secured.

7. Project Contingencies – Indicate any special assistance needed to implement the project, such as financial assistance, state or federal applications, or other public participation.

<u>Special Conditions</u>
Any proposed construction project must adhere to the following requirements:

- The construction project is exempt from federal labor standards.

- A HUD environmental review will be required and must be completed prior to construction commencement. This review will be done by the developer and the city.
- At least 51% of the units must be at or below 80% MFI. The City intends to also commit HOME funds to the project which will require a minimal number of units to be rented to persons at both the 50% and 60% MFI (Attachment C).
- All newly constructed housing must meet all locally adopted and enforced building codes, standards and ordinances of the City of Council Bluffs.
- All newly constructed housing must meet the requirements of the 2012 International Energy Conservation Code as adopted and amended.
- The successful proposal shall be required to comply with additional provisions for projects utilizing federal funding as specified (Attachment D).

Proposal Evaluation
The project proposals will be reviewed based on the following evaluation criteria:

1. Design, Aesthetics and Quality of Construction Materials and Landscaping (40%): As the first affordable redevelopment project along the corridor, the quality of design and materials is essential. A combination of durable materials and transparency with an urban appearance must be utilized. Preference will be given to developers that:

    a. Create an urban environment with a higher density style building on the northern half of the block and a lower density style building on the southern half, providing a transition to the single-family neighborhood.
    b. Utilize architectural details such as color changes, material changes, minor wall offsets, height variations, wall setbacks, accent lines and upper floor step back to articulate building elevations. A list of acceptable building materials is outlined in the "architectural standards" of the corridor design overlay (Attachment A). A list of materials and visual renderings of the site layout, units and exterior design must be provided as a part of this submittal.
    c. Maximize the "exterior construction (durability)" points in the IFA 2025 QAP.

2. Developer's Experience and Capacity (30%): The makeup/description of the developer's project team. The preferred developer will have significant experience in the construction of urban-style, multi-family complexes. The names of individuals involved and the roles they will perform must be listed. Provide a description of the qualifications and experience of the specific individuals who will be involved in the work described in this RFP, including staff and other professionals.

3. Number of Units Proposed, Unit Sizes and Timeline (15%):

    a. Preference will be given to developers who maximize the number of units as well as the number of market rate units. Affordable is defined as at or below 80% of the median family income. Provide a target resident type (senior, family, etc.) if applicable. Maximize the "market rate incentive" points in the IFA 2025 QAP.
    b. Proposals will also be scored on the length of time it will take to construct and occupy the project.

4. Funding Sources (15%): Preference will be given to Developers not utilizing either 4% or 9% Low Income Housing Tax Credits (LIHTC). Provide a list of proposed funding sources and when the funds are expected to be awarded/confirmed.

The above information will be used to select qualified developers. Upon developer selection, development agreements will be negotiated and executed.

Potential Development Incentives Available

The City will work to support the selected developer in applying for any and all applicable federal, state or local incentive applications. These applications must be completed by the selected developer with assistance from the City.

- Brownfield/Grayfield Tax Credits through the Iowa Economic Development Authority may be available. Tax credits of up to 24% for qualifying costs of a Brownfield project and 30% if the project meets green building requirements. Tax credits of up to 12% of qualifying costs of a Grayfield project and 15% if the project meets green building requirements. Tax credits are available on an annual basis, with a maximum tax credit per project of $1,000,000 (https://www.iowaeda.com/redevelopment-tax-credits/).

- Possible energy incentives may be obtained from MidAmerican Energy and Black Hills Energy depending on project design. Consultation should be initiated with each company prior to final design.

- Municipal Housing Agency (MHA) of Council Bluffs has project-based vouchers available to potential developers. Consultation should be initiated with MHA for additional information.

- The property may be eligible for Tax Increment Financing and/or property tax exemption, and will be negotiated by the city on a project specific basis.
- Possible land contribution or reduced purchase price.
- The City of Council Bluffs is an entitlement community under the CDBG program, which results in annual funding from the HUD. The city has also entered into a HOME consortium agreement with the City of Omaha, which results in receiving annual funds from the Home Investment Partnership Program (HOME).
- The property also may be eligible for grant(s) from the City's Housing Development Program. Guidelines can be found on the City's website at: https://www.councilbluffs-ia.gov/2554/Housing-Development-Program

General Provisions

1) Submittal Ownership/Costs: Upon submission, all information becomes the property of the City of Council Bluffs. The City has the right to use any or all ideas presented in any submission in the response to this RFP, whether or not the submittal results in a contract with the submitting Developer. All costs for development of the written submittal and any oral presentation are entirely the obligation of the Developer and shall not be reimbursed.

2) Non-Warranty of Request for Qualifications: The City shall not be responsible for any error or omission in this RFP, nor for the failure on the part of the Developers to ensure that they have all the information necessary to affect their submittals.

3) Request for Clarification: The City reserves the right to request clarification of information submitted and to request additional information of one or more Developers, either orally or in writing.

4) Acceptance/Rejection of Submittals: The City reserves the right to accept or reject any or all submittals in whole or in part, with or without cause, to waive technicalities, or to accept submittals or portions thereof, which, in the City's judgment, best serve the interest of the City of Council Bluffs.

   The City reserves the right to allow alterations, modifications or revisions to individual elements of the Scope of Services any time during the period of contract, which results from this RFP.

5) Indemnification: The selected Developer shall: (1) faithfully perform said Contract on City's part and satisfy all claims and demands incurred for the same; (2) fully indemnify and save harmless the City from all costs and damages which said City may suffer by reason of failure to do so; and (3) fully reimburse and repay said City all outlay and expenses which said City may incur in making good any default.

   The selected Developer shall protect, defend, indemnify and save harmless the City, its agents, boards and employees, collectively referred to as "Indemnitees", from and against costs and suits, actions, claims, losses, liability or damage of any character, and from and against costs and expenses, including in part attorney fees, incidental to the defense of such suits, actions, claims, sickness, including death, to any person, or damage to property, including in part the loss of use resulting there from, arising from any act or omission of the Developer, or his employees, servants, agents, subcontractors or suppliers, or anyone else under the Developer's direction and control, and arising out of, occurring in failure of performance of any work or services called for by the Contract, or from conditions created by the performance or non-performance of said work or services. The Developer's indemnification hereunder shall apply without regard to whether acts or omissions of one or more of the Indemnitees would otherwise have made them jointly or derivatively negligent or liable for such damage or injury, expecting only that the Developer shall not be obligated to so protect, defend, indemnify and save harmless if such damage or injury is due to the sole negligence of one or more of the Indemnitees.

6) Insurance: The selected Developer shall carry and maintain during the life of the contract insurance as deemed appropriate by the City of Council Bluffs. Specific amounts and types of insurance will be detailed in the negotiated development agreement.

7) Collusion: The Developer, by submitting a Proposal, declares that the submission is made without any previous understanding, agreement or connections with any persons, Developers or corporations making a competing submission on the same project, and that it is in all respects, fair and in good faith without any outside control, collusion or fraud.

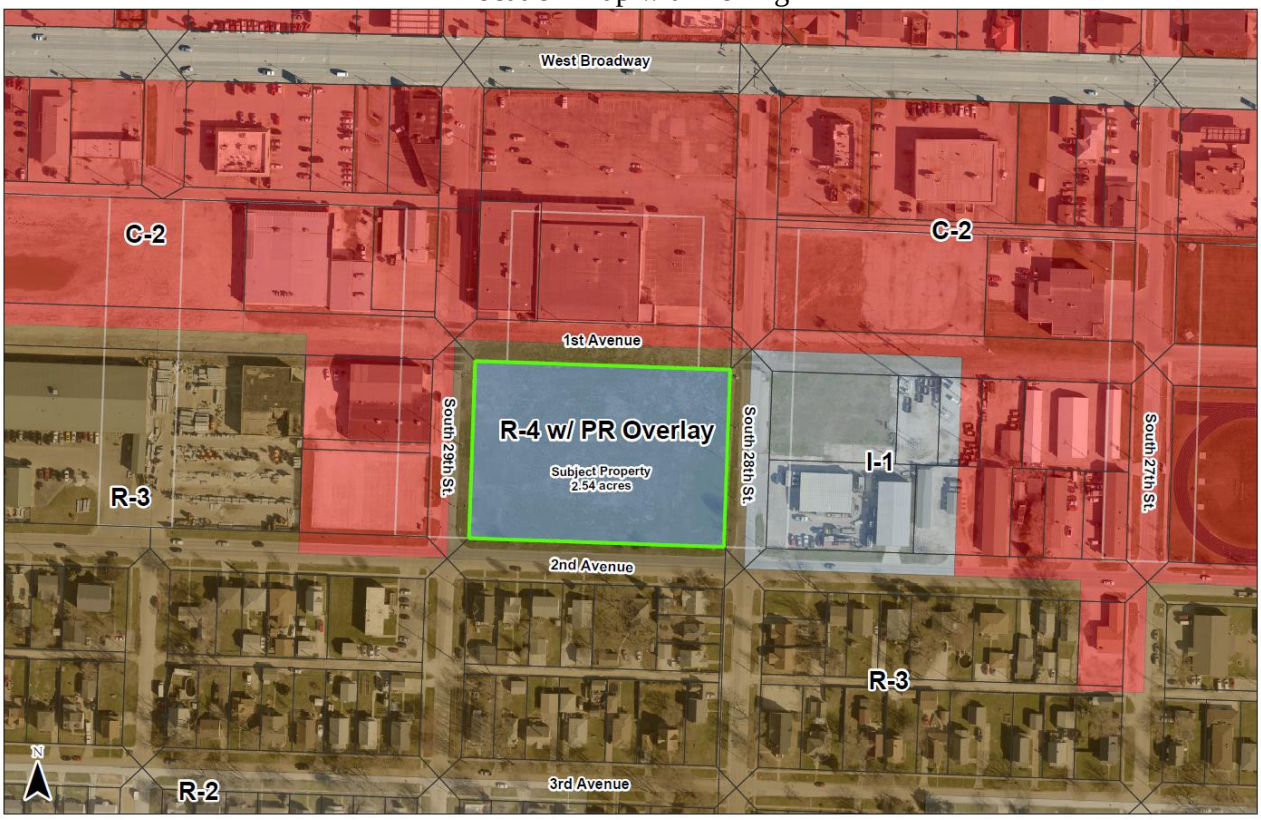
8) Consideration of Submittals: Proposals will be considered from Developers normally engaged in providing and performing services as specified in this RFP. The Developer must have adequate organization, facilities, equipment and personnel to ensure prompt and efficient service to the City.

The City reserves the right to inspect the facilities and organization or to take any other action necessary to determine the ability to perform in accordance with specifications, terms and conditions before recommending any award.

9) Discrimination Clause: According to the City of Council Bluffs Municipal Code 1.40, discrimination of race, color, religion, creed, sex, sexual orientation, gender identity, national origin, age or mental or physical disability is prohibited in any form. This extends to any and all partner agencies and contractual obligations.

Attachment A

Location Map with Zoning



Chapter 15.11 - R-4/HIGH DENSITY MULTIFAMILY RESIDENTIAL DISTRICT

Sections:

15.11.010 - Statement of intent.

This district is intended to provide for development of high density multiple-family housing. This district allows for a mixture of compatible uses with high density urban neighborhoods. This district is most appropriate in central areas of the community or in areas which have full services.

(Ord. 5308 § 1 (part), 1996).

15.11.020 - Principal uses.

The following principal uses shall be permitted outright in an R-4 district:

(1) Boarding, lodging rooming house, or bed and breakfast;

(2) Business, professional office;

(3) Community recreation services;

(4) Congregate housing, life care facility or nursing home;

(5) Consumer service establishment;

(6) Day care services;

(7) Dwelling, multifamily;

(8) Dwelling, single-family attached;

(9) Dwelling, single-family detached;

(10) Dwelling, townhouse;

(11) Dwelling, two-family;

(12) Family home;

(13) Group care home;

(14) Local utility services;

(15) Park and recreation services;

(16) Private parking lot;

(17) Public parking lot;

(18) Public safety services;

(19) Religious assembly;

(20) School.

(Ord. 5918 § 1, 2007).

15.11.030 - Conditional uses.

The following conditional uses shall be permitted in an R-4 district, when authorized in accordance with the requirements set forth in Chapter 15.21:

(1) Cemetery;

(2) College or universities;

(3) Commercial recreation (indoor and outdoor);

(4) Cultural service;

(5) Commercial storage;

(6) Governmental maintenance facility.

(Ord. 5918 § 2, 2007).

15.11.040 - Accessory uses.

The following uses shall be permitted in an R-4 district:

01. Uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

(Ord. 5308 § 1 (part), 1996).

15.11.050 - Site development regulations.

Minimum Lot Size

Use	Lot Area
Single-family detached	5,000 square feet
Single-family attached and two-family dwellings	5,000 square feet except when a single-family attached or two-family dwelling is divided by a lot line coinciding with the common wall separating the two units. The minimum lot area shall be 2,500 square feet.
Townhouse dwelling	7,500 square feet except when a townhouse dwelling unit is divided by a lot line coinciding with the common wall separating the units, the minimum lot area shall be 2,500 square feet
Multifamily dwelling	
(3 to 4 units)	7,500 square feet
(5 or more units)	9,000 square feet plus an increase of 750 square feet per each additional unit

Minimum Setbacks	Principal Structure	Accessory Structure
Front yard:	20 feet	Greater of 20 feet or existing front setback line of principal structure
Street side yard:	15 feet	15 feet
Interior side yard:	5 feet with one foot indentation for every story above the first floor	3 feet
Rear yard:	20 feet	3 feet
Maximum height:	100 feet	18 feet
Lot coverage: all structures	60% maximum	

(Ord. 5308 § 1 (part), 1996).

15.11.060 - Additional regulations.

01. Reserved.

(Ord. 5308 § 1 (part), 1996).

15.11.070 - Signs.

Signage in this district shall comply with Chapter 15.33, "Signs."

(Ord. 5308 § 1 (part), 1996).

Chapter 15.28 - P-R/PLANNED RESIDENTIAL OVERLAY

15.28.010 - Statement of intent.

The planned residential overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of requirements of the underlying zone would not be inconsistent with the comprehensive plan or harmful to the neighborhood in which it is located. This overlay is intended to:

01. Provide flexibility in the design, placement of buildings, use of open space, provisions of circulation facilities and parking, and related site and design considerations;

02. Encourage the preservation and use of existing landscape features;

03. Promote efficient land use with smaller networks of utilities and streets;

04. Promote an attractive and safe living environment which is compatible with surrounding residential developments;

05. Provide an alternative method for redeveloping older residential areas and to encourage infill development.

(Ord. 5309 § 1 (part), 1996).

15.28.020 - Applicability.

The planned residential overlay shall be permitted in conjunction with the R-1E, R-1, R-2, R-3, and R-4 districts. The minimum tract of land considered for a PR overlay shall be one and one-half acres. The minimum tract of land considered for a PR overlay including commercial facilities shall be ten (10) acres.

(Ord. 5309 § 1 (part), 1996).

15.28.030 - Height and setback requirements.

The maximum height and minimum yard requirements of the zoning district in which the development is located shall apply except where exempted by the city council through the adoption of a development plan.

(Ord. 5743 § 1, 2002).

15.28.040 - Lot coverage.

The lot coverage requirements of the zoning district in which the development is located shall apply except where exempted by the provisions of this chapter.

(Ord. 5309 § 1 (part), 1996).

15.28.050 - Density requirements.

The maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district or districts in which the area is located. Net development area shall be determined by subtracting the area set aside for public and private streets from the gross development area. The area of land set aside for common land and open space shall be included in determining the number of dwelling units permitted. The maximum number and type of multiple dwelling units permitted shall be determined by the zoning district in which the development is located and in accordance with the following chart. The maximum

amount of commercial usage allowed shall be determined by multiplying the net development area by the percentage in column (g) based upon the district in which the area is located.

(a)	(b)	(c)	(d)	(e)	(f)	(g)
Zoning District	% of total units allowable as single-family detached	% of total units allowable as single-family attached	% of total units allowable as townhouse residential	% of total units allowable as two-family	% of total units allowable as multifamily	% of net development area allowable as commercial
R-1E	100%	-	-	10%	10%	4%
R-1	100%	100%	100%	30%	30%	8%
R-1M	N/A	N/A	N/A	N/A	N/A	N/A
R-2	100%	100%	100%	100%	50%	12%
R-3	100%	100%	100%	100%	100%	16%
R-4	100%	100%	100%	100%	100%	22%

If the development area contains two or more different classifications, the number of dwelling units permitted, the percentage of multiples, and the percentage of commercial area allowable shall be determined in direct proportion to the area of each zoning classification contained in the entire tract.

(Ord. 5309 § 1 (part), 1996).

15.28.060 - Development plan review procedure.

01. Application. A development plan shall be submitted to the community development department, along with a filing fee as specified by this title. Upon application submittal, the development plan shall be reviewed in accordance with the procedures outlined below. The following information shall be submitted to the community development department:

    (a) A letter of intent stating the proposed uses, improvements necessary to serve the development, construction time frame and phasing;

    (b) The development name and legal description of the boundary;

    (c) A north arrow, scale, bar scale and date;

    (d) The names and addresses of the owner, and the architect or engineer preparing the plan;

    (e) A location map showing the proposed development and its relationship to existing abutting subdivisions and community facilities such as streets, schools, parks, and commercial areas;

    (f) All established floodway or floodway fringe encroachment limits;

    (g) A soils and drainage report prepared by the engineer. The report shall show the general soil and drainage conditions and include preliminary recommendations as to the adaptability of the property proposed for development;

    (h) Location and size of any sites to be considered for dedication to public use;

    (i) Layout, numbers and dimensions of proposed lots;

(j) The location, width, name, grade and typical cross-sections of all proposed streets within the development and the width and name of any platted street located within two hundred (200) feet of the site;

(k) The location and width of other public ways, railroad rights-of-way, utility and all other easements, existing or proposed within the development and within two hundred (200) feet;

(l) Existing and proposed contour intervals of not more than five feet;

(m) All existing and proposed underground installations within the proposed development or adjacent thereto or the location of the nearest available facilities;

(n) The location of all existing and proposed structures, proposed parking areas, pedestrian ways, private and public streets and landscaping;

(o) Location and area proposed as open space;

(p) The number of dwelling units proposed for the development and the general arrangement of buildings;

(q) Visual documents which illustrate the general building design.

02. Review by Community Development Department. The community development director shall determine the adequacy and completeness of the development plan application. The community development director may require additional information prior to scheduling review by the city planning commission. The application shall be accompanied by ten (10) copies and two transparencies of the preliminary development plan for the entire development.

03. Review by the City Planning Commission. The city planning commission, in reviewing the development plan, shall take into consideration conformance with the comprehensive plan, recognized principles of land use planning, landscape, architecture, the conservation and stabilization of the value of property, adequate open space for light and air, congestion of public streets, the promotion of public safety, health, convenience and comfort and the general welfare of persons using the facility. In addition to the proposed use meeting the general requirements as set forth, the commission in recommending approval of the proposed development plan, may recommend certain conditions to be attached to such use which the commission deems necessary in order to carry out the intent and purpose of this title. Such conditions may include, but are not limited to an increase in the required lot or yard area, control of the location and number of vehicular access points to the property, limitations to the number of signs, limitations to coverage or height of buildings situated on the property because of obstruction to view and reduction of light and air to adjacent property, and required screening and landscaping where necessary to reduce noise and glare, and designation and responsibility for maintenance of the property.

04. Review by City Council. After review of the development plan by the city planning commission, it shall be forwarded to the city council, with its written recommendations, whether for approval or denial, whereupon the city council may take action on the plan. Approval of the development plan shall be by city council resolution.

05. Building Permit Review. The community development director shall review all grading, building, and public works construction permits for compliance with the approved development plan. No grading, building, or public works construction permit shall be issued if determined by the community development director to be inconsistent with the approved development plan. However, the community development director shall have the authority to approve minor changes to the development plan. If the community development director determines that major changes

are requested, review and approval by the city planning commission and city council shall be required.

06. Amendment to Development Plan. Any proposed amendments to the approved development plan shall be submitted to the community development director. The review procedures for proposed amendments shall be as outlined in Section 15.12.060.

(Ord. 5309 § 1 (part), 1996).

15.28.070 - Development plan completion.

If the improvements identified in the development plan have not been completed within five years from the date of the city council approval, the development plan shall be void unless an extension of time has been granted prior to the expiration date. The city planning commission may grant a two year extension. In reviewing a request for extension of time, the commission shall consider whether the development plan is in compliance with applicable ordinances, standards for public improvements and the comprehensive plan of the city.

(Ord. 5309 § 1 (part), 1996).

15.28.080 - Termination of the planned residential overlay.

If no substantial development has taken place in a PR overlay for five years following approval of the development plan, the city planning commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

(Ord. 5309 § 1 (part), 1996).

Chapter 15.32 - CDO/CORRIDOR DESIGN OVERLAY

Sections:

15.32.010 - Statement of intent.

The purpose and intent of this chapter is to ensure consistent site development of properties located within the boundaries as defined in Section 15.32.030. The minimum standards below will aid to unify the appearance of the corridor.

(Ord. 5955 § 2 (part), 2007).

15.32.020 - Establishment of a corridor design overlay.

The CDO overlay is established as part of this title. The CDO shall overlay all other zoning districts established within the boundaries as described in Section 15.32.030 following. One and two family uses are exempted from the regulations of this chapter. The requirements apply to all:

01. New construction of commercial, industrial and multifamily structures and sites;

02. Substantial rehabilitation of or additions to commercial, industrial and multifamily structures and sites. Substantial rehabilitation shall be defined as modifications equal to fifty (50) percent of the assessed value of the structure or structures on a lot, exclusive of land assessed value, in a twenty-four (24) month period of time. The assessed value shall be as most recently established by the Pottawattamie County assessor;

03. The reoccupancy of fifty (50) percent or more of any commercial, industrial, and multifamily structure or site which has been vacant for a period of six months. Once fifty (50) percent or more of a building has been vacant for six months or more, it may not be reoccupied until such time that the entire structure has been brought into compliance;

04. All new signage and sign refacing requiring a permit shall comply with the limitations of Section 15.32.080; and

05. Exterior modifications which equal to fifty (50) percent of the structure's total street facade shall comply with the limitations of Section 15.32.090.

(Ord. 5955 § 2 (part), 2007).

15.32.030 - Overlay boundaries.

The boundaries of the CDO overlay are described as follows:

01. West Broadway Corridor. All properties abutting West Broadway between Interstate 29 on the west end and 13th Street and Indian Creek on the east and all properties abutting streets which intersect with West Broadway including 13th Street through 36th Street between Avenue A to the north and Second Avenue to the south.

(Ord. 5955 § 2 (part), 2007).

15.32.040 - Curb cuts.

01. Either one two-way curb cut or two one-way curb cuts are allowed on the applicable corridor street where property has one hundred fifty (150) feet or more of street frontage. One curb cut is allowed on the applicable corridor street where property has less than one hundred fifty (150) feet of frontage.

02. For corner lots, a maximum of one curb cut is allowed on each intersecting side street (other than the applicable corridor street) that each property has frontage on regardless of the length of the frontage.

03. Curb cut widths and design shall be in accordance with adopted public works standards.

04. The applicable corridor street curb cuts shall be located not less than seventy-five (75) feet from the intersecting street's curb. Side street curb cuts shall be located not less than twenty-eight (28) feet on un-signalized intersections and seventy-five (75) feet on signalized intersections from the applicable corridor street's curb.

05. Shared curb cuts (between properties) are encouraged.

(Ord. 5955 § 2 (part), 2007).

15.32.050 - Pedestrian facilities.

01. A five feet wide as constructed or designated, accessible, pedestrian route shall be installed on each property to connect each building's front door with the public sidewalk on the applicable corridor street (and adjacent side street on corner lots). An accessible route may be designated with painted markings on parking lot pavement.

02. The sidewalk on the applicable corridor street shall be a minimum of eight feet wide, as measured from back of curb. At least four feet of that width, as measured from the back of sidewalk, shall be free of vertical or horizontal obstructions and have a maximum cross slope of two percent.

03. Construction or reconstruction of sidewalks and decorative street improvements shall be in accordance with adopted public works standards.

(Ord. 5955 § 2 (part), 2007).

15.32.060 - Planting.

01. A ten (10) feet wide landscape frontage strip shall be installed on each property abutting the applicable corridor street as measured from the back of sidewalk or property line, whichever is farther from the curb.

02. A five feet wide intersecting street landscape frontage strip shall be installed as measured from the back of sidewalk or property line, whichever is farther from the intersecting street's curb on all streets intersecting the applicable corridor street.

03. Planting in the landscape frontage strips shall include not less than the following:

    (a) One large deciduous shade tree for each thirty-five (35) feet of frontage.

    (b) A minimum of one deciduous or evergreen shrub per two lineal feet of street frontage shall be planted in the landscaping frontage strip and a minimum of one deciduous or evergreen shrub per three lineal feet of side street frontage shall be planted in the intersecting street landscaping frontage strip. Shrub species shall be selected from the attached plant list and conform to the minimum sizes specified therein.

04. Automatically controlled underground irrigation shall be installed for all lawns and planting in the landscape frontage strips.

05. Site planting requirements:

    (a) At least ten (10) percent of the gross site square footage shall be pervious, unpaved planted surfaces. Any frontage or side street planting strips shall be included in the calculation of planted areas.

    (b) All planted surfaces shall be planted with grasses, shrubs, perennials, or groundcover plants so that they shall be completely covered by installed plants within three years of the planting date. Open mulch or rock beds shall not be accepted as planting area.

    (c) Large deciduous shade trees shall be installed in parking lots in excess of thirty (30) spaces. The trees shall be located in planting areas of not less than fifty (50) square feet of unpaved surface per tree and at least one tree shall be planted for each three thousand (3,000) square feet of paving on site.

(d) Public right-of-way areas that are disturbed by construction on private sites shall be graded smooth and planted with sod.

(e) Maintenance: property owners shall maintain all planting and irrigation systems located on private property. All planting shall respect city codes for sight lines at intersections and electric line restrictions.

(Ord. 5955 § 2 (part), 2007).

15.32.070 - Screening and buffering.

01. Planting shall be accepted in lieu of the required fencing for buffering the back of commercial buildings abutting residential zones.

(a) Screening planting shall include a six feet minimum width planting strip with a tall hedge as defined in the attached plant list. The hedge shall include deciduous or evergreen shrubs in a double row planted in a triangular spacing. Shrub species shall be selected from the attached plant list and conform to the minimum sizes and spacing specified therein.

02. All dumpsters and exterior trash storage shall be screened using walls or fences that are a minimum of six feet in height. The walls and fences shall be fabricated and finished using the same materials and colors as the adjacent building, and shall include a matching lockable gate that when closed, completely eliminates the view of the trash area and its contents.

(Ord. 5955 § 2 (part), 2007).

15.32.080 - Signs.

01. The on-premises sign height and area regulations available for property within seven hundred (700) feet of the interstate highway system are not applicable within the corridor overlay district.

02. A total of one detached on-premises sign shall be allowed for each property.

03. Detached signs shall be ground or monument signs. No support posts shall be visible on these signs. Monument signs shall not have more than two sign faces. The sides of the monument sign that are not used for signage shall not exceed five feet in width. The maximum height for monument signs shall be ten (10) feet. The maximum allowable height and area of each monument sign face will be measured from the finish grade to the top of the monument structure and from one end of the monument structure to the other. The maximum allowable square feet per sign face shall not be greater than each property's linear feet of street frontage, as measured on one adjacent street, or one hundred fifty (150) square feet, whichever is less.

04. Off-premises signs are not permitted within the district.

05. All signs shall be removed within ninety (90) days after abandonment of the business use. Removal shall include the sign face, all supports, poles and framing.

06. Refacing existing signs are allowed only in conformance with this chapter.

(Ord. 5955 § 2 (part), 2007).

15.32.090 - Architecture.

01. Commercial building wall materials shall be brick, stone masonry, stucco like exterior systems, architectural CMU block, pre-cast concrete wall panels, or other like material. Painted concrete block or flat poured concrete walls are not allowed unless the blocks include an architectural finish and an articulated pattern that varies the block sizes, horizontal face alignment, and/or the coursing and vertical joints. Building walls may also be constructed of wood, fiber cement board, vinyl, aluminum, or steel lap siding, or corrugated metal only when at least eighty (80) percent of the street facade is constructed of approved masonry.

02. Walls shall extend above flat roofs as necessary to screen views of roof-mounted equipment. Cornice lines will be established using metal materials and shall be straight and true.

03. Awnings and architectural features shall not extend beyond property lines. They shall not be installed higher than building roof lines. They shall be lit indirectly without the use of ground-mounted floodlights.

(Ord. 5955 § 2 (part), 2007).

15.32.100 - Lighting.

01. Light poles on private property shall not exceed twenty-five (25) feet in height from existing grade.

02. Light pole materials shall be painted or finished aluminum or steel. Wood poles shall not be accepted.

(Ord. 5955 § 2 (part), 2007).

Attachment B
Proposal Cover Page

Proposal Cover Page

Project Information

Project Name _____

Organization Information

Name of Developer _____

Mailing Address _____

Contact Person _____

_____

Telephone _____ Fax _____

Email Address _____

Employer Identification Number_____ MBE/WBE Owned? _____

DUNS Number_____

Partners

Type	Name and Address	Contact Person
Project Development		
Architectural Firm		
Engineering Firm		
Lender		
Other (specify)		
Other (specify)		

Attachment C
Income Limits

HUD Income Limits for CDBG and HOME

CDBG
MSA: Omaha, NE - IA FY2024 Median Family Income $109,500
Effective: May 1, 2024

	30% Limits	50% Limits	60% Limits	80% Limits
1 Person	$23,000	$38,350	$46,020	$61,350
2 Person	$26,300	$43,800	$52,560	$70,100
3 Person	$29,600	$49,300	$59,160	$78,850
4 Person	$32,850	$54,750	$65,700	$87,600
5 Person	$35,500	$59,150	$70,980	$94,650
6 Person	$38,150	$63,550	$76,260	$101,650
7 Person	$40,750	$67,900	$81,480	$108,650
8 Person	$43,400	$72,300	$86,760	$115,650

HUD Income Limits for HOME Only

MSA: Omaha, NE - IA FY2024 Median Family Income $109,500

Effective: May 1, 2024

	30% Limits	50% Limits	60% Limits	80% Limits
1 Person	$23,000	$38,350	$46,020	$61,350
2 Person	$26,300	$43,800	$52,560	$70,100
3 Person	$29,600	$49,300	$59,160	$78,850
4 Person	$32,850	$54,750	$65,700	$87,600
5 Person	$35,500	$59,150	$70,980	$94,650
6 Person	$38,150	$63,550	$76,260	$101,650
7 Person	$40,750	$67,900	$81,480	$108,650
8 Person	$43,400	$72,300	$86,760	$115,650

Attachment D

Additional Provisions for Projects
Utilizing Federal Funding

Required Contract Language

All project contracts shall contain at a minimum the following provisions, as appropriate. ALL CONTRACTS

1. Access and Maintenance of Records

The contractor must maintain all required records for five years after final payments are made and all other pending matters are closed. At any time during normal business hours and as frequently as is deemed necessary, the contractor shall make available to the City of Council Bluffs, the State Auditor, the General Accounting Office, and the Department of Housing and Urban Development, for their examination, all of its records pertaining to all matters covered by this contract and permit these agencies to audit, examine, make excerpts or transcripts from such records, contract, invoices, payrolls, personnel records, conditions of employment, and all other matters covered by this contract.

2. Civil Rights

The Contractor must comply with the following laws and regulations:

- Title VI of the Civil Rights Act of 1964 (P.L. 88-352).
  States that no person may be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, or national origin.

- Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended.

- Iowa Civil Rights Act of 1965. This Act mirrors the Federal Civil Rights Act.

- Section 109 of Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309).
  Provides that no person shall be excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of race, color, national origin, sex, age, or handicap under any program or activity funded in part or in whole under Title I of the Act.

- The Age Discrimination Act of 1975, as amended (42 U.S.C. 1601 et seq.)
  Provides that no person on the basis of age, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance.

- Section 504 of the Rehabilitation Act of 1973, as amended (P.L. 93-112, 29 U.S.C. 794).
  Provides that no otherwise qualified individual shall solely by reason of his/her handicap be excluded from participation in, be denied the benefits of, or be discriminated against under any program or activity receiving Federal financial assistance.

- Americans with Disabilities Act (P.L. 101-336, 42 U.S.C. 12101-12213)
  Provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.

- Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u). Provides to the greatest extent feasible, that training and employment opportunities be made available to lower-income residents of project areas and that contracts be awarded to small businesses located within the project area or owned in substantial part by project area residents.
- Federal Executive Order 11246, as amended by Executive Order 11375. Provides that no one be discriminated in employment.

- Federal Executive Order 11063, as amended by Executive Order 12259.

3. Termination Clause

All contracts utilizing CDBG funds must contain a termination clause that specifies the following:

- Under what conditions the clause may be imposed.
- The form the termination notice must take (e.g., certified letter).
- The time frame required between the notice of termination and its effective date.
- The method used to compute the final payment(s) to the contractor.

4. Certification regarding government-wide restriction on lobbying.

All contracts utilizing CDBG funds must contain the following certification concerning restriction of lobbying:
"The Recipient certifies, to the best of his or her knowledge and belief, that:

i. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

ii. ii. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee, or an employee of a Member of congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Federal Lobbying" in accordance with its instruction.

iii. iii. The Recipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by

section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure."

5. Lead-Safe Housing Regulations (As applicable)

24 CFR Part 35 et. al.
Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Properties and Housing Receiving Federal Assistance, Final Rule

6. Standards and Policies Relating to Energy Efficiency

Pub. L. 94-163, 89 Stat. 871
Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

7. Notice of Awarding Agency Requirements and Regulations Pertaining to Reporting

The Contractor must provide information as necessary and as requested by the City of Council Bluffs for the purpose of fulfilling all reporting requirements related to the CDBG program.

ALL CONTRACTS IN EXCESS OF $10,000

In addition to the preceding provisions, all contracts in excess of $10,000 must include the following language, pursuant to Federal Executive Orders 11246 and 11375:
"During the performance of this contract, the contractor agrees as follows:

1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take a Developerative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of the Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
6) In the event of the contractor's non-compliance with the nondiscrimination clause of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
7) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

ALL CONTRACTS IN EXCESS OF $100,000

In addition to the preceding provisions, contracts in excess of $100,000 shall require compliance with the following laws and regulations:

Section 306 of the Clean Air Acts (42 U.S.C. 1857(h)).
Section 508 of the Clean Water Act (33 U.S.C. 1368).
Executive Order 11738.
EPA Regulations - 40 CFR, Part 15.

Clean Air and Water Acts - required clauses:
This clause is required in all third party contracts involving projects subject to the Clean Air Act (42 U.S.C. 1857 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations of the Environmental Protection Agency with respect to 40 CFR Part 15, as amended. It should also be mentioned in the bid document.
During the performance of this contract, the CONTRACTOR agrees as follows:

1) The CONTRACTOR will certify that any facility to be utilized in the performance of any nonexempt contract or subcontract is not listed on the Excluded Party Listing System pursuant to 40 CFR 32.
2) The CONTRACTOR agrees to comply with all the requirements of Section 114 of the Clean Air Act, as amended, (42 U.S.C. 1857c-8) and Section 308 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1318) relating to inspection, monitoring,

entry, reports, and information, as well as all other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder.

3) The CONTRACTOR agrees that as a condition for the award of the contract, prompt notice will be given of any notification received from the Director, Office of Federal Activities, Environmental Protection Agency, indicating that a facility utilized or to be utilized for the contract is under consideration to be listed on the Excluded Party Listing System.
4) The CONTRACTOR agrees that it will include or cause to be included the criteria and requirements in Paragraph (1) through (4) of this section in every nonexempt subcontract and require every subcontractor to take such action as the Government may direct as a means of enforcing such provisions.

ALL CONSTRUCTION CONTRACTS IN EXCESS OF $2,000

In addition to the preceding provisions, all construction contracts in excess of $2,000 must include the Federal Labor Standards Provisions as provided.

HOUSING AND URBAN DEVELOPMENT ACT OF 1968 SAMPLE SECTION 3 CLAUSE

A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701 u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
B. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Section 3, and all applicable rules and orders of the Department issued there under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability that would prevent them from complying with these requirements.
C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding if any, a notice advising said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
D. The contractor will include this Section 3 clause in every subcontract; for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the Subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Section 3. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Section 3 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Section 3, and all applicable rules and orders of the Department issued there under prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through Federal assistance is provided, and to such sanctions as are specified by 24 CFR Section 135.135.