

## **CITY OF HYATTSVILLE COMMERCIAL FAÇADE IMPROVEMENT PROGRAM GUIDELINES**

### **I. Program Overview**

#### **Purpose**

The City of Hyattsville, Maryland recognizes the positive impact that individual facade improvements can have on the overall appearance, quality and vitality of the City's commercial districts. The Commercial Façade Improvement Grant Program was created to facilitate the private sector in making these desired exterior improvements. The City of Hyattsville Commercial Façade Improvement Program offers financial assistance to private property or business owners seeking to rehabilitate commercial building facades in the following Target Investment Areas: the West Hyattsville Transit District, the Route One/Gateway Arts District and the Prince George's Plaza Transit District. The City of Hyattsville reserves the sole right to amend, modify, add, or delete any part or subpart of this program.

The primary goals of the City of Hyattsville Commercial Façade Improvement Grant Program are to remove accessibility barriers, facilitate investment, and achieve significant visual improvements in commercial facade appearance. Projects that meet the primary goals will be preferred.

#### **Assistance Available**

Approved projects are eligible to receive a dollar-for-dollar matching grant, a minimum grant of \$5,000 and a maximum grant of \$50,000 per building, to assist with exterior rehabilitation of eligible commercial and mixed use structures. Sources of match will be primarily a cash match for physical improvements and may also include documented costs for architectural design, permitting and inspection services.

#### **Eligibility Requirements**

Existing structures currently zoned for commercial use and in current commercial use, or planned for commercial use, within the corporate limits of the City of Hyattsville 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 Hyattsville. Work which qualifies for assistance includes improvements to the exterior of a building which are visible from the public right-of-way, and may also include documented costs for architectural design, permitting and inspection services. Work must be completed within one year 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
- Exterior shutters and gutters
- 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 State of Maryland funds, established design guidelines adopted by the program, and all State of Maryland and City of Hyattsville code requirements.

## **II. Limitations**

- All funds will be awarded in the form of up to a 50% matching grant. Prior to the commencement of the work, the applicant's matching funds will be required to be submitted to the City. The City will hold the funds in escrow. The City will pay the contractor directly after any mechanics liens have been removed and the City receives written confirmation of project completion.
- 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 Act (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.

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- The City reserves the right to give priority consideration to applicants that leverage additional project funding from other outside sources. Projects located within a designated historic district that qualify for Prince George’s County, State of Maryland and/or Federal historic rehabilitation tax credits are encouraged to make application for these incentives.
- The City reserves the right to accept, reject or modify any application.
- The program is available to owners of commercial buildings, or tenants occupying the street front façade of an eligible building located in an eligible Target Investment Area. Tenants must provide the written consent of the property owner in order to participate in the program.
- Reimbursement is limited to labor and material for eligible cost items. However, the City may require that non-eligible work be performed as a precondition for reimbursement of eligible cost items. Examples of non-eligible improvements which might be required include screening of a trash dumpster, removal of a free-standing sign, or the striping of a parking lot. 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 Prince George’s County and City of Hyattsville Property Maintenance Code.
  - Graffiti on all exterior surfaces must be concealed or removed using approved methods where historic buildings are concerned.
- The City has the right to request that projects provide a sealed licensed engineer’s or architect’s report verifying that the building is structurally sound. Costs for these services may qualify as a matching dollar cost according to the discretion of the City. To be considered for possible qualification, an invoice and proof of payment (cancelled check or payment statement) must be submitted to the City.
- Eligible projects must also comply with all State of Maryland 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.
- 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 Maryland Historic Trust Review which includes an evaluation of hazardous materials, as well as reviews of the potential impact of the project on multiple issues such as historic resources, and flood plain status. Projects funded through the program will be required to comply with federal requirements for mitigation of all adverse findings documented during the Maryland Historic Trust Review. Full compliance that is documented must be achieved before project reimbursement can be made. The City of Hyattsville will be responsible for the submittal of Maryland Historic Trust Review.
- 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 may qualify (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, re-siding of buildings
- Awnings and canopies
- Signage
- Window and door repair and replacement
- Lighting and electrical needs
- Removal of accessibility barriers
- Curb and sidewalk repairs and installations if visible from public right of way

- Repair and replacement of guttering

#### **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
- Landscaping
- Roof structural repair/replacement/reconstruction
- Structural repairs
- 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

#### **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. Acquiring a Contractor**

The responsibility of selecting a contractor will be placed on the applicant. The applicant must have bids from three different contractors. The applicant will provide the name of the Owner/CEO, DBA (Doing Business As), address, contact information, and any relevant Maryland licenses. It is required that the contractors maintain a business license with Prince George's County, City of Hyattsville, and contractor insurance. Proof of insurance and photocopies of necessary business licenses for the selected contractor are to be included in the application. The contractor must also provide a line-item scope of work which details labor costs, material costs, and contractor profit. While the onus of selecting the contractor resides with the applicant, the City of Hyattsville will review selections, and will have the authority to deny funding if the City has concerns about the selected contractor. The applicant should state who their selected contractor is in the application.

**SECTION 106 COMPLIANCE:** All 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.

**MARYLAND HISTORIC TRUST REVIEW:** Projects must complete a Maryland Historic Trust Review which includes an evaluation of hazardous materials, as well as reviews of the potential impact of the project on multiple issues such as historic resources, and flood plain status. Projects funded through the Program will be required to comply with federal requirements for mitigation of all adverse findings documented during the Maryland Historic Trust 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 considered, preliminary approval of the following requirements must be satisfied:

- Submission of a completed application form
- Color photographs of current façade from sidewalk or street
- Conceptual design and specific scope of work
- Proof of fire and extended insurance for property
- Proof of insurance and necessary business licenses for selected contractor
- Itemized project cost estimate
- Documentation of owner's approval and permission for tenant improvements
- Documentation that the subject property is up to date on all City of Hyattsville & Prince George's County taxes
- Documentation that the business located in the subject property has an existing up-to-date City of Hyattsville Business License
- If leased, a Statement of Permission for the proposed improvements signed by the owner of record agreeing to the proposed work

*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 contract 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 Commercial Façade Improvement Program Review Panel will assess the conceptual design. The panel will then either grant design approval or request that the applicant attend a Design Review Revision Assessment Meeting.

### **Design Review Revision Assessment Meeting**

If it is determined that revisions to the proposed conceptual design are necessary, a formal review by the City's Commercial Façade Improvement Review Panel will be scheduled. The purpose of the meeting would be to either revise the intended scope of the proposed façade improvements or the design.

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 Design Review Revision Assessment Meeting, the applicant and their representatives will review the conceptual plans with the City's Commercial Façade Improvement Review Panel and will be required to revise the plans at the direction of the Review Panel.

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.

## **3. Acquiring Bids from Three General or Sub-Contractors**

Each applicant is required to provide the information of three general or sub-contractors who are bidding on their proposed project. The application should also include the contractor the applicant has selected. The selected contractor's proof of insurance and relevant licenses are to be provided with the application. All contractors are subject to investigation by the City of Hyattsville, and grant funds are contingent on contractor approval by the City.

Prospective bidders should be provided a copy of the design details and construction drawings, detailed construction specifications, and façade grant contract conditions (i.e. insurance coverage requirements, licensing requirements, etc.). A minimum of three bids is required. Bids should be broken down in-line item detail in accordance with the approved construction specifications.

*Note: The selected contractor(s) are required to 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.

#### **4. 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.*

#### **5. Contract for Work**

A contract for work may only be executed upon the City of Hyattsville'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 two (2) signed originals to both the Owner and the Contractor along with a Notice to Proceed with construction activity.

#### **6. 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.

#### **7. 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, non-substantive 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.

## **8. Project Schedule and Payment**

The grant recipient will have six (6) months to commence the façade improvements, and will have twelve (12) months from the date of award in which 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
- 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 County, 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 owner/tenant makes modifications to the façade which are not in compliance with the requirements outlined in these Policies and Procedures.

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- 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 Prince George's County Zoning Code or applicable Overlay Zoning. 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.