

CITY OF BLUE SPRINGS

DOWNTOWN FAÇADE IMPROVEMENT PROGRAM GUIDELINES

I. Program Overview

Purpose

The City of Blue Springs, Missouri recognizes the positive impact that individual facade improvements can have on the overall appearance, quality and vitality of the City's commercial districts. The Downtown Façade Improvement Program (DFIP) was created to facilitate the private sector in making these desired exterior improvements. The City of Blue Springs DFIP offers financial assistance to private property owners or business owners seeking to rehabilitate commercial building facades in the downtown core of the City. The City of Blue Springs reserves the sole right to amend, modify, add, or delete any part or subpart of this program.

The primary goal of the DFIP is to remove accessibility barriers, facilitate investment and achieve significant visual improvements in commercial facade appearance. Projects that meet the primary goal will be preferred.

Assistance Available

Approved projects are eligible to receive a dollar-for-dollar matching grant of \$3,000 per building, to assist with exterior rehabilitation of eligible commercial and mixed use structures. Sources of match will be primarily a cash match for the physical improvements and may also include documented costs for architectural design.

Eligibility Requirements

Existing structures currently zoned for commercial use and in current commercial use or planned for commercial use within the eligible downtown core of the City of Blue Springs are eligible for the grant.

In the event that a building code compliance violation is present, correction of the violation must be made as part of the façade improvement work. Eligible applicants include the owner of a commercial building or the owner of a commercial business. Properties which are vacant at the time of award must tenant the improved space, with a permitted use, within six (6) months of the completion of the façade improvement work.

All applications must be signed by the property owner to indicate consent for the proposed improvements. The determination of eligibility and priority for assistance is at the discretion of the City of Blue Springs. Work which qualifies for assistance includes improvements to the exterior of a building which are visible from the public right-of-way. Work must be completed within 90 days of the grant award notification.

Eligible Improvements

Grants will be awarded for well-designed façade improvements that increase the longevity of a building. The funds may be used for specific improvements including:

- Window or door replacement
- Painting or other like finishes
- Exterior lighting, signage and awnings
- Masonry

Structural repairs, interior work and roof repairs are not eligible under this program.

Eligibility for funding will require compliance with regulations pertaining to the use of federal funds, established design guidelines adopted by the program, and all state and municipal code requirements.

II. Limitations

- All funds will be awarded in the form of a 50% matching grant.
- Funds will be awarded starting with the highest scoring project and continuing until available funds are exhausted. Generally, project applications will be reviewed based on the following criteria:
 - Quality and completeness of the application
 - Corrections to existing building code violations
 - Compliance with Americans with Disabilities (ADA) and/or create barrier-free access
 - Financial feasibility
 - Total private investment
 - Economic impact including the hiring of new part-time and full-time employees, leasing of existing vacant space, or potential economic multiplier
 - Preservation of historically significant architecture
 - Aesthetic enhancements
- Funding will be limited to primary and secondary exterior building facades of eligible commercial buildings that are visible from the public right of way, including alleys but only where the subject façade serves as a primary or secondary entrance for the general public.
- The City reserves the right to give priority consideration to applicants that leverage additional project funding from other outside sources
- The City reserves the right to accept, reject or modify any application.

- Owners/tenants that are in default of any obligation funded under a federally financed program are not eligible for the program. If approved for a grant and the individual or business defaults on another federally financed program, reimbursements under this program will not be made.
- The program is only available to owners of commercial buildings, or tenants occupying the street front façade of an eligible building located in an eligible area. Tenants must provide the written consent of the property owner in order to participate in the program.
- The following improvements are always required, even where such improvements may not be eligible for reimbursement:
 - Non-conforming signage (both attached and free-standing) must be brought into conformance with City ordinances.
 - The property must become compliant with the applicable City of Blue Springs Property Maintenance Code.
 - Graffiti on all exterior surfaces must be concealed or removed using approved methods where historic buildings are concerned.
- Eligible projects must also comply with all state and local laws and regulations pertaining to licensing and permits.
- If the building being improved will be used, in whole or in part, for housing the project must be in compliance with federal requirements to mitigate presence of lead-based paint. A Department of Housing and Urban Development (HUD) Environmental Review will be required prior to project approval. Documentation of project compliance will be required prior to final reimbursement to the grant recipient.
- Improvement plans are subject to the approval of the City. To be eligible for reimbursement, no work may be performed until approved by the City and until a Notice to Proceed has been issued. Work that has commenced prior to City approval is not eligible.
- Rehabilitation or improvements that affect National Register eligible historic properties must be consistent with the *Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings* (National Park Service, 1992).
- Projects must complete a HUD Environmental Review which includes an evaluation of potential impact on multiple factors including, but not limited to, historic resources, flood plain status and hazardous material evaluation. Projects funded through the program will be required to comply with federal requirements for mitigation of all adverse findings documented during the HUD Environmental Review. Full compliance must be achieved

before project reimbursement can be made. The City of Blue Springs will be responsible for the submittal of HUD Environmental Review.

- Projects where the total project budget is in excess of \$2,000.00 are required to follow the regulations set forth within the Davis-Bacon Act (DBA).
- Non-compliant uses are eligible for funding through this Program; the City reserves the right to determine applicant participation in the Program on a case-by-case basis.
- Applicants are required to achieve full tenancy of the building within six months of completion of the improvements, and at the time of application evidence of tenancy commitment(s) may be required. Closure of tenant business does not necessarily constitute default of the City/Owner grant.

III. Eligible Improvement/Rehabilitation Costs

The following is a list of facade features that may be eligible for Program assistance. All improvements must be visible from the public right-of-way. Additionally, all improvements must be approved through a formal design review process. Eligible improvement costs may include:

- Fees associated with required structural evaluation and/or professional design and engineering services (up to 10% of the total project costs)
- Maintenance/structural repairs to façade system
- Masonry repairs
- Removal of non-historic alterations when such removal will not jeopardize the structural integrity of the historic building
- Restoration/repair, or replacement in kind (if necessary due to deterioration) of historic design detail
- Exterior painting, cleaning, residing of buildings
- Awnings and canopies
- Signage
- Window and door repair and replacement
- Lighting and electrical needs
- Removal of accessibility barriers
- Landscaping (up to 5% of the total project hard costs)
- Curbs and sidewalks repairs and installations if visible from public right of way

IV. Ineligible Improvements

Generally, expenses related to the following activities are not eligible for reimbursement under the Program:

- Improvements that require the concealment or removal of historic fabric and/or design detail
- Alterations that decrease accessibility for persons with disabilities
- Roof structural repair/replacement/reconstruction
- Installation of security gates or bars on window or door openings
- Creation of non-historic window and door openings except where required to provide accessibility for persons with disabilities
- Enclosure of existing historic window and door openings
- Improvements to the building interior
- Project costs for work under construction or completed prior to the owner's grant contract with the City are also ineligible for reimbursement.

V. Exceptions

The City reserves the discretion to accept, reject or request modification to any application. If an applicant is located outside the designated Target Investment Areas, the applicant may request an exception. The request shall be made to the City in writing and shall detail reasons why an exception should be made. The City will consider the exception and respond in writing, generally within ten days.

VI. Funding Review Requirements Overview

DAVIS-BACON COMPLIANCE: Projects with total budgets in excess of \$2,000.00 are required to follow the regulations set forth within the Davis-Bacon Act (DBA). The DBA provides that contracts in excess of \$2,000.00 to which the United States is party for the construction, alteration, and/or repair, including painting and decorating, of public buildings or public works, which involve the employment of laborers and/or mechanics, shall contain provisions with respect to minimum wages, fringe benefits, payments without deductions or rebates, withholding funds from contractors to ensure compliance with wage provisions, and termination of the contract or debarment for failure to adhere to the required provisions.

SECTION 106 COMPLIANCE: Federally funded rehabilitation or improvement projects that affect historic buildings must be reviewed for compliance with Section 106 of the National Historic Preservation Act (Section 106). Historic buildings include those properties listed in, or eligible for listing in, the National Register of Historic Places. All façade rehabilitation or improvement projects on buildings 50 years of age or older, or located adjacent to such buildings, must be reviewed for compliance with Section 106 requirements. The City's Historic Preservation Manager is the compliance officer for Section 106 review and is located in the City's Community Development Department.

HUD ENVIRONMENTAL REVIEW: Projects must complete a HUD Environmental Review which includes an evaluation of potential impacts on multiple factors including, but not limited to, historic resources, flood plain status and hazardous material evaluation. Projects funded through the Program will be required to comply with federal requirements for mitigation of all adverse findings documented during the HUD Environmental Review. Full compliance must be achieved before project reimbursement can be made

VII. Process Steps

1. Application

Grant monies will be allocated to projects meeting one or more of the program criteria. In order for an application to be given preliminary approval the following requirements must be satisfied:

- Submission of a completed application form
- Conceptual design and specific scope of work
- Project Cost Estimate
- Documentation of owner's approval and permission for tenant improvements
- Documentation that the subject property is up to date on all municipal & county taxes.
- Documentation that the business located in the subject property has an existing up-to-date City of Blue Springs Business License.
- Preliminary approval will be granted upon satisfaction of the above listed threshold requirements, provided program funding is available. Preliminary approval means that funding has been reserved for a project, but does not necessarily guarantee a contract with the City.
- Project funding is only guaranteed after a signed agreement with the City is executed. Applicants will be contacted in the order their completed application was received to begin the grant process.

2. Design Review

Once an application has been received the Downtown Review Board will hold a meeting to assess the conceptual design and either grant design approval or request that the applicant modify the plans.

Design Review Revision Assessment Meeting

The applicant should have assembled his/her improvement plans, architectural drawings and specifications in as much detail as possible. At the discretion of City

Staff, applicants may be required to provide additional documentation including, but not limited to: photographs of the subject building facades, evidence of structural investigation required to establish existing historic character and materials, scaled architectural drawings or computer generated renderings of proposed enhancements, construction specifications detailing all work to be conducted, and itemized cost estimates.

At the Downtown Review Board Meeting, the applicant and their representatives will review the conceptual plans. At the conclusion of the meeting, the applicant would be provided with a statement of necessary action steps to be taken prior to the final design approval.

Request for Contractor Bids

Following final design approval by the Downtown Review Board, the applicant will be responsible for securing 3 separate bids for all work to be completed under the Program project.

Prospective bidders should be provided a copy of the approved design details/construction drawings, detailed construction specifications, and façade grant contract conditions (i.e. current prevailing wage rate determination, insurance coverage requirements, licensing requirements, etc.). A minimum of three bids is advised for all work to be completed as part of the project. Bids should be broken down in-line item detail in accordance with the approved construction specifications.

Note: The selected contractor(s) are required to maintain a business license with the City of Blue Springs as well as, insurance coverage in the type and amounts deemed necessary by the City. Additionally, selected contractors must comply with Federal requirements and restrictions related to fair labor standards, equal opportunity employment, conflict of interest and certain environmental protection issues.

If the selected bid exceeds the amount of the grant award, the grant recipient will be responsible to provide additional project funding, or modify the scope of work. At the discretion of the City, the project's scope of work may be reduced or revised in light of budget constraints. In the event additional funding will be required on the part of the recipient, the City may require verification of secured funding prior to execution of a grant contract with the City.

3. Submission of bidding documentation and Owner/Contractor Contract(s):

Before contracting for the façade improvement project the City will require the applicant to submit copies of cost proposal documentation, and a copy of the Contractor

contract(s)/signed bid and documentation of required insurance and contractor licensing to the City.

Note: the Owner/Contractor contract must be limited to work performed only on the exterior of the building. If interior construction will take place concurrently with façade improvements this work must be covered under a separate contract with the owner. Interior construction conducted concurrently with exterior improvements will be subject to Davis-Bacon wage rate requirements.

4. Contract for Work

A contract for work may only be executed upon the City of Blue Springs's issuance of a "Notice to Proceed". This is to allow the grant administrator to process and complete the required environmental review process. **Executing a contract prior to written may result in the termination of the grant award.**

City Staff will prepare and process for signature the Contractor/Owner/City contract. Once contracts are fully executed, City Staff will forward signed originals to the Owner along with a Notice to Proceed with construction activity.

5. Notice to Proceed

The Notice to Proceed with construction activity will be issued by the City to the grant recipient, who in turn is responsible to notify the contractor. The Notice to Proceed does not guarantee the issuance of required construction permits, which must be secured by the Contractor prior to the start of construction activity.

All improvements required to be completed under the grant contract agreement will be subject to requirements for federally funded projects, including Davis-Bacon wage rates for labor. This includes improvements that will be paid for using private funds.

6. Modification

Any modification to an approved design plan requires the grant recipient to contact the City in writing to request approval of the modification. Non-material, nonsubstantive modifications will be approved by Program Staff; however, more significant changes may require approval by the City. Grant recipients shall not authorize execution of plan modifications until they have received written approval from Program Staff. Doing so may jeopardize the guarantee of project funding.

7. Project Schedule and Payment

The grant recipient will have 90 days to complete the required improvements. Following completion of the improvements, the Contractor will submit all required documentation to the City for processing of payment. Documentation is required for all eligible work for which reimbursement is being requested, and shall include, but not limited to the following:

- Invoice/Request for Payment from the grant recipient
- Copies of all invoices for work performed and receipts for materials supplied
- Approved Certified Payroll Forms for all contracted labor as required by Davis Bacon Wage law
- Copies of any required approved building inspections related to the project (only if requested by the City).

Partial reimbursements may be requested as line items are completed and costs are incurred, provided that all required supporting documentation is submitted with each request for reimbursement. Upon receipt of a request for payment the City, or designated Third-Party Inspector, will inspect the improvements. If the completed work does not conform to the approved plans and specifications, the City may instruct the contractor and grant recipient to bring the work into compliance. The City will not process the reimbursement payment and issue a check until all improvements have been satisfactorily completed and all required documentation has been submitted. In no case shall payment exceed the amount stipulated in the grant contract. All payments of grant funding are made directly to the contractor. The City is responsible for paying the contractor(s) in accordance with the terms of the Owner/Contractor contract agreement. The applicant is not responsible for enforcing or accommodating the payment terms of the construction contract.

VIII Default

Default on a contract issued through this program may result in City action to have such contract deemed null and void and to obtain reimbursement of any grant funds paid out under the contract. The grant recipient may be considered in default under the following conditions.

- The project is not completed and occupied within the required time frames and no extensions have been approved.
- The project is not in compliance with all Federal requirements pertaining to Section 106 Review, HUD Environmental Review, and Davis-Bacon legislation.
- The owner/tenant makes modifications to the façade which are not in compliance with the requirements outlined in these Policies and Procedures
- The building where façade improvements were made using program funds is vacant for a period of greater than six (6) months after the completion of the façade

improvements or is used for prohibited and/or non-compliant uses under the Downtown Development Code. Closure of tenant business does not necessarily constitute default of the Grant. If this issue arises the building owner should immediately contact City staff.

- Final inspection approval of all pending construction permits pertaining to the subject property's compliance with structural, mechanical and electrical building code is not obtained.
- The building is demolished or funded improvements are not reasonably maintained during a period of five (5) years after the completion of the improvements funded through this grant.