



CAPITALIZE ALBANY **CORPORATION**

City of Albany Small Business Façade Improvement Program

**Program Guidelines
City of Albany, New York**

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INTRODUCTION

In April of 2012, the City of Albany Common Council adopted the Albany 2030 Plan, which established the first Comprehensive Plan in the City's 400-year history. Albany 2030 built a framework for the City's future, which outlines many specific goals for the City including, but not limited to: enhancing, promoting and strengthening neighborhood commercial centers; making Albany attractive for business development; reinforcing, enhancing, and promoting Albany's distinctive character and identity; fostering coalitions and community initiated economic development partnerships, and providing a foundation for economic activity.

Mayor Sheehan and the City of Albany are committed to helping Albany small businesses thrive. A key part to business success is that first impression: what a customer sees from the outside of the building. Evidence of Albany's rich history abounds in the striking architectural diversity of the City's buildings, while improvements to single buildings and storefronts are beginning the revitalization of entire commercial districts and neighborhoods by signaling positive change and stimulating investment in nearby properties.

However, many existing storefronts in the City of Albany require substantial investment to preserve and enhance this character, and to update the building facade to promote the business and attract customers. While this process has begun spontaneously through the work of individual property or business owners, it needs additional support and investment from the public sector to make a significant impact. Recognizing this critical need, Mayor Sheehan collaborated with the Albany Community Development Agency to launch and implement the City of Albany Small Business Façade Improvement Program in 2015. As the economic development arm for the City of Albany, Capitalize Albany Corporation administers the Program.

A registered 501(c) (3) not-for-profit organization, Capitalize Albany Corporation implements programs and resources that create, retain, and attract business in the City of Albany, New York. Capitalize Albany Corporation continuously works to identify initiatives that can both further the pursuit of its mission as well as aid the City in meeting the objectives of Albany 2030. This work often involves administering programs that are critical to our business' success, such as the popular Downtown Retail and Amplify Albany Grant Programs and now, the Façade Improvement Program.

STATEMENT OF PURPOSE

The City of Albany Small Business Façade Improvement Program is designed in recognition of the positive impact that individual building improvements can have on the overall appearance, quality and vitality of the City's commercial districts. The Program will help small businesses and not-for-profits to rehabilitate and restore the visible exterior of existing structures, and to enhance street-level storefronts. Dollar for dollar matching reimbursement grants may be awarded to eligible applicants to improve the aesthetic appearance of neighborhood commercial districts throughout the City of Albany to attract additional customers to existing businesses and bring in new businesses to fill current vacancies.

PROGRAM DESCRIPTION

The Program will create opportunities for eligible small businesses and not-for-profit entities to apply for funds to complete individual façade improvement projects. These investments will make the successful applicant's business and neighborhood more attractive, more interesting, and more inviting. Matching grant funds of up to \$10,000.00 per building will be available for application by eligible applicants to assist with paying some of the costs associated with the eligible facade improvements identified on pages 3 and 4 of these guidelines.

Capitalize Albany Corporation may provide up to 50 percent of the resources for any particular project, up to a maximum grant of \$10,000. Specific award amounts will be determined at the sole discretion of Capitalize Albany Corporation.

Note: For the purposes of this program, a façade is defined as the front or side of a commercial building that faces a public street and is visible from a public way.

Program funding will be provided as a grant on a reimbursement basis following completion of the total project and Capitalize Albany Corporation's approval of the required documentation for eligible project expenditures. The applicant will be required to have funding available to cover the total project cost upfront, prior to reimbursement.

Staff can assist with identifying available finance options through commercial lending institutions and/or local not-for-profits such as the Community Loan Fund of the Capital Region. All funding is required to be committed and available at the time of application. Please contact Capitalize Albany prior to application if you need assistance in connecting with additional financial resources to complete the project.

PROGRAM GOALS

To further the visions and recommendations of Albany 2030, Capitalize Albany Corporation has developed the following program goals:

- 1) To support and provide critical assistance to small businesses within the City of Albany
- 2) To create attractive and inviting, vibrant commercial cores which will enhance the City's image as a destination for the community, visitors and tourists
- 3) To stimulate and leverage public and private investment within the City through property improvement, business development, retention and expansion
- 4) To encourage the creation of low barrier to entry jobs for City of Albany residents, as well as others in the region
- 5) To support eligible projects located within the Albany Community Development Agency's identified Neighborhood Strategy Areas consisting of Arbor Hill, the Central Business District, North Albany, the South End and West Hill.

APPLICANT AND BUILDING ELIGIBILITY

To be eligible for this program, the application must be on behalf of a small business or not-for-profit entity. A small business is defined as a commercial enterprise that is independently owned, operated, and controlled, and has 25 or fewer full-time equivalent employees at the time of application. Qualifying not-for-profits must also have 25 or fewer full-time equivalent employees at the time of application.

Furthermore, eligible applicants must meet, and show sufficient proof as part of the application process, of all of the following criteria:

- 1) The applicant must be currently operating/committed to operate a business within the City of Albany.
- 2) The applicant must be a legal entity, which is properly registered and licensed (if required) to operate in New York State.
- 3) The applicant must certify that they are current on all federal, state, local, business, property, sales and payroll taxes.
- 4) The applicant must be either an existing or new business that currently occupies/plans to occupy first-floor space with street front presence and access.
- 5) The applicant business must be either the legal owner of the subject property or a commercial tenant of the property that possesses a current lease that will not expire prior to the anticipated completion of the façade improvement project (also see #8 below).
- 6) The applicant must have written consent from the property owner giving permission to conduct the improvements.
- 7) The applicant must be able to document the availability and commitment of the funds necessary to complete the project at the time of application, including matching funds amounting to at least 50% of the total project cost.
- 8) The applicant must be able to commit to remain in the location and maintain the façade improvements for at least two (2) years.
- 9) If a relocation of an existing business from another location within the City, the applicant must show evidence of expansion or inability to continue to operate at the existing location. Approval for relocation is at the sole discretion of Capitalize Albany Corporation staff.

- 10) The City of Albany is committed to eradicating food deserts in the City. Convenience retail stores (as defined by Rezone Albany) applying for funding under this program will be required to document and certify that a significant inventory of fresh produce is maintained for sale at the time of application and commit to do so for the term of the grant. As a requirement of the program, convenience retail stores that do not sell fresh produce at the time of application will need to produce an agreement with a fresh foods provider to be approved by Capitalize Albany Corporation staff in order to dedicate significant square footage of the store to fresh produce at the assisted business location.

Buildings used in whole or in part for commercial purposes may be eligible for a reimbursement grant for façade improvements, if they also meet all of the following criteria:

- 1) The building must be a current place of business for the applicant's small business or not-for-profit entity.
- 2) The building must be located in the City of Albany, New York.
- 3) The building must be used in whole or in part for commercial purposes.
- 4) The building must have an existing storefront, or a location for a new storefront, that meets the Program's definition of a facade identified on page 2 of these guidelines.
- 5) The façade to be improved must provide public access to a business or businesses within the building.
- 6) Land use must be in conformity with the applicable zoning regulations. Non-conforming land uses, sites, and structures are eligible for grant funds only if the non-conformities are brought into compliance through the grant award.
- 7) Buildings with existing code violations or deficiencies must include their remedy as part of the proposed improvements.

Not all properties and/or projects meeting the requirements of the Façade Improvement Program will be able to receive reimbursement grants. Eligibility and awards under this Façade Improvement Program will be determined by Capitalize Albany Corporation in its sole discretion.

INELIGIBLE APPLICANTS

An ineligible applicant is any applicant that does not provide sufficient documentation of meeting the requirements for eligible applicants set forth on pages 2 and 3 of these guidelines, to the satisfaction of Capitalize Albany Corporation.

INELIGIBLE BUILDINGS

At the sole discretion of Capitalize Albany Corporation, a building or small business may be deemed ineligible for program funds if any of the below criteria are met:

- 1) Structure identified in the application (or the property the building is located on) is owned in whole or in part by the City of Albany, County of Albany, State of New York or Capitalize Albany Corporation.

Capitalize Albany Corporation will review all applications on a case-by-case basis and reserves the right to exclude other business activities if: the use and/or project is not consistent with the City of Albany's redevelopment and development plans; the use and/or project does not benefit the health, safety, and welfare of the community; or the business activity and/or project does not meet the objectives of this program.

FUNDING PARAMETERS

Proposed improvements should be at least \$5,000. Up to 50% of a project may be reimbursed up to \$10,000 for eligible costs associated with the cost of construction of exterior building improvements and architectural fees. Only those architectural services directly related to the approved façade improvement project will be reimbursed. Capitalize Albany Corporation reserves the right to modify such terms.

QUALIFYING PROJECT EXPENDITURES

The permanent building improvements below may be eligible for reimbursement, if they are part of an approved exterior façade improvement project:

- Architecture and engineering fees as part of a comprehensive exterior renovation project
- Exterior demolition or site preparation costs as part of a comprehensive exterior renovation project
- Exterior treatments including painting, murals, siding, and bricking
- Repairs, replacement, and installation of exterior doors, windows, shutters and trim
- Repair, replacement or addition of awnings and exterior signage, including installation costs
- Sidewalk cafes, including balconies, decks, and planters
- Installation, repair and replacement of lighting mounted on a building that illuminates the façade or signage
- Exterior improvements necessary to building up to current code, including Fire and Life safety codes and/or Americans with Disabilities Act requirements
- Structural improvements to the façade
- Removal of elements that cover architectural details
- Architectural detail or ornamentation, such as restoration of details on historically significant buildings
- Repair and re-roofing, where the effects of the repair will be visible from a public street or public parking lot. (In general, sloping roofs would qualify, flat roofs would not).
- Repair or replacement of exterior stairs, porches, railings, and exits
- Private walkways – sidewalks, pavers, and other permanent improvements designed primarily for pedestrian use, only in conjunction with front entrance improvements

All improvements are subject to approval by Capitalize Albany Corporation and must meet criteria for appropriateness of design. Capitalize Albany Corporation has the right to include other project expenditures, in its sole discretion, if such activities are deemed to be in alignment with the goals and objectives of the program.

INELIGIBLE PROJECT EXPENDITURES

- Building Permit fees and related costs
- Acquisition of land or buildings
- Temporary improvements
- Interior building improvements
- Inventory, furniture, equipment, moving expenses, and working capital
- Project costs incurred/improvements made prior to grant approval
- Routine building or site maintenance projects
- Purchase of a business
- Non-permanent signage
- Resurfacing of parking lots
- In-kind services or donated services

DESIGN PRINCIPLES

Applicants should take the overall program goals into careful consideration when proposing façade improvement projects. For a list of preliminary design principles, please visit: www.capitalizealbany.com/grants. These preliminary principles are not intended to be requirements, as in some cases a creative design proposal can successfully meet the intent of the program while departing from specific requirements. All work to facades must be in compliance with city ordinance and state and federal law, and all projects must be approved by the appropriate departments prior to beginning any work.

APPLICATION PROCESS:

Potential applicants are encouraged to contact Capitalize Albany Corporation to discuss their project and their potential eligibility for the program as well as to ask any questions about the program, how to complete the application process, or to inquire about other programs and incentives available through Capitalize Albany Corporation. Minority and women-owned business enterprises (MWBES) are strongly encouraged to apply.

Applicants must follow the adopted grant application process in order to be considered for a grant award. *The full Small Business Façade Improvement Program application must be completed in its entirety (including all required supplemental materials and data) and submitted to Capitalize Albany Corporation by the specified deadline in order to be considered for this program.*

If funding permits, there will be two application windows opened for this program in 2022. Spring 2022 applications will be made available as of January 26, 2022. Capitalize Albany Corporation will accept applications from February 11, 2022 through March 11, 2022. **Applications will not be accepted after the March 11, 2022 deadline.** Details on subsequent funding windows will be provided at a later date pending the availability of funds. The number and value of grants awarded during a specific funding window may impact the number and value of grants able to be awarded in any future funding window(s).

SUBMISSION REQUIREMENTS

All of the following are required to be submitted, and determined to be sufficient by Capitalize Albany Corporation staff at their sole discretion, in order for an application to be considered complete:

- Completed application
- Plan for the project including:
 - ✓ Concept for façade, showing design/"feel" (photos of similar concepts, material samples, etc.)
 - ✓ Detailed scope of work and/or architectural drawings and/or renderings of the improvements, reflecting placement, materials and colors to be used
- Color photographs of the existing exterior conditions of the building (including photos of the building façade as a whole, specific items to be addressed within the scope of work, and of the property's location within the district)
- Up to three (3) estimates from licensed (if required), insured contractors reflecting work to be performed and costs. Any contractor that has submitted a competitive, detailed estimate can be used.
- A copy of the property tax bill or deed to confirm ownership of the property
- Documentation that all taxes are current – federal, state, local, business, property, sales, payroll
- For lessees, a legally valid and binding lease for a period that, at a minimum, does not expire prior to anticipated project completion date
- Documentation of commitment of funds for the project (bank statement and/or commitment letter(s) per the discretion of Capitalize Albany)
- If the applicant is a lessee, Property Owner Declaration and Consent Form
- For convenience retail stores (as defined by the City of Albany's Unified Sustainable Development Code) and supermarkets applying for funding under this program, Convenience Retail Store Certification Form

Applicants must follow the adopted grant application process in order to be considered for a grant award. Small Business Façade Improvement applications must be completed and submitted to Capitalize Albany Corporation. Applications are submitted through an online application platform; or through Capitalize Albany's email account: development@capitalizealbany.com; or in person at our office at 21 Lodge Street, Albany, New York 12207. Visit the Capitalize Albany website at www.capitalizealbany.com/grants to access the application beginning on January 26, 2022.

REVIEW PROCESS

Capitalize Albany Corporation staff will conduct a completeness and eligibility review on all received applications in order to determine whether each application is complete, and the applicant and the project are eligible under the program guidelines. Applicants will be notified of any missing items in the application and encouraged to submit the remaining documentation as soon as possible. If missing documentation is not received within the Corporation's stated timeframe following notification, the application may be deemed incomplete and not subject to further consideration under this program.

Grant applications will not be evaluated until all of the requested information has been provided and approved by Capitalize Albany Corporation staff. All eligible, completed applications will be evaluated on a case-by-case basis by Capitalize Albany Corporation staff (as described below under "Scoring Criteria and Scoring Process").

Capitalize Albany Corporation reserves the right to reject any project. Throughout the review process, Capitalize Albany Corporation staff will have the right to request more information, or to request specific design or operating changes. Capitalize Albany Corporation will award funds on a competitive, first-come, first-served basis until available funding is exhausted.

Among other criteria, the Corporation will analyze the investment level, strategic value and overall project impact of each proposed project. A building/parcel with an active Small Business Façade Improvement Program application and/or award or other Capitalize Albany Corporation grant will be subject to additional review. Additionally, a building/parcel/applicant requesting more than one (1) grant in the same funding window will be subject to additional review.

SCORING CRITERIA

The Façade Improvement Program seeks to provide funding to eligible applicants to support qualifying façade improvement projects that will reinforce and enhance the identity of the neighborhood commercial districts and the City of Albany. Capitalize Albany Corporation is looking for projects that will have a significant aesthetic impact on the City's commercial districts. Projects are intended to reflect principles of good design and will be evaluated by Capitalize Albany Corporation on their individual and relative merits.

Generally, project applications will be reviewed based on the following criteria:

- Alignment with the program's eligibility requirements and overall goals
- Quality and completeness of the application
- Aesthetic impact and storefront design
- Corrections to existing building code violations
- Compliance with Americans with Disabilities (ADA) and/or create barrier-free access
- Preservation of historically significant architecture
- Total private investment

In addition, throughout the program, the locations and scopes of projects awarded will be continually evaluated to ensure the limited program funds achieve the greatest citywide impact.

SCORING PROCESS

Once the application is determined by Capitalize Albany Corporation staff to be complete, Capitalize Albany Corporation staff will complete the application review with respect to the criteria identified above and all aspects of these program guidelines.

Following the completion of the application review process, if Capitalize Albany Corporation determines that the project should move forward, a grant award will be approved. Capitalize Albany Corporation staff has the final authority to approve or deny the project application. In addition, the amount of the grant is determined in the sole and absolute discretion of Capitalize Albany Corporation. Notification of grant funding approval or denial will be sent to the applicant by Capitalize Albany Corporation staff.

Please note: submission of a complete application does not guarantee that the project will receive funding. Submitted applications do not bind Capitalize Albany Corporation to make any award.

POST-AWARD PROCESS AND REQUIREMENTS

Upon award, applicants will be required to execute a grant agreement and other security documents, as determined by Capitalize Albany Corporation in its discretion, including but not limited to some or all of the following: a promissory note (forgivable on meeting all grant requirements), personal guaranty for the note (if the applicant is an entity), mortgage (subordinated to certain other mortgages in Capitalize Albany Corporation's discretion), and lien filings. Included within the grant agreement/security documents will be commercially reasonable indemnification/insurance obligations on the part of any applicant awarded funds intended to protect Capitalize Albany Corporation from any potential liability related in any manner to this grant. Capitalize Albany Corporation, in its sole discretion, has the right to require additional documentation prior to execution of the grant agreement.

The maximum amount of the reimbursement grant for a specific property will be set forth in the grant agreement between Capitalize Albany Corporation and the grantee. If costs exceed the original estimates, the grantee shall be solely responsible for the payment of the full amount of the excess. Capitalize Albany Corporation will not reimburse more than the total amount specified in the Agreement.

The grants shall be recoverable and amortized over a period of two (2) years. Upon project completion, the principal amount of the grant will diminish by ten (10) percent at project completion and shall diminish by forty-five (45) percent each year thereafter for a period of two (2) years. Grantee must commit to remain in the location and maintain the façade improvements for at least two (2) years. Additional commitments may be required, at the discretion of Capitalize Albany Corporation. If the grantee does not default on the grant terms during the required two (2) year period, the grant will be closed. Failure to abide by the grant terms and conditions may result in (i) forfeiture of any grant funding awarded to applicant; and/or (ii) applicant repaying/returning to Capitalize Albany Corporation any grant funds awarded which had been already provided to the applicant (up to the full amount of grant funds).

All rehabilitation work and design features must comply with all applicable city codes and ordinances, as well as state and federal law. All applicable permits and licenses must be obtained, including all permits and Certificates of Occupancy required by the City of Albany and all other state and local permits. In addition, work must follow plans and specifications as approved by Capitalize Albany Corporation.

Applicants are highly encouraged to utilize local businesses and labor during the project's construction period. Applicants will be provided with the Albany Community Development Agency's list of pre-approved bidders and the City of Albany's list of MWBE contractors to assist in the applicant's search for skilled labor. While exclusive use of these firms is not required by the program, use of qualified firms that uphold the highest standards of employee care, insurance and local hiring is strongly preferred.

After approval, any changes to the project, no matter how minimal, must be approved by Capitalize Albany Corporation. Grant recipients must work closely with Capitalize Albany Corporation staff to communicate the project progress and resolve any issues or questions.

Capitalize Albany Corporation reserves the right to conduct site visits and should anything be discovered that is not consistent with the approved application, Capitalize Albany Corporation has the right to withhold the grant award, recapture any and all grant funds, or take any other available remedy to maintain compliance with these program guidelines.

Once the grant is approved, the applicant has six (6) months to begin construction. If the work does not begin within the six (6) month period, the applicant will be notified in writing that the grant may lapse and the agreement may be terminated with no grant funds awarded or available to the applicant. Once construction has started, the applicant has one year to complete the project. If the project has not been completed at the end of the one (1) year period, the applicant will be notified in writing that the grant may lapse and the agreement may be terminated with no grant funds awarded or available to the applicant. If an approved project is nearing the six (6) month or one (1) year lapse point, an opportunity will be provided for the applicant to request an extension. An extension may be granted at the sole discretion of Capitalize Albany Corporation staff depending on the project's circumstances and the future needs of the program. If an approved grant does lapse and is terminated, the applicant may reapply on a first-come, first-served competitive basis. There is no guarantee that a resubmission will be approved, and the project will be re-evaluated based upon the established criteria detailed above.

Upon completion, all work must pass applicable state and/or local inspections. The applicant may be subject to repayment of all grant funds to Capitalize Albany Corporation if the physical improvements paid for by this program do not remain in place for a minimum of two (2) years, or if the business closes prior to the end of the agreed upon term.

RELEASE OF FUNDS

The program will offer grants on a reimbursement basis only. Under no circumstances will grant funds be disbursed as a cash advance prior to project costs being incurred, the applicable scope of the project completed and the small business identified within the application is fully operational to the satisfaction of Capitalize Albany Corporation. Funds are disbursed only after a reimbursement request with paid receipts and/or invoices, cancelled checks, and/or certified checks for eligible project costs are submitted and approved by Capitalize Albany Corporation, and the grantee has received their Certificate of Occupancy from the City of Albany and has met all requirements in the contractual agreement. Generally, the full (100%) grant will be provided to the grantee in a single payment. Closing costs (e.g., Capitalize Albany Corporation attorney fees, recording fees and/or filing fees) may be deducted from the grant amount awarded.

Under extenuating circumstances, Capitalize Albany may authorize reimbursement to be made in two payments (one at the halfway point of the project and one at project completion). Prior approval must be requested by the grantee and authorized by Capitalize Albany. Under no circumstances will grant funds be provided to an applicant prior to all necessary approvals and agreements being in place, project costs being incurred and the applicable scope of the project completed.

Eligible receipts and invoices must, at a minimum, include the invoice date, scope of work, contractor name and contact information, cost, and be marked as paid or a zero balance must be indicated or other proof of payment is supplied. The invoices must clearly indicate the nature of the expense and that such expense is related to the approved project and business. Capitalize Albany Corporation will only be obligated to reimburse applicants for which eligible, reimbursement requests are received within six (6) months following the receipt of the Certificate of Occupancy/project completion.

If eligible project costs are less than the original grant approval, Capitalize Albany Corporation has the right to reduce grant awards. Awards may be pro-rated down accordingly.

ADDITIONAL PROGRAM REQUIREMENTS

- Any grantee hereby agrees to indemnify, defend and hold harmless Capitalize Albany Corporation, as well as Albany Community Development Agency and any of their officers, directors, employees, and agents (collectively, the “Capitalize Albany Corporation and Albany Community Development Agency Parties”) from any claims, damages, losses and expenses, including but not limited to attorneys’ fees, asserted against Capitalize Albany Corporation Parties related in any way to a project.
- The grantee will be required to give to Capitalize Albany Corporation, the unrestricted right to use, for any lawful purpose, any photographs or video footage taken of the property at the approved project location, and the grantee owns and/or for which the grantee has the authority to grant such permission, and to use the grantee’s name in connection therewith if it so chooses.
- The grantee will further be required to notify Capitalize Albany Corporation of any public announcements or events to be held at or in relation to the completion of the project, and Capitalize Albany Corporation will have the right to participate in and/or publicize the event in coordination with the grantee, if Capitalize Albany Corporation so chooses.
- The grantee will consent to display signage at the project location indicating participation in the City of Albany Small Business Façade Improvement Program prior to project commencement (Capitalize Albany Corporation to provide sign specifications).
- Only one grant shall be awarded per business for each physical location and/or project. Funding is not transferable.