



Community Development Department

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180 – Hearing Impaired: 711

Staff Report To: Redevelopment Authority Citizens Committee

Meeting Date: November 5, 2018

Item 4.C

Staff Contact: Lee Plemel, Director (lplemel@carson.org; 283-7075)

Agenda Title: For Possible Action: For Possible Action: To make a recommendation to the Redevelopment Authority to make amendments to Resolution No. 2017-RA-R-1 and 2017-R-1 to modify the Redevelopment Façade Improvement Program guidelines.

Staff Summary: The Façade Improvement Program was established in 2016 to provide assistance to property owners of commercial properties within Redevelopment Areas 1 and 2 with certain façade improvements. The program provides a matching grant to property owners, up to \$25,000 per property, for certain façade improvements. The RACC may make recommendations regarding modifications to eligible properties, eligible improvements, or other recommendations regarding modifications to the Façade Improvement Program guidelines. Modification of the resolutions is necessary to change the Redevelopment Façade Improvement Program guidelines.

Proposed Motion: I move to recommend to the Redevelopment Authority amending the Façade Improvement Program guidelines to make the following changes: [state recommended changes here].

DISCUSSION:

During consideration of a recent application for a Façade Improvement Program grant, both the RACC and the Redevelopment Authority raised a few issues in the current program guidelines that the Authority may want to address through amendments to the guidelines. Those issues were:

1. Eligible properties – All commercial properties within the Redevelopment District.
2. Ineligible properties – Properties already receiving a “tax incentive.”
3. Eligible improvements – “Painting” is an eligible improvement.
4. Discretionary review – The program allows funding to qualifying applicants on a first-come, first-served basis as long as funding is available. The RACC reviews applications to ensure that an application meets all the required program guidelines.

Each of these issues is discussed in more detail below for the RACC’s consideration and recommendations to the Redevelopment Authority.

Issue #1 – Eligible Properties

The applicable section of the program guidelines regarding eligible properties states:

1. Eligible Properties: All commercial properties within Redevelopment Areas 1 and 2 are eligible to apply for Façade Improvement Program funds.

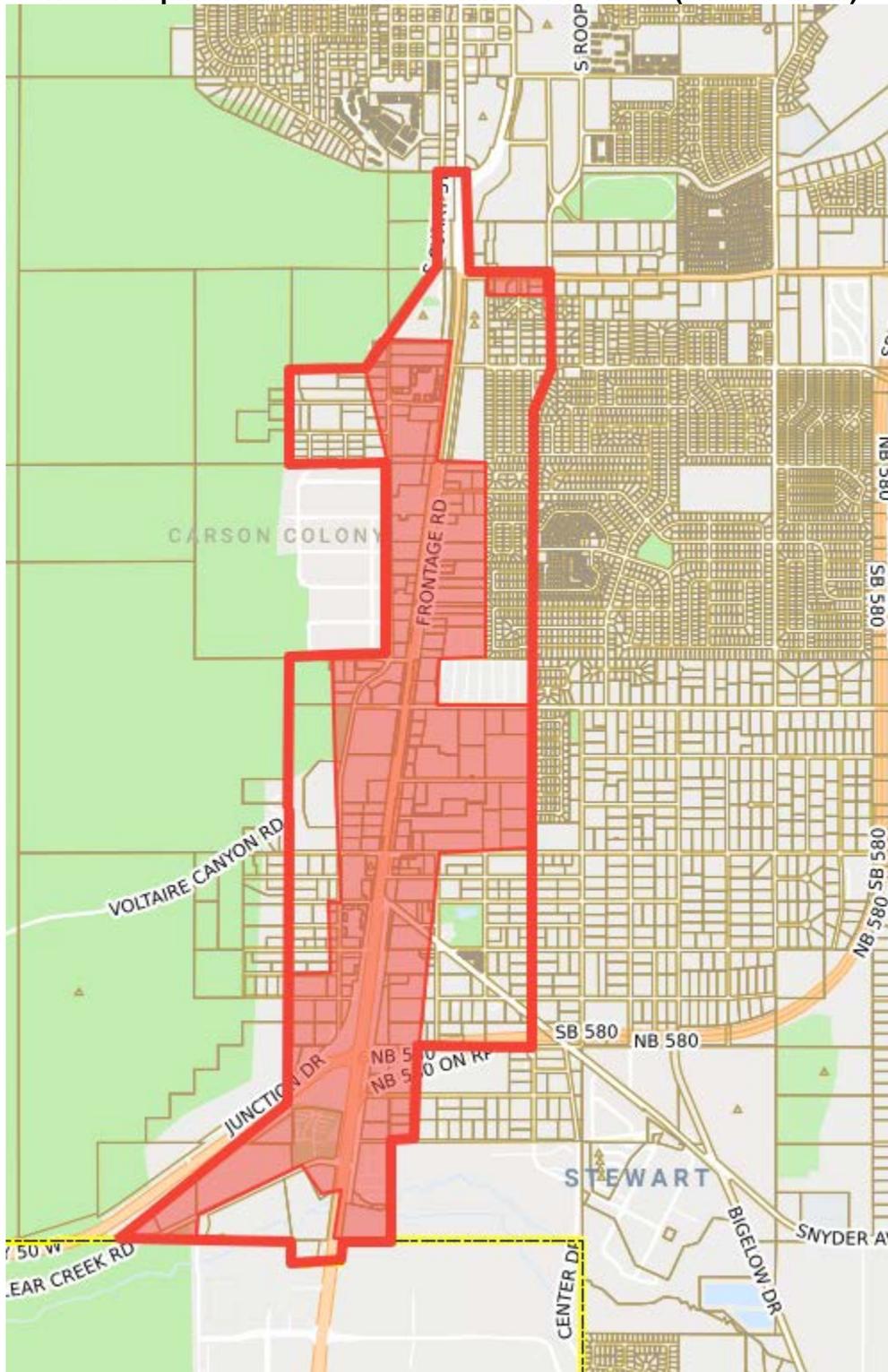
There was extensive discussion at the RACC and Redevelopment Authority during the initial adoption of the program guidelines regarding what properties would be eligible for the program. Alternatives considered ranged from limiting the program to specific areas within the downtown to opening the program to any property within a Redevelopment District (either Area 1 or 2). As adopted, the decision was made to open the program to any commercial property within the Redevelopment District. It excludes any residential property. In both Redevelopment Areas, there are areas that are zoned residential, and in the Downtown Redevelopment Area (Area 1), there are areas zoned Residential Office and General Office that each allows both commercial uses and residential uses. The purpose of this policy originally was to open up the program broadly to commercial property owners throughout the Redevelopment District.

Issue #1 – Eligible Properties Alternatives: The RACC may consider recommendations to limit the areas in which properties would be eligible for the program. Alternatives for consideration may include:

- Continue the program for all commercial properties within the Redevelopment District.
- Only allow applications for properties within any commercial zoning district excluding the Residential Office and General Office zoning districts.
- Only allow applications for properties fronting on Carson Street (or include other streets, such as Curry Street).

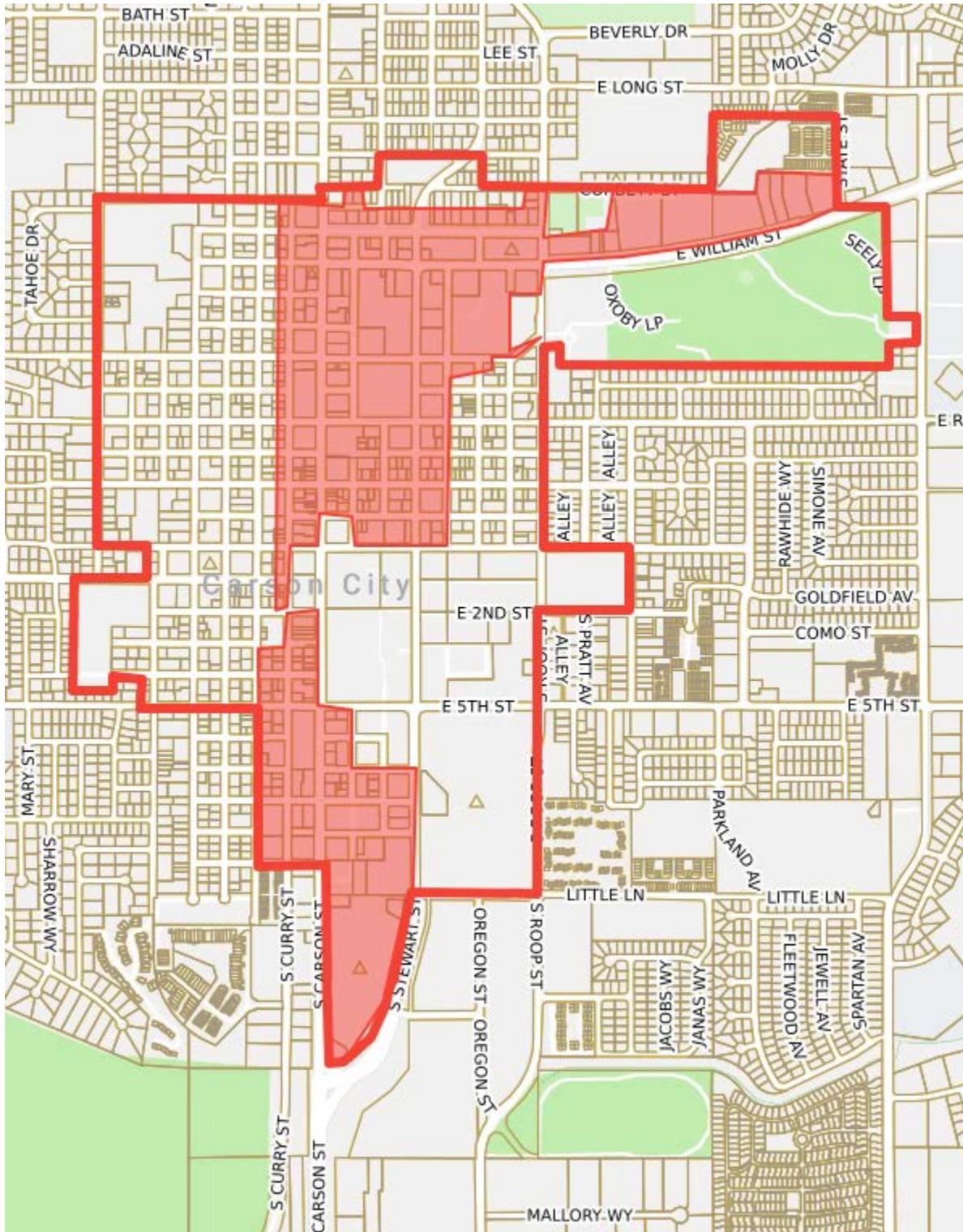
Refer to the following maps showing the commercially zoned areas in Redevelopment Areas 1 and 2, as well as the third map showing the commercial areas within Area 1 but excluding the areas zoned Residential Office and General Office.

Redevelopment Area #2 – All “Commercial” Areas (shaded areas)



(Former K-Mart property on N. Carson Street is in Area #2 but not noted on the map.)

Redevelopment Area #1 – All “Commercial” Areas (shaded areas) excluding areas zoned Residential Office or General Office



Issue #2 – Ineligible Properties

The applicable section of the program guidelines regarding ineligible properties states:

2. Ineligible Properties: Ineligible properties include properties already receiving tax incentives or other financial incentives from the City, residentially-zoned properties, buildings that were constructed or have had façade improvements completed within the last five years, properties for which property taxes are owed and not paid up to date, properties with outstanding or unresolved code enforcement issues, and properties on which construction of the proposed improvements has already been started at the time of application submittal to the Community Development Department.

The specific question arose of whether or not a historic property tax deferral constitutes a “tax incentive or other financial incentive” for the purposes of the Façade Improvement Program. That specific type of tax deferral was not discussed during the initial program adoption process. Whether it is determined to be an incentive or not, the program guidelines should be modified to clarify this issue.

A historic property tax deferral—or “open space use assessment” as defined in the Carson City Municipal Code and NRS—is a property tax deferral program available to certain qualifying properties. According to the Carson City Assessor’s office, the program defers 26% of the assessed property taxes for the qualifying portions of the property. At the time that the deferral is discontinued, a property owner would be required to pay the prior six years of the deferred property taxes. As long as a historic property is maintained in accordance with the Historic District standards as approved by the Historic Resources Commission and the Board of Supervisors, the deferral of the portion of property taxes can continue indefinitely.

An argument can be made that the historic property tax deferral constitutes a disqualifying incentive under the strict interpretation of the current standards. An argument can also be made that this incentive is minimal compared to the cost of ongoing maintenance to historic properties and the value that historic properties bring to the City in general, and was not intended to preclude such properties from receiving façade improvement incentives.

The tax incentives referenced in the guidelines clearly apply to the sales tax incentive agreements that have been approved by the Board of Supervisors between certain property owners or auto dealers and the City. The question is whether or not this “tax incentive” prohibition should apply to properties receiving a tax abatement or deferral.

Issue #2 – Ineligible Properties Alternatives: The RACC may consider making one of the following recommendations:

- Include properties receiving a historic property tax deferral or any other type of property tax deferral in the list of properties that are ineligible.
- Expressly note that properties receiving property tax deferrals are not included in properties receiving a “tax incentive or other financial incentive from the city.”

Issue #3 – Eligible Improvements

The applicable section of the program guidelines regarding eligible improvements states:

3. Eligible Improvements: All exterior building façade updating and maintenance, including but not limited to painting, lighting, awnings, doors, fascia, and other decorative elements are eligible to receive Façade Improvement Program funds. Landscaping, signs, roof decking, paving, and any improvements not affixed to the building are not eligible expenses. For the purposes of this policy, exterior building façade includes all portions of a building, excluding the roof decking, visible from the public right-of-way or on-site public parking lot.

Some members of the RACC and Redevelopment Authority questioned whether or not painting should be allowed as an eligible improvement for reimbursement under the program. More specifically, the concern of some members may have been considering painting as a stand-alone project as a “façade improvement,” as opposed to painting as part of other façade improvements.

Painting for maintenance can be a big improvement to the visual aspect of commercial areas, and should be encouraged. Depending on the recommendations regarding the eligible and ineligible properties above, the RACC may consider keeping “painting” as an eligible improvement. For example, if the number of eligible properties is limited to the commercial core, the RACC and Redevelopment Authority may feel it is appropriate to leave painting as an eligible improvement.

Issue #3 – Eligible Improvements Alternatives: The RACC may consider making one of the following recommendations:

- Continue to allow painting as an eligible improvement.
- Allow painting as an eligible improvement only in conjunction with other façade improvements such as new exterior materials.
- Make painting ineligible for reimbursement.

Issue #4 – Discretionary Review

The Façade Improvement Program allows funding of qualifying projects on a first-come, first-served basis as long as funding is available, subject to meeting the guidelines established by the adopted Resolution under the program. The RACC reviews applications to ensure that an application meets all the required program guidelines. Those guidelines include:

- Compliance with Development Standards (Section 8 of the Resolution).
- The ability of RACC to waive certain project bidding requirements (Section 11 of the Resolution).

While the RACC has general discretion to review applications to ensure that they meet the required criteria, there are no other discretionary review provisions in the authorizing Façade

Improvement Program Resolution. There was discussion with the original adoption of the program regarding what level of review should be required with each application, ranging from having the Redevelopment Authority make the decision after a recommendation from RACC, having staff administratively approve applications that meet the requirement or, as adopted, giving the RACC final approval authority. Façade improvement programs across the county and in Nevada use all of these various review procedures.

There has been discussion among both RACC members and Redevelopment Authority about the RACC having discretion to deny an application even if it otherwise meets the requirements of the program. Generally, where discretion is exercised by a governing body, there are specific criteria related to that decision so that the decision does not appear to be arbitrary or capricious. For example, Special Use Permits under Title 18 of the Carson City Municipal Code are discretionary. But they have legal findings that must be made by the decision-making body that relate to the project's impact to surrounding properties and the public in general.

Should the RACC and Redevelopment Authority wish to create a discretionary program, the RACC and Redevelopment Authority should direct staff regarding the criteria by which the discretion would be used. Alternatively, and recommended by staff, if there are criteria that the RACC and Redevelopment Authority believe should apply to all applicants (e.g. only properties along Carson Street), those criteria should be included in the program guidelines so that only those properties meeting those qualifications would be eligible for the funds. Creating a system where the property owner doesn't know if their project will be funded or not—where they don't know what the "rules" are—can create a situation where the property owners are more reluctant to apply.

Issue #34 – Discretionary Review Alternatives: The RACC may consider making one of the following recommendations:

- Continue to allow funding to qualified applicants that meet the program guidelines (as may otherwise be amended through this process).
- Create discretionary review criteria by which the RACC can make findings for discretionary approval of Façade Improvement Program applications.

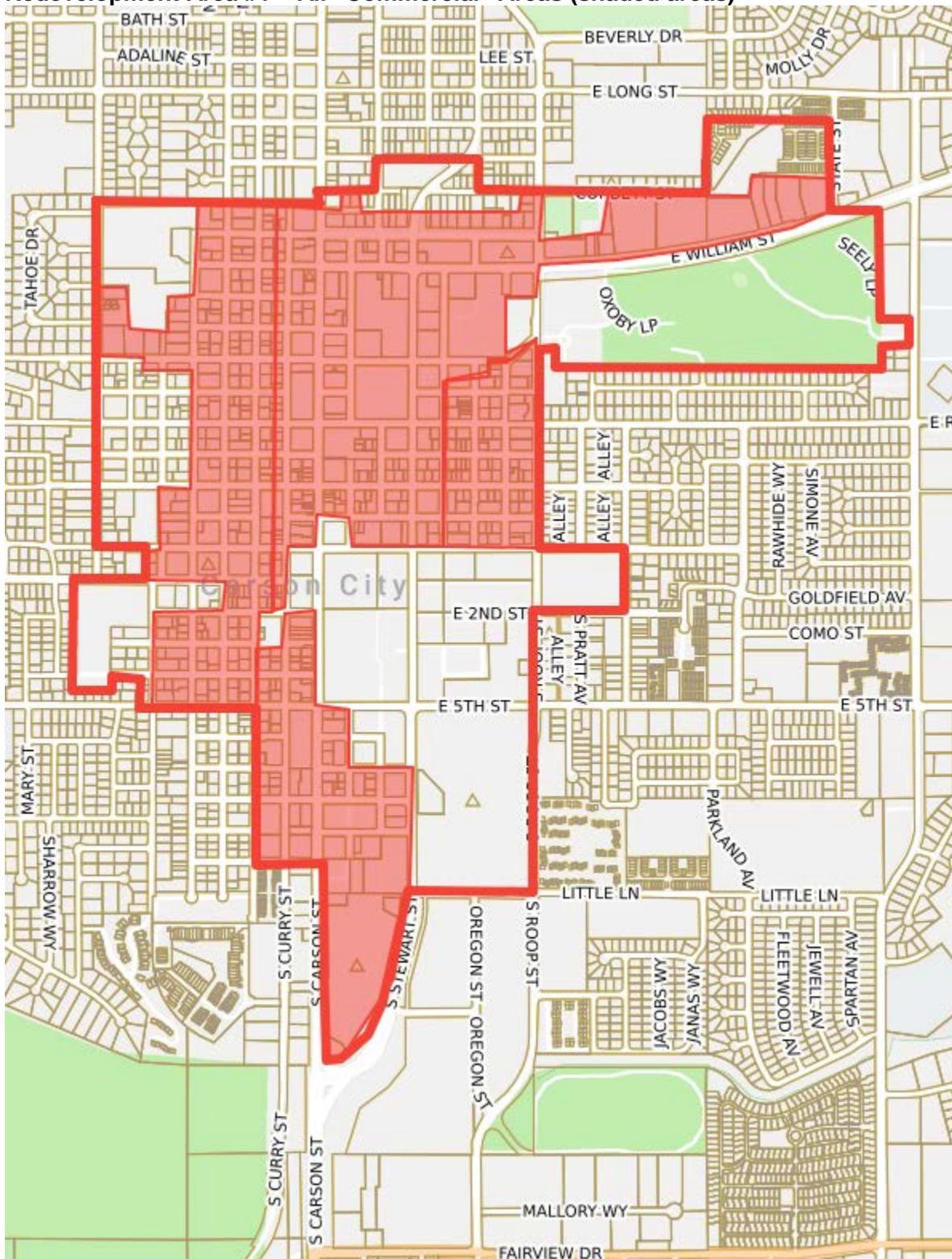
The RACC may consider the all the above issues together or separately and make motions for recommendations accordingly.

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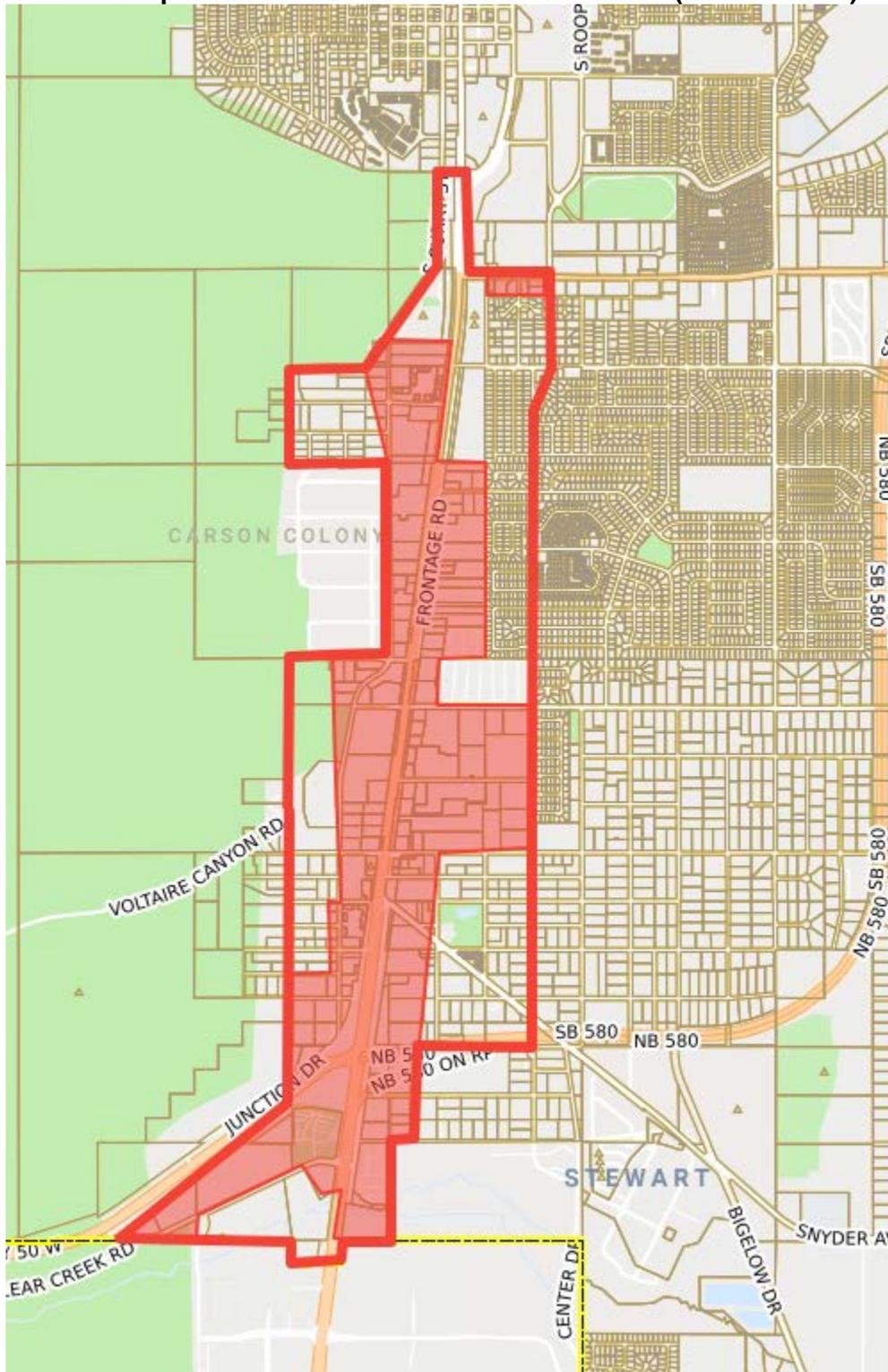
Attachments:

- A. Approved Façade Improvement Program Resolution (program guidelines)

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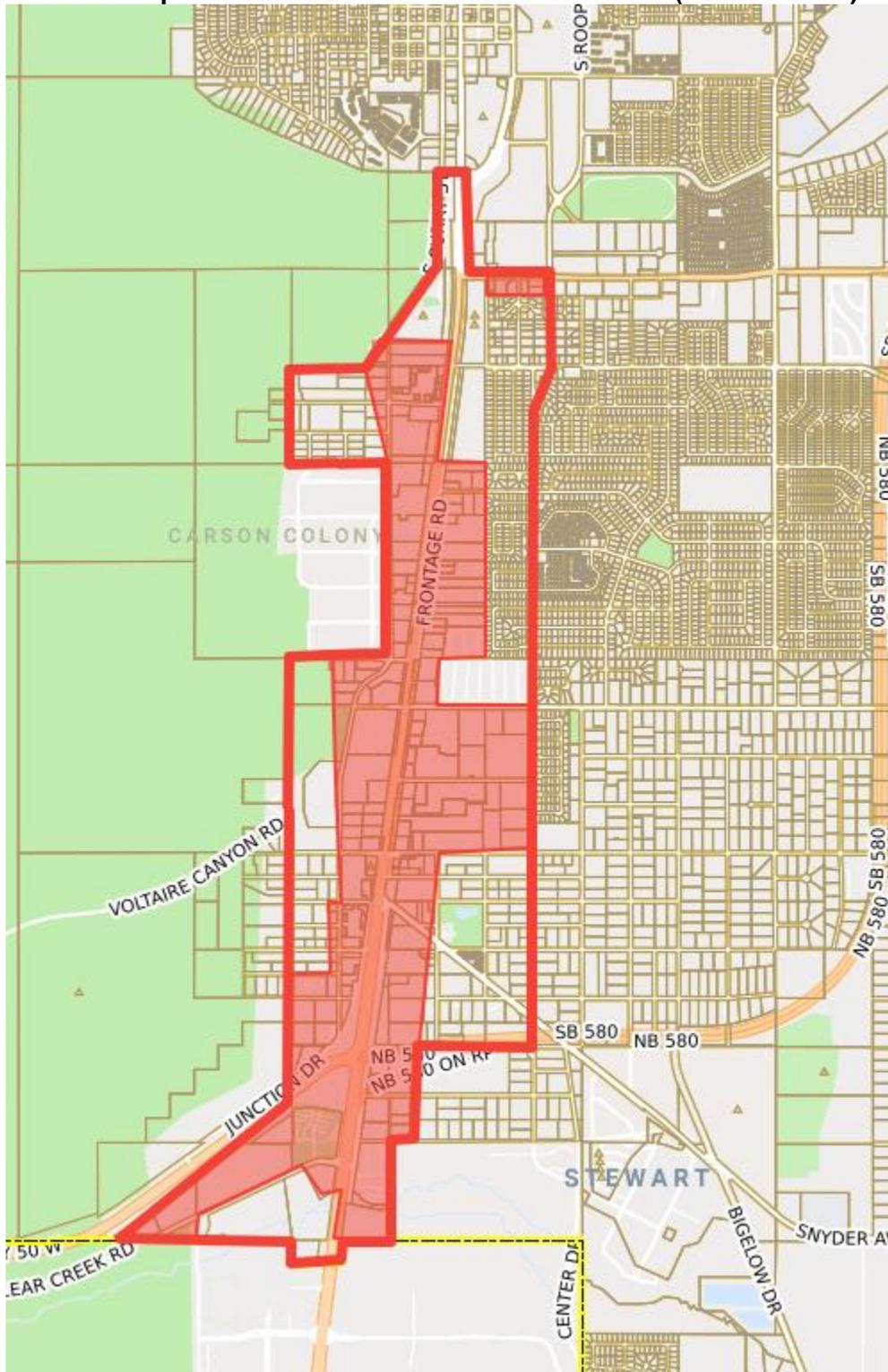
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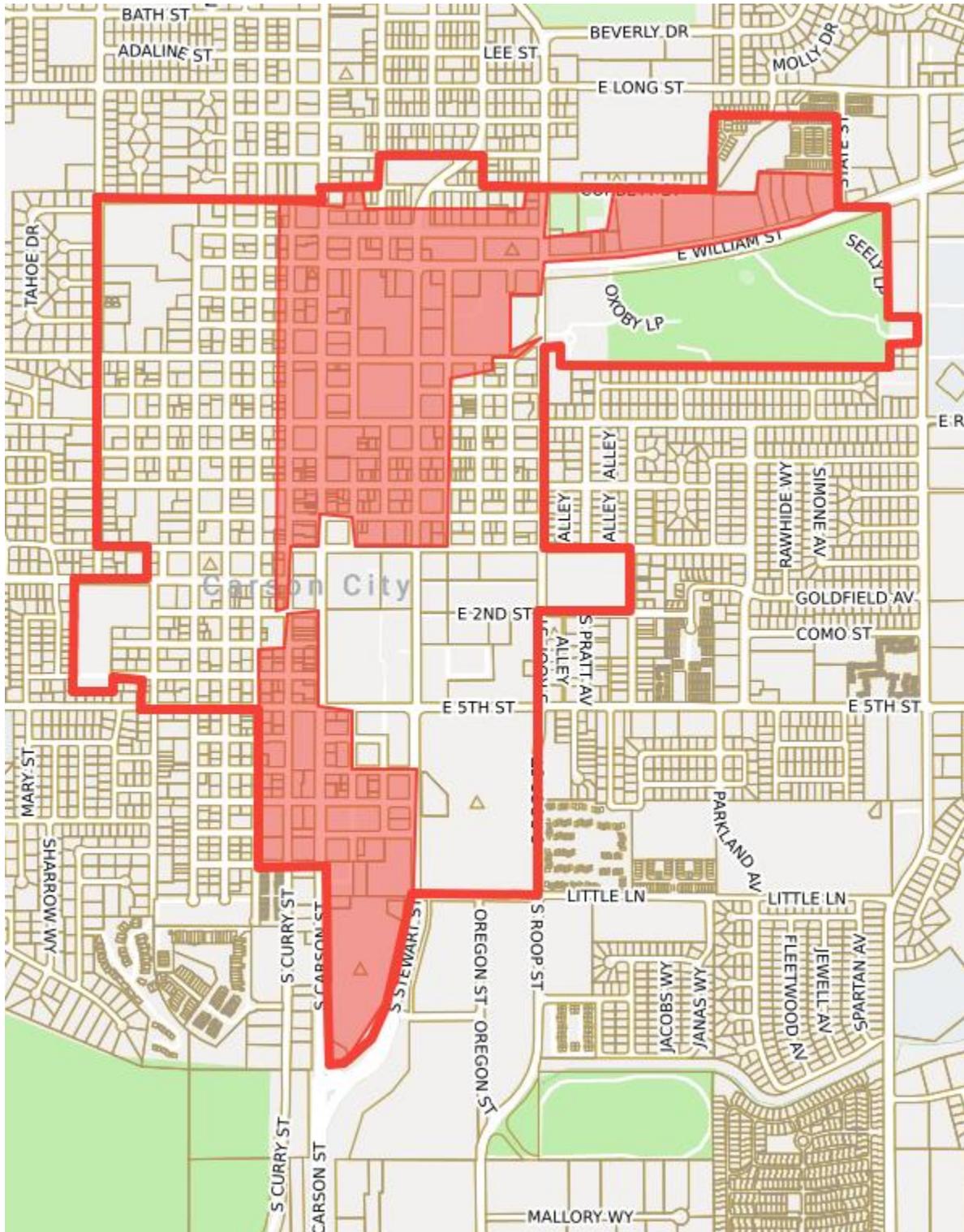
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Attachments:

- A. Approved Façade Improvement Program Resolution (program guidelines)

RESOLUTION NO. 2017-RA-R-1 and 2017-R-1

A RESOLUTION AMENDING RESOLUTION 2016-RAR-3 AND 2016-R-22 TO CONTINUE THE CARSON CITY REDEVELOPMENT FAÇADE IMPROVEMENT PROGRAM FOR REDEVELOPMENT PROJECT AREAS 1 AND 2 AND AMEND PROVISIONS RELATED TO PROJECT ELIGIBILITY REQUIREMENTS.

WHEREAS, a stated objective of the Redevelopment Area 1 Plan is to improve the appearance of commercial areas through building rehabilitation, and

WHEREAS, strategies in the Redevelopment Area 2 Plan include engaging the business owners in the revitalization process and assisting in the reuse of vacant buildings; and

WHEREAS, the Carson City Redevelopment Authority and Board of Supervisors desire to create an incentive program to be an integral part of Carson City's private-public partnership initiatives to retain and expand businesses in Carson City; and

WHEREAS, this program is designed to stimulate investment in properties and improve the desirability of properties within Redevelopment Areas 1 and 2 by improving the exterior appearance of buildings.

NOW THEREFORE, the Carson City Redevelopment Authority and Board of Supervisors do hereby resolve to establish the Carson City Redevelopment Façade Improvement Program for Redevelopment Project Areas 1 and 2, which includes the following guidelines.

1. Eligible Properties: All commercial properties within Redevelopment Areas 1 and 2 are eligible to apply for Façade Improvement Program funds.
2. Ineligible Properties: Ineligible properties include properties already receiving tax incentives or other financial incentives from the City, residentially-zoned properties, buildings that were constructed or have had façade improvements completed within the last five years, properties for which property taxes are owed and not paid up to date, properties with outstanding or unresolved code enforcement issues, and properties on which construction of the proposed improvements has already been started at the time of application submittal to the Community Development Department.
3. Eligible Improvements: All exterior building façade updating and maintenance, including but not limited to painting, lighting, awnings, doors, fascia, and other decorative elements are eligible to receive Façade Improvement Program funds. Landscaping, signs, roof decking, paving, and any improvements not affixed to the building are not eligible expenses. For the purposes of this policy, exterior building façade includes all portions of a building, excluding the roof decking, visible from the public right-of-way or on-site public parking lot.

4. Maximum Façade Improvement Program Funding: The maximum Façade Improvement Program funding that may be awarded is \$25,000 per individual Assessor's Parcel Number, subject to authorization of Program funding by the Board of Supervisors.
5. Required Property Owner Matching Funds: The property owner shall pay a minimum of 50% of the total project costs. Total project cost includes construction and all expenses incurred in the preparation and permitting of plans for the improvements, including building permit fees, design work, and construction drawings.
6. Façade Improvement Program Application Review Process:
 - A. The Redevelopment Authority Citizens Committee (RACC) shall review and have final decision authority on all Façade Improvement Program applications.
 - B. Initial applications are due April 15, 2016, to be reviewed by the RACC on May 2, 2016, for the available FY 2015-16 funding and FY 2016-17 funding. If available funding is not fully used in any given fiscal year, applications will be accepted on a first-come, first-served basis until available, budgeted funding is exhausted. If available funding has been fully allocated for any given fiscal year, applications may continue to be accepted and will be date stamped for priority consideration for the next fiscal year.
 - C. Façade Improvement Program applications must include plans meeting commercial building permit standards showing all proposed improvements.
 - D. Decisions of the RACC regarding Façade Improvement Program applications may be appealed to the Redevelopment Authority provided that such appeal is made within 7 days of the RACC's decision. Only Façade Improvement Program applicants affected by the RACC's decision have standing to appeal.
 - E. The property owner shall sign the application consenting to the proposed improvements and all applicable requirements of the Façade Improvement Program.
7. Reimbursement of Redevelopment Funds: Façade Improvement Program funds shall be awarded as a grant, with no reimbursement required, provided that the property is not sold within 12 months of the completion of the façade improvements for which the grant was awarded. If the property is sold within 12 months of the completion of the façade improvements for which the grant was awarded, the property owner shall be responsible to pay back 100% of the Façade Improvement Program funds awarded by Carson City.

8. Compliance with Development Standards:

- A. All improvements shall be reviewed pursuant to and comply with the Carson City Development Standards Division 1.1, Architectural Design, as applicable to the proposed improvements.
- B. Improvements to buildings within the Downtown Mixed-Use (DTMU) zoning district shall comply with the DTMU Development Standards, Division 6.6, 6.6.2, Lighting, 6.6.3, Signage, 6.6.10, Building Design and Character, and 6.6.11, Guidelines for the Renovation and Restoration of Existing Structures, as applicable to the proposed improvements.

9. Commitment Agreement: Each participant in the Façade Improvement Program must execute and record a document agreeing to reimburse the City 100% of the awarded Façade Improvement Program funds if the property is sold within 12 months of the completion of the façade improvements for which the grant was awarded. The agreement shall be in the form as required by the City.

10. Reimbursement Process:

- A. Payments from the City shall be made on reimbursement-basis only at a rate of no more than 50% of the actual expenses incurred by the property owner up to the total amount of funds approved.
- B. For façade improvement projects that equal or exceed a total cost of \$10,000, reimbursement may be made in a maximum of two payments. The first payment may be requested for up to 50% of the approved Façade Improvement Program funds only after expenses have been incurred by the applicant equaling or exceeding 50% of the total project costs. The final reimbursement payment shall only be made upon completion and final inspection approval of the proposed improvements.
- C. Reimbursement for projects that are less than \$10,000 in total costs shall be provided in a one-time payment only after improvements have been completed and have received final inspection approvals.
- D. Applicants who receive funding must document all expenditures and provide the Community Development Department with proof of payment (receipts, paid invoices, etc.) for all eligible improvements, including costs associated with the property owner's required match, within 30 days of project completion.

11. Project Bidding Requirements:

- A. Applicants are responsible for obtaining three bids or competitive quotes for the proposed work. All contractors must be registered and bonded by the State of Nevada and licensed to perform the applicable work in Carson City.

- B. Approved projects will be based on the lowest of the three bids. The applicant may select any of the three bidders to complete the improvements, but the applicant will be responsible for costs in excess of the lowest bid.
- C. Construction contracts will be between the applicant and contractor. The contractor must obtain all required permits prior to commencing construction.
- D. Applicants shall make every attempt to get the required number of bids for the work to be completed. However, the RACC shall have authority to waive this requirement depending on but not limited to the following conditions: market trends, lack of qualified vendors, timing of application submittals, or other applicable conditions.
- E. Notwithstanding the provisions above, a property owner/applicant who is also a contractor and will be the contractor for the proposed façade improvements shall not be required to obtain three bids but shall be responsible for obtaining and submitting a written contractor's or subcontractor's bid detailing by line item the description and cost for each item of work to be completed. All contractors must be registered, licensed and bonded in the State of Nevada and licensed to perform the applicable work in Carson City.

12. Completion of Façade Improvements: Improvements for which Façade Improvement Program funds are awarded must be started (by obtaining a building permit for applicable improvements) within 180 days of application approval or the beginning of the Fiscal Year from which the funds are available, whichever occurs later. The approved façade improvements must be completed within 180 days of building permit approval. One 180-day extension may be granted by the RACC.

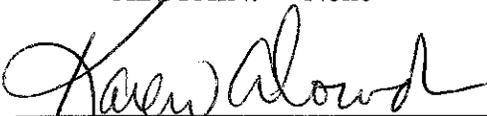
Upon motion by Member Brad Bonkowski, seconded by Member John Barrette, the foregoing resolution was passed and adopted this 5th day of January, 2017, by the following vote:

AYES: Member Brad Bonkowski
 Member John Barrette
 Member Robert Crowell
 Vice Chair Lori Bagwell
 Chair Karen Abowd

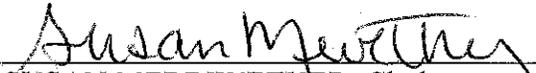
NAYS: None

ABSENT: None

ABSTAIN: None



 KAREN ABOWD, Chair
 Recorder

ATTEST:


 SUSAN MERRIWETHER, Clerk -

Resolution No. 2017-RA-R-1 and 2017-R-1

Upon motion by Supervisor Brad Bonkowski, seconded by Supervisor Karen Abowd, the foregoing Resolution was passed and adopted this 5th day of January, 2017, by the following vote:

AYES: Supervisor Brad Bonkowski
Supervisor Karen Abowd
Supervisor Lori Bagwell
Supervisor John Barrette
Mayor Robert Crowell

NAYS: None.

ABSENT: None.

ABSTAIN: None.


ROBERT L. CROWELL, Mayor

ATTEST:


SUSAN MERRIWETHER, Clerk-Recorder