

Agenda Including Addeds

Planning and Environment Committee

The 6th Meeting of the Planning and Environment Committee

April 19, 2021, 4:00 PM

2021 Meeting - Virtual Meeting during the COVID-19 Emergency

Please check the City website for current details of COVID-19 service impacts.

Meetings can be viewed via live-streaming on YouTube and the City website

Members

Councillors P. Squire (Chair), S. Lewis, S. Lehman, A. Hopkins, S. Hillier, Mayor E. Holder

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	Pages
1. Disclosures of Pecuniary Interest	
2. Consent	
2.1. 3392 Wonderland Road South - Removal of Holding Provision h-17 (H-9298)	3
2.2. Recovery Grant Program	14
2.3. Annual Report on Building Permit Fees	83
2.4. Building Division Monthly Report for February 2021	86
3. Scheduled Items	
3.1. Public Participation Meeting - Not to be heard before 4:00 PM - Demolition Request for Dwelling on Heritage Listed Property at 88 Wellington Road	95
3.2. Public Participation Meeting - Not to be heard before 4:00 PM - Demolition Request for Dwelling on Heritage Listed Property at 92 Wellington Road	102
3.3. Public Participation Meeting - Not to be heard before 4:00 PM - Kilally South, East Basin Environmentally Significant Area - 1918 to 2304 and 2005 to 2331 Kilally Road (OZ-9275)	108
a. <i>(ADDED) Auburn Developments</i>	139
4. Items for Direction	
4.1. 2nd Report of the Trees and Forests Advisory Committee	145
4.2. 3rd Report of the Advisory Committee on the Environment	147
4.3. <i>(ADDED) 4th Report of the London Advisory Committee on Heritage</i>	149
5. Deferred Matters/Additional Business	

6. Adjournment

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P.ENG
Managing Director, Development & Compliance Services and
Chief Building Official

Subject: Application By: Wonderland Business Centre Inc. and Old
Oak Properties
3392 Wonderland Road South
Removal of Holding Provision h-17

Meeting on: April 19, 2021

Recommendation

That, on the recommendation of the Director, Development Services, based on the application of Wonderland Business Centre Inc. and Old Oak Properties relating to the properties located at 3392 Wonderland Road South, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on May 4, 2021 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 3392 Wonderland Road South **FROM** a Holding Light Industrial (h-17*LI1*LI7) Zone **TO** a Light Industrial (LI1*LI7) Zone to remove the h-17 holding provision.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h-17 holding provision so that the existing and future development of industrial uses can proceed in accordance with the approved zoning.

Rationale of Recommended Action

1. The removal of the holding provision will allow for development in conformity with the Zoning By-law.
2. Development Services Engineering has confirmed services are available for this site. Full municipal sanitary sewer and water services are available to service this site. Therefore, the h-17 holding provision is no longer required.

Linkage to the Corporate Strategic Plan

Building a Sustainable City - London's growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

The lands are designated Enterprise, Multi-Family Medium Density Residential through the South West Area Plan as mended by the OMB in April 2014 and updated in December 2019.

1.1 Previous Reports Related to this Matter

April 26, 2010 - Planning and Environment Committee –The Southwest London Area Plan (SWAP) - to provide a comprehensive land use plan, servicing requirements and a phasing strategy for future development within the Urban Growth Area south of Southdale Road (O-7609).

1.2 Planning History

The lands were designated Enterprise, Multi-Family Medium Density Residential and Open Space through the Southwest London Area Plan (SWAP) process. On November 20, 2012, Municipal Council passed By-Law No. C.P.-1284-(st)-331 to approve Official Plan Amendment 541. On April 29, 2014, the Ontario Municipal Board (OMB) issued its Decision. The outcome of the decision, and the amendments approved.

1.3 Property Description

The subject lands are located on the east side of Wonderland Road South, southwest of Wharncliffe Road South and south of Bradley Avenue West. This section Wonderland Road South is classified as an Urban Throughfare in The London Plan and an Arterial Road in the 1989 Official Plan. The subject lands are occupied by eight (8) light industrial and commercial buildings. The removal of the h-17 would permit the existing light industrial and commercial uses as well as future development on the lands.

1.4 Current Planning Information (see more detail in Appendix C)

- The London Plan Place Type – Shopping Area, Neighbourhoods and Green Space Place Type
- 1989 Official Plan Designation – Enterprise, Multi-Family Medium Density Residential and Open Space
- Existing Zoning – Holding Light Industrial (h-17*LI1*LI7) Zone

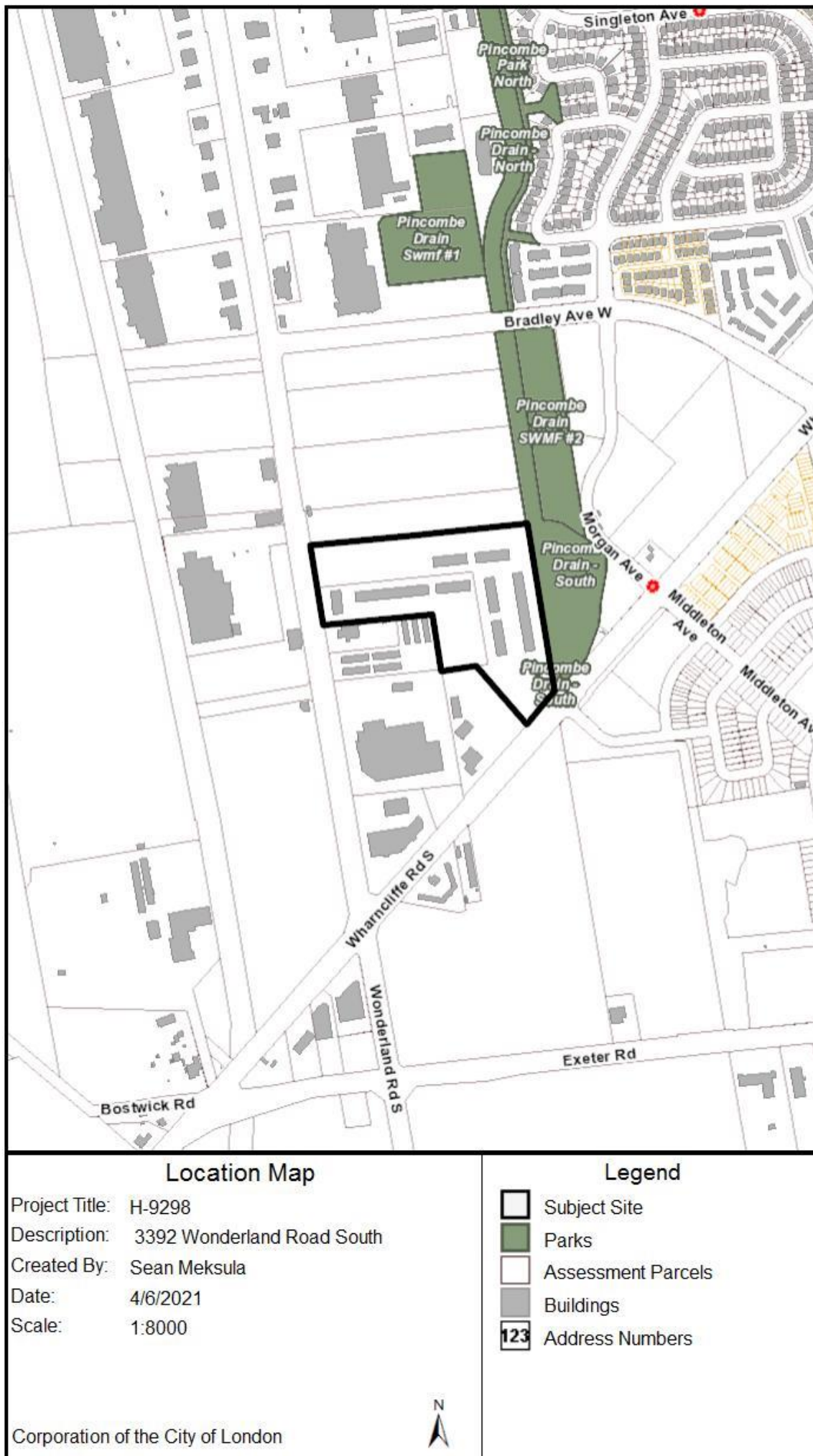
1.5 Site Characteristics

- Current Land Use – Vacant
- Frontage – 146 metres on Wonderland Road South and 75 metres on Wharncliffe Road South
- Depth – 387 metres
- Area – 96,570m²
- Shape – Irregular

1.6 Surrounding Land Uses

- North – Vacant
- East – Open Space
- South – Light Industrial and Commercial
- West – Commercial

1.7 Location Map



2.0 Discussion and Considerations

The purpose of this amendment application is to remove the h-17 holding provision from these lands. This provision requires that full municipal sanitary sewer and water services are available to service the site. The removal of the h-17 holding provision at 3392 Wonderland Road South will allow the existing light industrial and commercial uses as well as future development on the lands.

2.2 Community Engagement (see more detail in Appendix B)

On February 4, 2021 a notice of the application was published in the Public Notices and Bidding Opportunities section of The Londoner. No comments were received in response to the Notice of Application.

2.3 Policy Context (see more detail in Appendix C)

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 150 days to remove the holding provision(s).

The London Plan and the 1989 Official Plan contain policies with respect to holding provisions, the process, notification and removal procedures.

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

Why is it Appropriate to remove this Holding Provision?

h-17 Holding Provision

The h-17 holding provision states that:

“h-17 Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the “h-17” symbol shall not be deleted until full municipal sanitary sewer and water services are available to service the site.

The h-17 holding provision requires that full municipal sanitary sewer and water service systems are available for these lands. Sanitary services were installed along Wonderland Road South in 2020 and a municipal watermain is present. Development Services Engineering has confirmed services are available for this site. Also, through the Site Plan Approval (SPA21-021) process, the accepted plans and Development Agreement for this site will include provisions to ensure that a connection to the existing water and sanitary systems in the immediate area is required. This satisfies the requirement for removal of the “h-17” holding provision.

More information and detail about public feedback and zoning is available in Appendix B & C.

Conclusion

It is appropriate to remove the h-17 holding provision from the subject lands at this time as full municipal sanitary and water services are available. Also, the development agreement will include provisions to ensure that a connection to services is required.

Prepared by: Sean Meksula, MCIP, RPP
Senior Planner, Development Services

Recommended by: Paul Yeoman, RPP, PLE
Director, Development Services

Submitted by: George Kotsifas, P. Eng.
Managing Director, Development and Compliance
Services and Chief Building Official

cc: Matt Feldberg, Manager, Development Services (Subdivisions)
cc: Bruce Page, Manager, Development Services (Subdivisions)
cc: Peter Kavcic, Manager, Development Services (Subdivisions)

SM/sm

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2021\H-9298 - 3392 Wonderland Road South (SM)\PEC\Draft PEC - H-9298 - 3392 Wonderland Road South (SM).docx

Appendix A

Bill No. (Number to be inserted by Clerk's Office)
2021

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 3392 Wonderland Road South.

WHEREAS S.E.M. Construction have applied to remove the holding provision from the zoning for the lands located at 3392 Wonderland Road South, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said land;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 3392 Wonderland Road South, as shown on the attached map comprising part of Key Map No. 111, to remove the h-17 holding provision so that the zoning of the lands as a Light Industrial Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on May 4, 2021

Ed Holder
Mayor


Catharine Saunders
City Clerk

First Reading - May 4, 2021
Second Reading - May 4, 2021
Third Reading - May 4, 2021

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z-1)




File Number: H-9298
 Planner: SM
 Date Prepared: 2021/01/22
 Technician: rc
 By-Law No: Z-1-

SUBJECT SITE 

1:4,000

0 20 40 80 120 160 Meters



Geodatabase

Appendix B – Public Engagement

Community Engagement

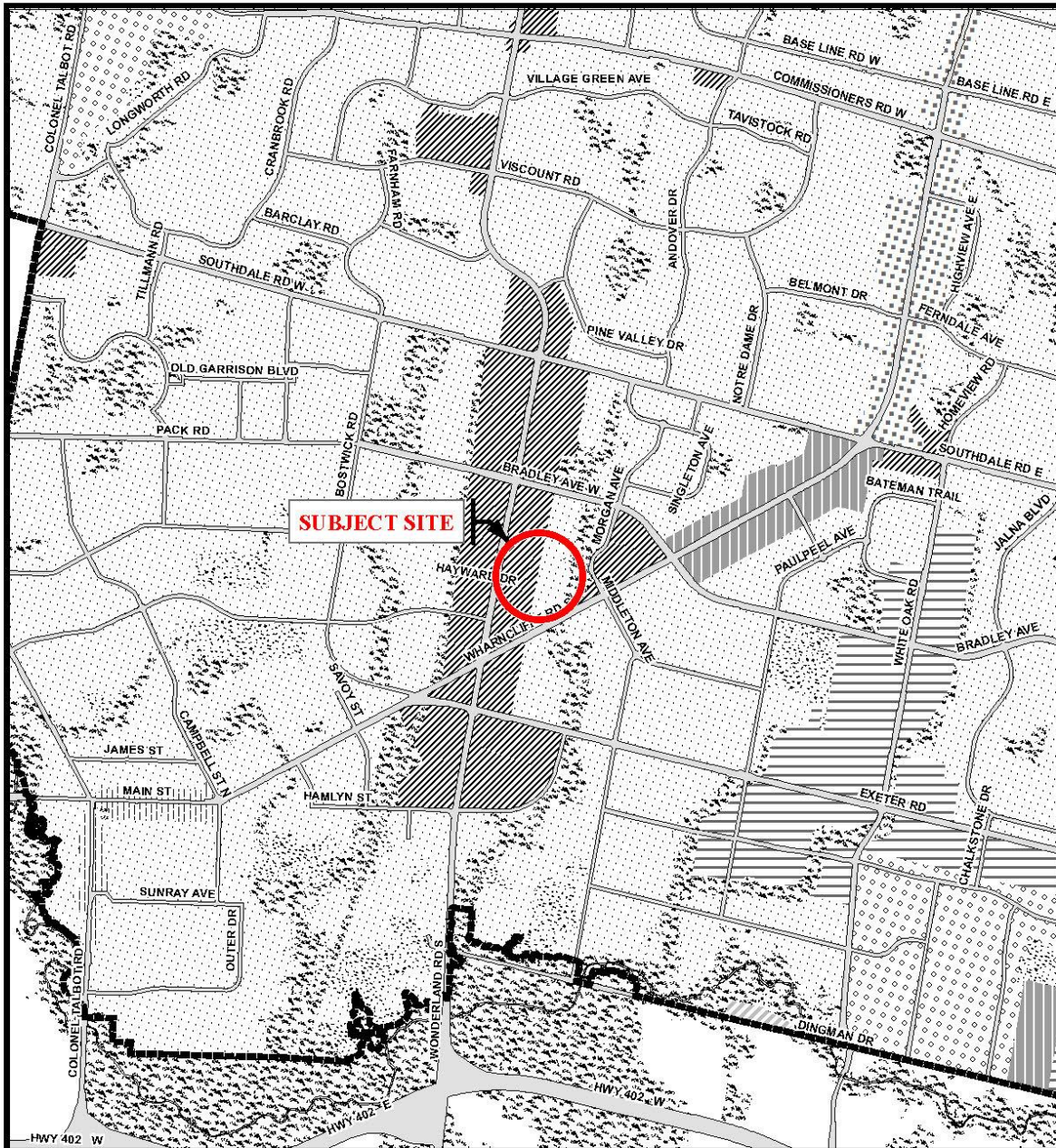
Public liaison: Notice of the application was published in the Londoner on February 4, 2021

0 replies were received

Nature of Liaison: Possible change to Zoning By-law Z.-1 by deleting the Holding h-17 Provision from the subject lands. The removal of the holding provision is contingent on: full municipal sanitary sewer and water services are available to service the site. Council will consider removing the holding provision as it applies to these lands no earlier than March 1, 2021.

Appendix C – Relevant Background

London Plan Excerpt



Legend

- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

**LONDON PLAN MAP 1
- PLACE TYPES -**

PREPARED BY: Planning Services



Scale 1:30,000



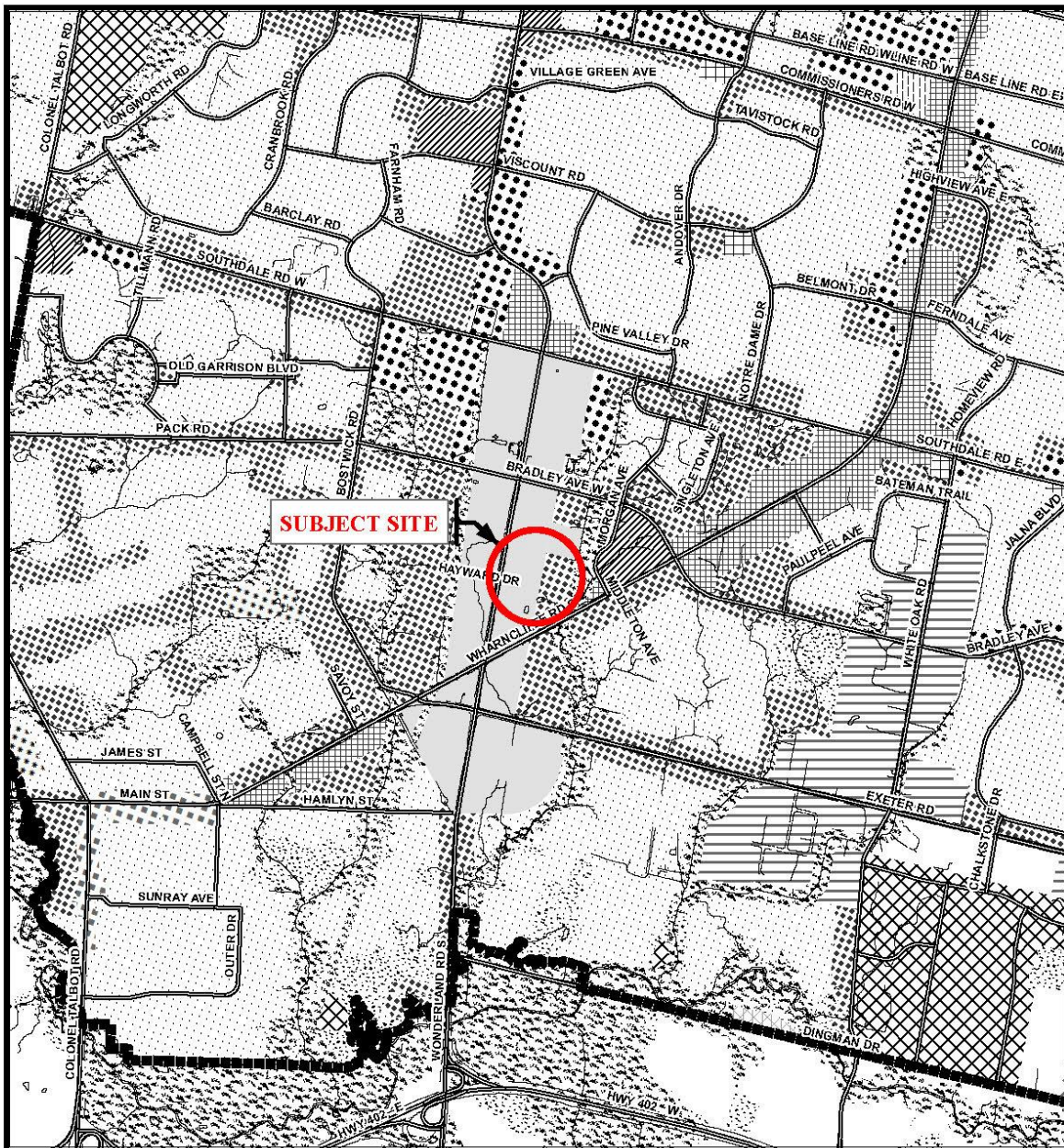
File Number: H-9298

Planner: SM

Technician: RC

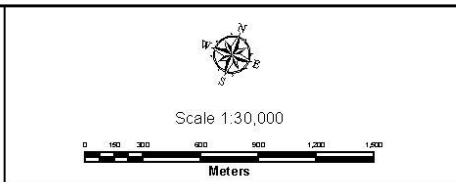
Date: January 22, 2021

1989 Official Plan Excerpt



Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	Urban Growth Boundary
	Enterprise

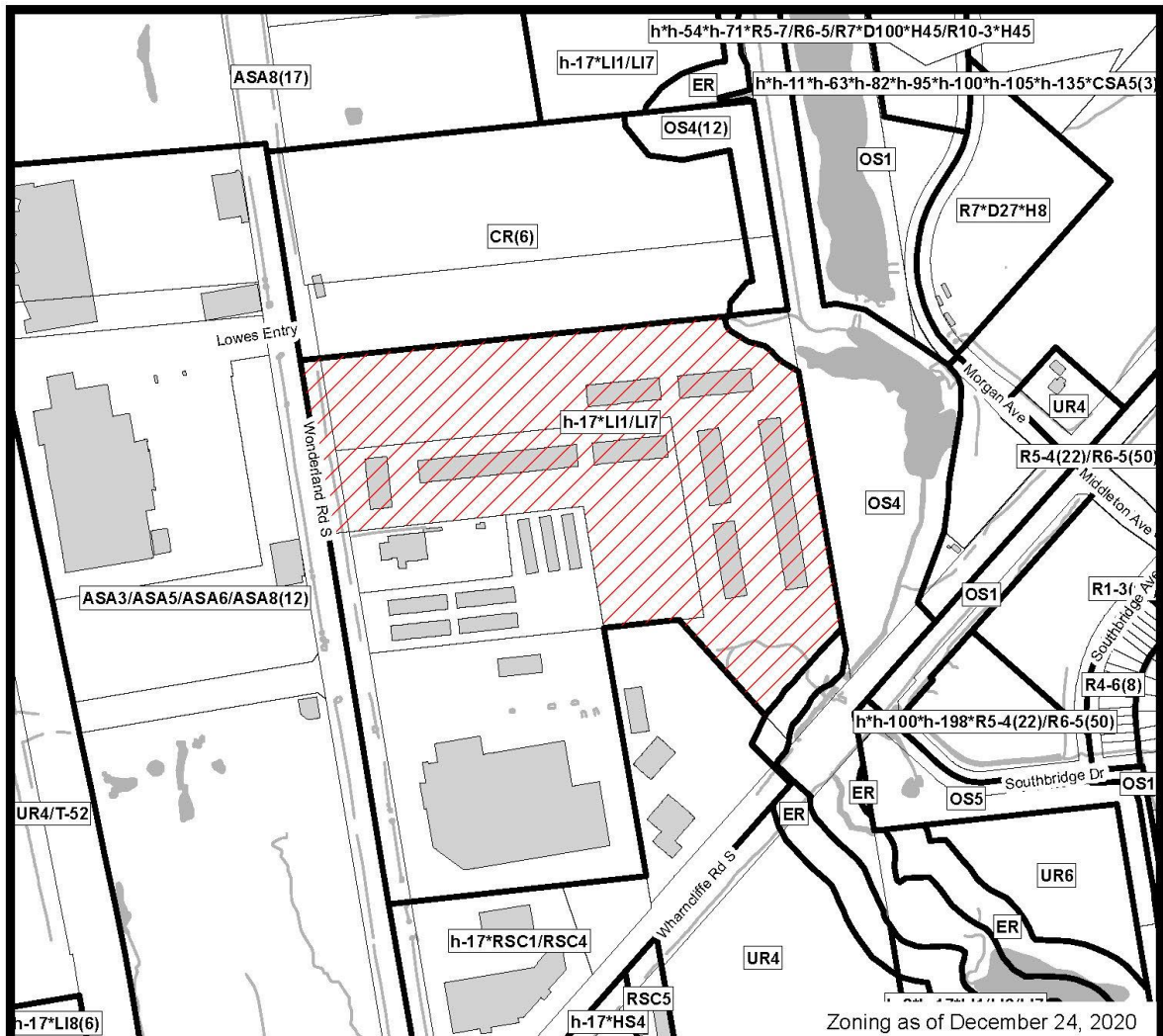
CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: H-9298
 PLANNER: SM
 TECHNICIAN: RC
 DATE: 2021/01/22

PROJECT LOCATION: e:\planning\projects\tp_officialplan\work\consolid00\excerpts\mxd_templates\scheduleA_NEW_b&w_8x14.mxd

Existing Zoning Map



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|--|---|
| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "h" - HOLDING SYMBOL "d" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
|--|---|

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING
BY-LAW NO. Z.-1
SCHEDULE A**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:
H-9298 SM

MAP PREPARED:
2021/01/22 rc

1:5,000
0 25 50 100 150 200 Meters

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee
From: Gregg Barrett, Director, Planning and City Planner
Subject: City of London – Recovery Grant Program
Date: April 19, 2021

Recommendation

That, on the recommendation of the Director, Planning and City Planner, the following actions be taken with respect to the Recovery Grant Program:

- a) The proposed by-law attached as Appendix “A” being “A by-law to amend C.P.-1467-175, as amended, being “A by-law to establish financial incentives for the Downtown Community Improvement Project Areas”, by adding in its entirety Schedule 3 - The Recovery Grant Program Guidelines”, **BE INTRODUCED** at the Municipal Council meeting to be held on May 4, 2021;
- b) The proposed by-law attached as Appendix “B” being “A by-law to amend C.P.-1468-176, as amended, being “A by-law to establish financial incentives for the Old East Village Community Improvement Project Area”, by adopting in its entirety Schedule 2 - The Recovery Grant Program Guidelines”, **BE INTRODUCED** at the Municipal Council meeting to be held on May 4, 2021;
- c) The proposed by-law attached as Appendix “C” being “A by-law to amend C.P.-1481-176, as amended, being “A by-law to establish financial incentives for the SoHo Community Improvement Project Area”, by adopting in its entirety Schedule 2 - The Recovery Grant Program Guidelines”, **BE INTRODUCED** at the Municipal Council meeting to be held on May 4, 2021;
- d) The proposed by-law attached as Appendix “D” being “A by-law to amend C.P.-1527-248, as amended, being “A by-law to establish financial incentives for the Hamilton Road Area Community Improvement Project Area”, by adopting in its entirety Schedule B - The Recovery Grant Program Guidelines”, **BE INTRODUCED** at the Municipal Council meeting to be held on May 4, 2021;
- e) The proposed by-law attached as Appendix “E” being “A by-law to amend C.P.-1539-220, as amended, being “A by-law to establish financial incentives for the Lambeth Area Community Improvement Project Area”, by adopting in its entirety Schedule 2 - The Recovery Grant Program Guidelines”, **BE INTRODUCED** at the Municipal Council meeting to be held on May 4, 2021;
- f) Civic Administration **BE DIRECTED** to transfer \$6,000 of the \$250,000 program funding to the Old East Village Business Improvement Area (BIA) to fund graffiti removal across multiple properties; and,
- g) Civic Administration **BE DIRECTED** to transfer \$5,000 of the \$250,000 program funding to the Hamilton Road Business Improvement Area (BIA) to fund graffiti removal across multiple properties.

IT BEING NOTED that funding for the program is accommodated within the Economic Development Reserve Fund as approved by Municipal Council at its January 12, 2021 meeting.

Executive Summary

Summary of Request

This report implements the Recovery Grant Program in five community improvement

project areas (Downtown, Old East Village, SoHo, Hamilton Road, and Lambeth). The Recovery Grant Program was previously approved by Municipal Council through the London Community Recovery Network – Ideas for Municipal Council staff report in February 2021. This report also recommends that funding be provided to the Old East Village and Hamilton Road Business Improvement Areas (BIAs) for graffiti removal projects within those BIA areas.

Purpose and the Effect of Recommended Action

The purpose and the effect of the recommended action is to amend the financial incentive by-laws for five community improvement project areas (Downtown, Old East Village, Soho, Hamilton Road, and Lambeth) to implement the Recovery Grant Program.

Rationale of Recommended Action

The Recovery Grant Program was approved by Municipal Council to help local businesses in the five community improvement project areas reduce their financial burden when making modifications to their private property because of the increased health and safety requirements related to the COVID-19 pandemic. The Recovery Grant Program is also available to assist with exterior property modifications to improve façades to increase the visual attractiveness and to fix or prevent damage related to vandalism.

The City of London has the required policies in *The London Plan* to implement community improvement measures like the Recovery Grant Program.

The Recovery Grant Program conforms to the policies of the five Community Improvement Plans: Downtown, Old East Village, SoHo, Hamilton Road, and Lambeth.

Linkage to the Corporate Strategic Plan

The City of London Strategic Plan 2019-2023 contains five strategic areas of focus. Revitalizing London’s downtown and urban areas is a strategy within both the “Building a Sustainable City” and “Growing our Economy” strategic areas of focus.

The Recovery Grant Program helps to revitalize the five community improvement project areas through encouraging and assisting property owners and business owners in maintaining and improving the building stock found in those areas.

Analysis

1.0 Background information

1.1 Previous Reports Related to this Matter

February 8, 2021. “London Community Recovery Network – Ideas for Action by Municipal Council”, Planning and Environment Committee.

1.2 London Community Recovery Network Idea for Action #2.5

Through Idea for Action #2.5 – Increase grant funding for Building Code and façade upgrades, Civic Administration recommended a new Recovery Grant Program to be established to assist property owners and tenants in five community improvement project areas with both interior and exterior property modifications. The Recovery Grant Program may assist property and business owners with their recovery efforts related to the COVID-19 pandemic.

The London Community Recovery Network Business Case for Idea #2.5 recommended a \$250,000 one-time expenditure in 2021.

Through consultation with the Business Improvement Areas (BIA) that overlap with three of the five community improvement project areas, a request was made to set aside a portion of this funding to assist with graffiti removal across multiple properties in

their areas. Allowing the BIAs to apply some of this funding for graffiti removal will reduce the burden on individual businesses by allowing the BIAs to:

- Coordinate the work
- Achieve economies of scale by cleaning multiple businesses and to potentially receive a better rate
- Be the responsible receiving organizations that would report back to the City on the spending, the number of businesses helped, and the amount of graffiti removed

Based on these consultations, Civic Administration is recommending that \$6,000 of the \$250,000 be transferred to the Old East Village BIA and \$5,000 of the \$250,000 be transferred to the Hamilton Road BIA to fund graffiti removal across multiple properties. This work is within the spirit and intent of improving the physical appearance of buildings and is better coordinated by the BIAs for efficiency rather than through individual Recovery Grant applications for each business owner.

2.0 Discussion

2.1 Recovery Grant Program Structure

The Recovery Grant Program will work in conjunction with the existing Façade Improvement Loan and Upgrade to Building Code Loan programs available in five community improvement project areas: Downtown, Old East Village, SoHo, Hamilton Road, and Lambeth.

In support of business and property owners during the COVID-19 pandemic, the Recovery Grant Program is intended to reduce the financial burden on business owners and property owners who want to make modifications to their private property because of the increased health and safety requirements related to the pandemic. This program is also available to assist with exterior property modifications to improve façades to increase the visual attractiveness (“curb appeal”) and to fix or prevent damage related to vandalism.

Improvements will need to be physical, and relatively permanent in nature and do not include non-property related improvements, such as hiring staff.

2.2 Source of Funding

The Recovery Grant Program was approved for up to \$250,000 in 2021 though the \$5,000,000 contributed by Municipal Council to the Economic Development Reserve Fund to support social and economic recovery measures.

Efforts will be made by Civic Administration to ensure equitable access to the Recovery Grant Program across all five community improvement project areas. The program will operate until the funding is exhausted.

2.3 Grant Eligibility and General Process

An approved project is eligible for a Recovery Grant up to a maximum of \$5,000 per building and shall not exceed the total cost of materials and labour. The grant is a one-time recovery grant provided upon completion of the project and submission of receipts indicating the project has been paid for in full. The applicant is eligible to also apply for a Façade Improvement Loan and/or Upgrade to Building Code Loan; however, the amount of the grant will be removed from the total of the loans. Under the Program, applicants can only apply once per discrete building (as defined in the Program Guidelines) to discourage staged improvements over multiple years.

The Recovery Grant Program will have application submission window(s) where applicants with complete applications can apply to the City for the grant. Applications received during the submission window will be reviewed in the order they are received.

Initially, the \$250,000 funding will be split as follows among the five community improvement project areas:

Downtown: \$70,000

Old East Village: \$39,000 for the Recovery Grant and \$6,000 for graffiti removal

SoHo: \$45,000

Hamilton Road: \$40,000 for the Recovery Grant and \$5,000 for graffiti removal

Lambeth: \$45,000

After the initial submission window is closed and grant commitments issued, Civic Administration will review the uptake to determine the distribution of grants per area. Civic Administration will also review any applications that did not receive a grant commitment (the “waitlist”) to determine if a second round of applications can be approved or if a second submission window is warranted to attract new applications.

Civic Administration will continually monitor the grants issued and grant commitments to ensure no more than \$250,000 in total funding is spent (\$239,000 in Recovery Grants, \$6,000 in Old East Village BIA graffiti removal, and \$5,000 in Hamilton Road BIA graffiti removal).

Similar to the existing loan programs, an applicant cannot proceed with the work until it has been approved by the City and the City’s grant commitment is secured.

The Program Guidelines (Appendix “A” through “E” to this report) for each community improvement project area outline the detailed eligibility criteria for the grant and grant approval process including the required grant agreement.

As this program is an extension of the Façade Improvement Loan and the Upgrade to Building Code Loan, the guidelines are modelled on the existing financial incentive programs offered in the community improvement project areas.

2.4 Monitoring

The Program Guidelines also includes criteria to monitor both the take-up and success of the Recovery Grant. The monitoring criteria is the same as the metrics identified in the business case for funding:

- Number of Recovery Grant applications
- Public to private return on investment for façade improvements
- Public to private return on investment for interior improvements

Conclusion

This report recommends amending the by-laws to establish financial incentives for five community improvement project areas (Downtown, Old East Village, SoHo, Hamilton Road, and Lambeth) to implement the Recovery Grant Program. The grant is intended to help local businesses in the five community improvement project areas reduce their financial burden when making modifications to their private property because of the increased health and safety requirements related to the pandemic and help improve the visual attractiveness of building façades.

Prepared by: **Graham Bailey, MCIP RPP**
Senior Planner, Urban Regeneration

Submitted by: **Britt O’Hagan, MCIP RPP**
Manager, City Building and Design

Recommended by: **Gregg Barrett, AICP**
Director, Planning and City Planner

GB/gb

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Bill No.
2021

By-Law No. C.P.-

A by-law to amend C.P.-1467-175, as amended, being “A By-law to establish financial incentives for the Downtown Community Improvement Project Areas” by adding in its entirety, Schedule 3 – The Recovery Grant Program Guidelines

WHEREAS by subsection 28(2) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, the Council of a municipal corporation may, by by-law, designate the whole or any part of an area as a community improvement project area;

AND WHEREAS subsection 28(4) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, enables the Council of a municipal corporation to adopt a community improvement plan for a community improvement project area;

AND WHEREAS The London Plan, 2016, the Official Plan for the City of London, contains provisions relating to community improvement within the city;

AND WHEREAS Municipal Council adopted By-law C.P. 1356-234 to designate the Downtown Community Improvement Project Areas;

AND WHEREAS Municipal Council adopted By-law C.P. 1357-249 to adopt the Downtown Community Improvement Plan;

AND WHEREAS Municipal Council adopted By-law C.P. 1467-175 to establish financial incentives for the Downtown Community Improvement Project Areas;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law C.P.-1467-175, as amended, is hereby amended by adding in its entirety, Schedule 3 – The Recovery Grant Program Guidelines;
2. This by-law comes into effect on the day it is passed.

PASSED in Open Council on May 4, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 4, 2021
Second Reading – May 4, 2021
Third Reading – May 4, 2021

Schedule 3 – The Recovery Grant Program Guidelines

Downtown Community Improvement Plan – Recovery Grant Program Guidelines

* Effective May 4, 2021 *

These program guidelines provide details on the Downtown Recovery Grant Program provided by the City of London (“City”) through the Downtown Community Improvement Plan.

Table of Contents

How to Read this Document

Map 1 – Downtown Community Improvement Project Area

Definitions

Purpose

Funding

Eligible Works

Eligibility Criteria

General Grant Terms

Grant Amount

Grant Distribution

Grant Agreement

Transferable Grants

Application Process

 Expression of Interest

 Consultation Phase

 Concept Phase

 Property Modification Phase

 Confirmation Phase

 Agreement Phase

Grant Approval

Additional Rehabilitation and Demolition

Inspection of Complete Works

Grant Application Refusal and Appeal

Relationship to other Financial Incentive Programs

Monitoring & Discontinuation

Program Monitoring Data

Grant Agreement Template

How to Read this Document

This document identifies the responsibility of each stakeholder in the Downtown Recovery Grant Program.

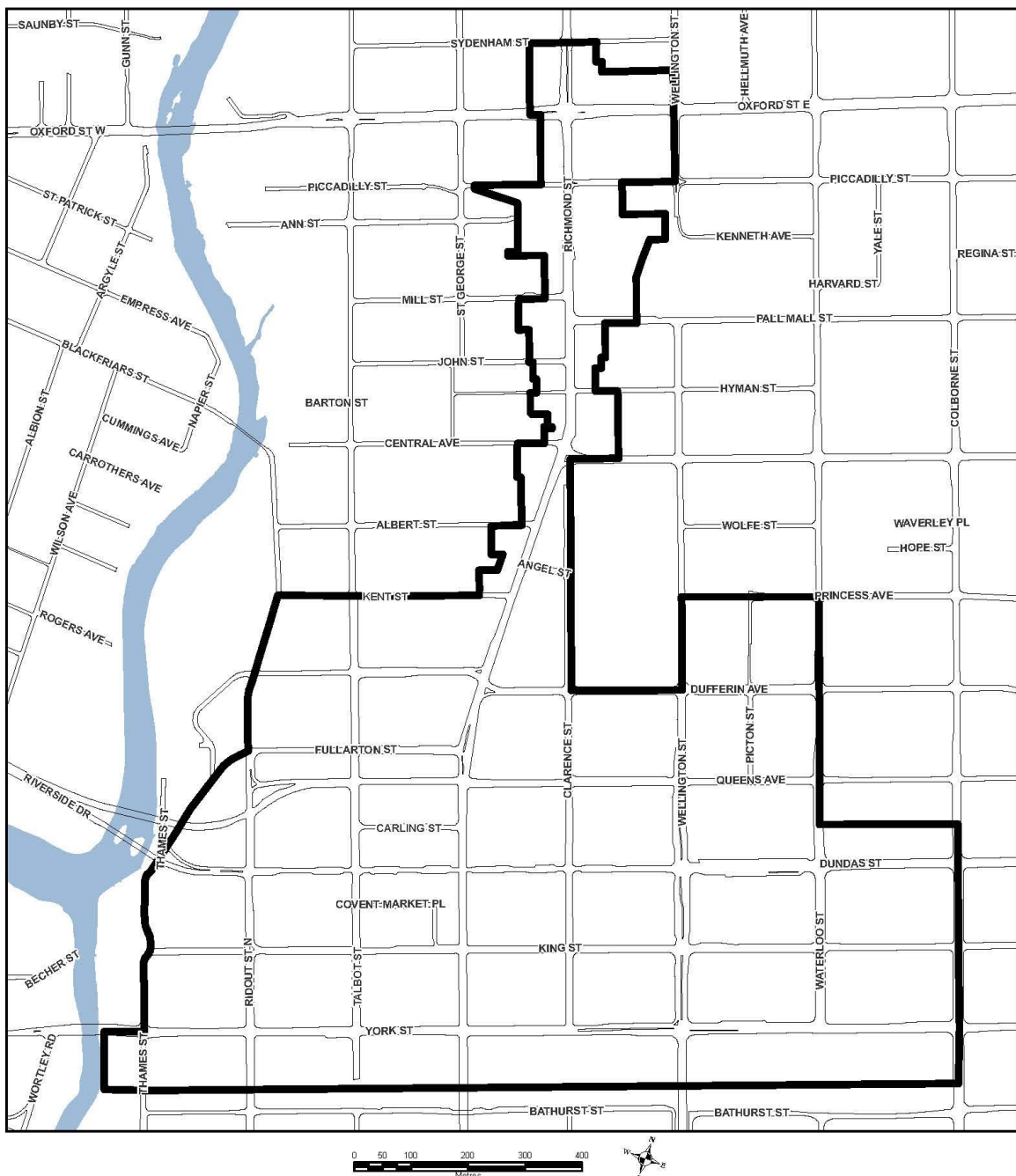
Applicant indicates the person who is applying for the grant (for example, the property owner, tenant, business owner, or agent acting on behalf of the property owner, tenant, or business owner) is responsible for completing the task. **CL** indicates that a City of London staff member is responsible for that task.

The Recovery Grant Program is available to property owners, tenants, and business owners (or agent acting on behalf of the property owner, tenant, or business owner) who are eligible to make property modifications in the Downtown Community Improvement Project Area (Map 1).

Map 1 – Downtown Community Improvement Project Area

Figure 1

THE DOWNTOWN COMMUNITY IMPROVEMENT AREA



Document Path: E:\Planning\Projects\p_BIAs\DowntownCIPExpansion\projects\Downtown_CIP_Area_July2017_Bx11.mxd

Definitions

Approved Work(s) – The materials, labour, and/or effort made to improve a property that has been determined to meet eligibility criteria under the incentive program requirements.

Applicant – The person (for example, the property owner, tenant, business owner, or agent acting on behalf of the property owner, tenant, or business owner) who applies for the Recovery Grant Program.

CL – City of London staff member.

Commitment Letter – A document prepared by the City of London outlining its commitment to a property owner to provide a future grant, based on a redevelopment, rehabilitation and/or renovation project that the applicant has yet to undertake. The letter describes the specific scope of *approved works* that the property owner will undertake to receive the grant and specifies the time length of the City's commitment.

Complete Application – Includes a completed application form for the Recovery Grant Program, and includes the following information:

- Name and address of the property owner, tenant, business owner (or agent acting on behalf of the property owner, tenant, or business owner)
- A letter from the property owner authorizing that the *applicant* (if different from the property owner) is permitted to make modifications to the building
- Confirmation that the address is within the Downtown Community Improvement Project Area
- Complete drawings indicating the property modifications to be undertaken
- Itemized list of specific property modifications
- Two (2) comparable quotations by qualified contractors showing cost estimates for the proposed works which are required to be included in the incentive application. In general, the lower of the two estimates will be taken as the cost of the eligible works. Cost estimates should be consistent with the estimate noted on the accompanying Building Permit (if required)
- Photographs of the *discrete building* being considered for improvements
- A cover letter that summarizes the property modifications to be completed and summarizes the provided quotations
- A signed copy of the Addendum including the Hold Harmless Agreement, General Liability Insurance, and Contractor qualifications
- A copy of the Building Permit (if required)
- A copy of the Heritage Alteration Permit (if required)
- Any other information that may be deemed necessary by the City Planner or designates

Discrete building – Means any permanent structure which is separated from other structures by a solid party wall and is used or intended to be used for the shelter, accommodation, or enclosure of persons. To be a *discrete building*, the structure will have a distinct municipal address.

Purpose

In support of business and property owners during the COVID-19 pandemic, the Recovery Grant Program is intended to reduce the financial burden on business and property owners who want to make modifications to private property because of the increased health and safety requirements related to the pandemic. This program is also available to assist with exterior property modifications to improve façades to increase the visual attractiveness (“curb appeal”) and to fix or prevent damage related to vandalism. This program grants up to 100 percent of the total cost of the property modifications, up to a maximum of \$5,000 per *discrete building*.

Health, safety, and visual attractiveness improvements can make for a more welcoming space and create a more vibrant urban environment.

Funding

Municipal Council has approved \$250,000 in total funding for the Recovery Grant Program.

The Downtown community improvement project area will initially receive \$70,000 in funding for the first submission window. The total amount of funding for the community improvement project area may increase or decrease depending on the number of applications received from all five eligible community improvement project areas.

Once the total funding is exhausted the Recovery Grant Program will conclude.

Eligible Works

Eligible works that will be granted through the Recovery Grant Program include costs associated with the modification or installation of the following improvements:

- Exterior lighting
- Street-facing façade windows and/or façade door replacement
- Façade repair (for example, brick repointing, painting, tile replacement, or similar repairs)
- Decorative exterior façade gates
- Interior modifications to improve health and safety because of the COVID-19 pandemic (for example, physical barriers, plexiglass, or other property improvements to improve physical distancing)
- Interior modifications to refresh the property (for example, painting or flooring)
- Other work at the discretion of the City Planner or designates

If the property is located within a Heritage Conservation District and/or individually designated under Part IV of the *Ontario Heritage Act*, and the work requires a Heritage Alteration Permit, grants will only be issued through the Recovery Grant Program if a Heritage Alteration Permit is approved.

The following fees and work are not eligible to be granted through this program:

- Any fees related to obtaining a City of London Business Licence
- Any materials required for an application or licence
- Non-property related improvements, such as hiring of security guards or cleaning staff
- Appliances, cupboards, cabinets, fixtures, furniture, and similar items
- Insurance fees
- Other fees and work at the discretion of the City Planner or designates

Eligibility Criteria

To be eligible for the Downtown Recovery Grant Program, the *applicant* must meet all conditions detailed in this program description.

Applicant Considerations

- The *applicant* can be the registered owner of the property or an agent (including building tenant or contractor who has been retained to undertake improvements). If the applicant is not a registered owner of the subject property, the *applicant* will be required to provide authorization in writing from the registered owner as part of a *complete application*
- The *applicant* must not have ever defaulted on any City loan or grant program, including by way of individual affiliation with any company or group of people authorized to act as a single entity such as a corporation

- The Recovery Grant Program will not apply retroactively to work completed prior to the approval of the *complete application* by the City Planner or designates unless the approved work is part of an existing approved Upgrade to Building Code Loan application or Façade Improvement Loan application. If the work was previously approved under an existing loan *Commitment Letter* and the loan has not been issued yet, a Recovery Grant can still be issued, and its value will be deducted from the total amount of the loan

Property Considerations

- The property must be located within the Downtown Community Improvement Project Areas as defined in the Downtown Community Improvement Area By-law (see Map 1)
- There are not any City of London Building Division orders or deficiencies relating to the subject property at the time the grant is issued
- The works applied for under the Recovery Grant Program shall not include any costs for which grants, or loans have been issued under any other City of London Community Improvement Plan financial incentive program
- Each property is eligible to avail simultaneously of multiple incentive programs provided through the other City of London Community Improvement Plans, where eligible

Building Considerations

- Separate applications must be submitted for each *discrete building* on a single property
- The property must contain an existing *discrete building* (occupied or unoccupied)
- Where the entirety of a multi-unit commercial building on one property, which contains separate units, are all under the same ownership, (or with condominium status) each commercial unit will be considered as one *discrete building* for the purpose of this grant program
- Where a building is within a contiguous group of buildings, a *discrete building* will be interpreted as any structure which is separated from other structures by a solid party wall and a distinct municipal address
- Each *discrete building* on each property is eligible for the Recovery Grant Program

General Grant Terms

Application can be made to the program during the funding application window(s) as determined and advertised by the City.

The City is not responsible for any costs incurred by an *applicant* in relation to the grant program, including without limitation, costs incurred in application of a grant.

If the *applicant* is in default of any of the general or program specific requirements, or any other requirements of the City of London, the approved grant may be delayed, reduced, or canceled, and the *applicant* may be required to repay part or all the approved grants.

All the *approved works* under the incentive program must comply with all applicable Provincial regulations and City guidelines, by-laws, policies, procedures, and standards.

If applied for and approved, all *approved works* completed must comply with the description of the works as provided in the Recovery Grant application form and detailed in the City's *Commitment Letter*, with any amendments as approved by the City of London.

This grant does not imply that processes for permits are invalid or unnecessary.

Grant Amount

The property improvements undertaken will be paid back to the *applicant* in the form of a one-time grant to cover 100 percent (100%) of the eligible property modification costs (the *approved works*), up to a maximum of \$5,000.

Grant Distribution

The City will provide the *applicant* with one cheque in the full amount of the approved grant after: (1) the City has completed its due diligence to ensure the *applicant* and property remain eligible for the grant. This includes the *applicant* providing proof that the *approved work* has been paid for in full. (2) City staff has reviewed the completed *approved work* to ensure they have been completed as approved, and (3) the Grant Agreement has been signed.

The City will not provide partial grant amounts or progress payments.

Grant Agreement

The City requires the *applicant* to enter into a Grant Agreement. The City Planner or designate has the authority to execute the Grant Agreement on behalf of the City.

Transferable Grants

If a participating property is sold, in whole or in part, before the grant is issued, the *applicant* and/or the subsequent property owner is not entitled to the outstanding grant (on either the portion sold or retained by the *applicant*). The City may, entirely at its own discretion, enter into a new agreement with any subsequent owners of the property to receive the outstanding grant under this program.

Application Process

Expression of Interest

Applicant – It is suggested to contact City of London staff and/or Downtown London BIA staff prior to making an application to the Recovery Grant Program.

Consultation Phase

Applicant – The *applicant* contacts the City of London and/or Downtown London Business Improvement Area who, if necessary, will arrange a meeting to share ideas for the proposed project, information about incentive programs, provide application form(s) and assist with the application process. This meeting will also help to identify what permits or permissions may be required to complete the proposed improvements. Consultation with an Urban Designer and/or Heritage Planner may be necessary. Where possible, the City will make appropriate staff available for this meeting, which is usually on site at the property where the proposed work is planned.

Applications made for financial incentive programs do not in any way replace the need for obtaining any necessary approvals. Prior to undertaking building improvements, the *applicant* is required to obtain any necessary approvals and/or permits. Heritage Alteration Permits (for properties requiring them) will be required before financial incentive applications are accepted.

Service London staff are also available to help with clarifying/applying for applicable permits.

Discussions with City staff are encouraged early in the conceptual phase to ensure proposed improvements comply with City regulations and guidelines, and the proposed improvements are eligible under the incentive program.

Prior to property modifications beginning, the *applicant* must contact Planning and Economic Development to complete the application process.

Application Phase

Applicant – A *complete application* (see Definitions) for the grant program is submitted to the City of London during the initial submission window as advertised. Applications will be reviewed in the order they are received. Applications may be prioritized across all five eligible community improvement project areas to ensure equitable distribution of the Recovery Grant funding. As a result, some applications may be placed on a waitlist.

CL / Applicant – City of London staff will review the application for completeness and inform the *applicant* in writing that either, more information is required, or the application is accepted. If accepted, the City will provide a *Commitment Letter* which outlines the *approved works*, related costs, and monetary commitment that the City is making to the project. The City's commitment is valid for six months from the date of issuance of the *Commitment Letter* unless the approved work relates to façade improvements for a property in a stretch of road under construction. In that case, the commitment is valid for one year from the date of issuance of the *Commitment Letter*. The City's commitment applies only to the project as submitted and approved (i.e., the *approved works*).

Six months after the initial submission window has closed, City staff will review to see if any existing grant commitments have lapsed, review the waitlist to determine if additional grants can be released, and/or if a new application window should be opened. At this point, City staff may redistribute funding to one or more community improvement project areas if they are experiencing a large volume of applications.

Applicant – Any subsequent changes to the project will require review and approval by the City.

CL – City staff may visit the subject property and take photographs, both before and after the subject work is completed or ask the *applicant* to provide photos as part of a *complete application*.

Property Modification Phase

Applicant – Having obtained all necessary approvals and/or permits and receiving a *Commitment Letter* from the City for the *approved works* the *applicant* may start to undertake eligible property modifications.

Confirmation Phase

Applicant – The *applicant* will notify the City in writing (via letter or email) once the project is complete and the costs respecting those works are paid. Confirmation that related building permits are closed, if applicable, is also required so that the City may begin drafting an agreement.

CL – Before setting up any agreement, City staff must ensure the property modifications, as described in the *Commitment Letter*, are completed and other criteria, as set out in the program guidelines, have been met. This includes ensuring:

- Related costs, or bills respecting the *approved works* are paid in full
- Related building permits are closed (if necessary)
- Compliance with the Heritage Alteration Permit (if necessary)
- The property owner has not previously defaulted on any City loans or grants, and,
- There are no outstanding Building Division orders or deficiencies against the subject property related to the property modifications made

Agreement Phase

CL – Once the eligible works are verified, City staff will draft the grant agreement and provide a draft copy of the grant agreement to the *applicant* for review.

Applicant / CL – After the *applicant* has approved the grant agreement, City staff will prepare two hard copies of the grant agreement to be signed.

CL – When all the documentation is ready, City staff will contact the *applicant* to arrange for a meeting to sign the documents. One original signed copy is kept by the *applicant* and one is retained by the City.

CL – Once the grant agreement has been signed, City staff will request the grant cheque. The grant cheque is mailed to the *applicant* or picked up by the *applicant* at a City of London office.

Grant Approval

Once all eligibility criteria and conditions are met, and if funds are still available in the supporting Reserve Fund / account, the City Planner (or designates) will approve the grant application. Approval by means of a letter to the applicant will represent a commitment by the City of London (the *Commitment Letter*).

The City will track grant commitments and grants issued to ensure no more than the maximum funding of \$250,000 is issued across all community improvement project areas.

As a condition of approval, the *applicant* shall be required to enter into a Grant Agreement with the City prior to receiving the grant.

Additional Rehabilitation and Demolition

Additional work to the interior of the building can be undertaken subject to obtaining a building and/or heritage alteration permit, when required. The grant does not impose any specific restrictions on demolition.

Inspection of Complete Works

City staff will review the completed *approved works* to ensure they have been completed as approved. This is not a building permit inspection and does not replace the need for a building permit.

Grant Application Refusal and Appeal

If an application is refused, the *applicant* may, in writing, appeal the decision of the City Planner to the City Clerk's Office who will provide direction to the matter heard before Municipal Council through the Planning and Environment Committee.

Relationship to other Financial Incentive Programs

An *applicant* may also qualify for financial assistance under the City of London's other financial incentives programs. *Applicants* are advised to check with Planning and Economic Development.

Monitoring & Discontinuation

As part of the program administration, Planning and Economic Development will monitor the Downtown Community Improvement Plan financial incentive programs. In receiving and processing applications staff will enter relevant information into a Monitoring Database. This information will be included in any Incentive Monitoring Reports which will be prepared to determine if programs should continue, be modified, or cease. This

program is monitored to ensure it implements the goals and objectives of *The London Plan* and the Downtown Community Improvement Plan.

Municipal Council may discontinue the Recovery Grant Program at any time prior to the funding being exhausted.

The grant program's success in implementing the Downtown Community Improvement Plan's goals will be based on the ongoing monitoring as noted in the Program Monitoring Data section.

Program Monitoring Data

The following information will be collected to monitor the Downtown Recovery Grant Program. These measures are to be flexible allowing for the addition of new measures that better indicate if the goals and objectives of the Downtown Community Improvement Plan have been met and used to help complete the biennial State of the Downtown Report or other similar report:

- Number of Recovery Grant applications
- Public to private return on investment for façade improvements
- Public to private return on investment for interior improvements

Grant Agreement Template

Downtown Recovery Grant Program Grant Agreement

THIS AGREEMENT CONSISTS OF THREE PAGES

Application No.:

Name of Property Owner(s):

Name of Applicant (if different than property owner):

Address of Project:

Legal Description of Property:

Roll Number:

Mailing Address of Applicant:

Telephone No.:

Email Address:

Heritage Alteration Permit Information:

Date Permit Approved:

Designating By-Law:

Building Permit Information

Building Permit Number(s):

Date of Permit(s):

Value of Project:

Application Tracking Information (for staff use only)	Date and Staff Initials
Application Accepted	
Commitment Letter Issued	
Project Completion (applicant's written confirmation)	
Request to Finance and Administration for Grant Cheque	
Grant Cheque Issued	

Downtown Recovery Grant Program Grant Agreement

THIS AGREEMENT CONSISTS OF THREE PAGES

Conditions:

1. The applicant(s) for a Downtown Recovery Grant must be the registered owner(s) of the subject property or an agent, including a business owner who is occupying space on the subject property or contractor who has been retained to undertake improvements on the subject property.
2. Where the applicant is an agent (tenant or contractor) of the property, the applicant must provide confirmation in writing that the property owner is aware of, and in support of, the improvements to the building.
3. Separate applications must be made for each discrete building or agent under consideration for a grant.
4. The Downtown Recovery Grant Program will be a one-time grant. Applicants can apply only once per discrete building under the program.
5. The total value of the grant provided under this program shall not exceed the value of the work done.
6. If a participating property is demolished in whole within two years of receiving the grant it shall cause the grant to be forfeited and be repayable to the municipality.
7. The grant is not issued until such time as the City of London confirms that any City of London loans relating to the Property are in good standing with no arrears owing and there are no City of London Building Division orders or deficiencies registered against the Property.

Downtown Recovery Grant Program Grant Agreement

THIS AGREEMENT CONSISTS OF THREE PAGES

- A. I/WE HEREBY AGREE TO ALL OF THE CONDITIONS IN THIS GRANT AGREEMENT (consisting of three pages) and the general terms and conditions of the Downtown Recovery Grant Program guidelines.
- B. I/WE HEREBY CERTIFY that the information given above is true, correct, and complete in every respect and may be verified by the municipality. I/WE acknowledge that the City is relying upon the information provided by the applicant and if the information in this agreement and the associated application, proves to be false or substantially inaccurate, the grant will be forfeited and be immediately repayable to the City.
- C. I/WE HEREBY AGREE that in the event this property is demolished in whole or in part, prior to the issuance of the grant, any funds payable under this Program shall immediately be forfeited and all previously received grant payments shall become due and repayable to the City.
- D. I/WE hereby acknowledge receipt of a cheque for \$XX,XXX.XX, dated _____ as the Downtown Recovery Grant.

I, _____ agree to the above conditions, and have the authority to bind the corporation named as **property owner/applicant** on page 1 of this agreement.

SIGNATURE (TITLE)

DATE

CO-SIGNATURE (TITLE)

DATE

This agreement is hereby approved, subject to the above-specified conditions.

SIGNATURE (TITLE)

DATE

City of London, Planning and Economic Development

Appendix “B”

Bill No.
2021

By-Law No. C.P.-

A by-law to amend C.P.-1468-176, as amended, being “A By-law to establish financial incentives for the Old East Village Community Improvement Project Area” by adding in its entirety, Schedule 2 – The Recovery Grant Program Guidelines

WHEREAS by subsection 28(2) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, the Council of a municipal corporation may, by by-law, designate the whole or any part of an area as a community improvement project area;

AND WHEREAS subsection 28(4) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, enables the Council of a municipal corporation to adopt a community improvement plan for a community improvement project area;

AND WHEREAS The London Plan, 2016, the Official Plan for the City of London, contains provisions relating to community improvement within the city;

AND WHEREAS Municipal Council adopted By-law C.P. 1443-249 to designate the Old East Village Community Improvement Project Area;

AND WHEREAS Municipal Council adopted By-law C.P. 1444-250 to adopt the Old East Village Community Improvement Plan;

AND WHEREAS Municipal Council adopted By-law C.P. 1468-176 to establish financial incentives for the Old East Village Community Improvement Project Area;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law C.P.-1468-176, as amended, is hereby amended by adding in its entirety, Schedule 2 – The Recovery Grant Program Guidelines;
2. This by-law comes into effect on the day it is passed.

PASSED in Open Council on May 4, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 4, 2021
Second Reading – May 4, 2021
Third Reading – May 4, 2021

Schedule 2 – The Recovery Grant Program Guidelines

Old East Village Community Improvement Plan – Recovery Grant Program Guidelines

* Effective May 4, 2021 *

These program guidelines provide details on the Old East Village Recovery Grant Program provided by the City of London (“City”) through the Old East Village Community Improvement Plan.

Table of Contents

How to Read this Document

Map 1 – Old East Village Community Improvement Project Area

Definitions

Purpose

Funding

Eligible Works

Eligibility Criteria

General Grant Terms

Grant Amount

Grant Distribution

Grant Agreement

Transferable Grants

Application Process

 Expression of Interest

 Consultation Phase

 Concept Phase

 Property Modification Phase

 Confirmation Phase

 Agreement Phase

Grant Approval

Additional Rehabilitation and Demolition

Inspection of Complete Works

Grant Application Refusal and Appeal

Relationship to other Financial Incentive Programs

Monitoring & Discontinuation

Program Monitoring Data

Grant Agreement Template

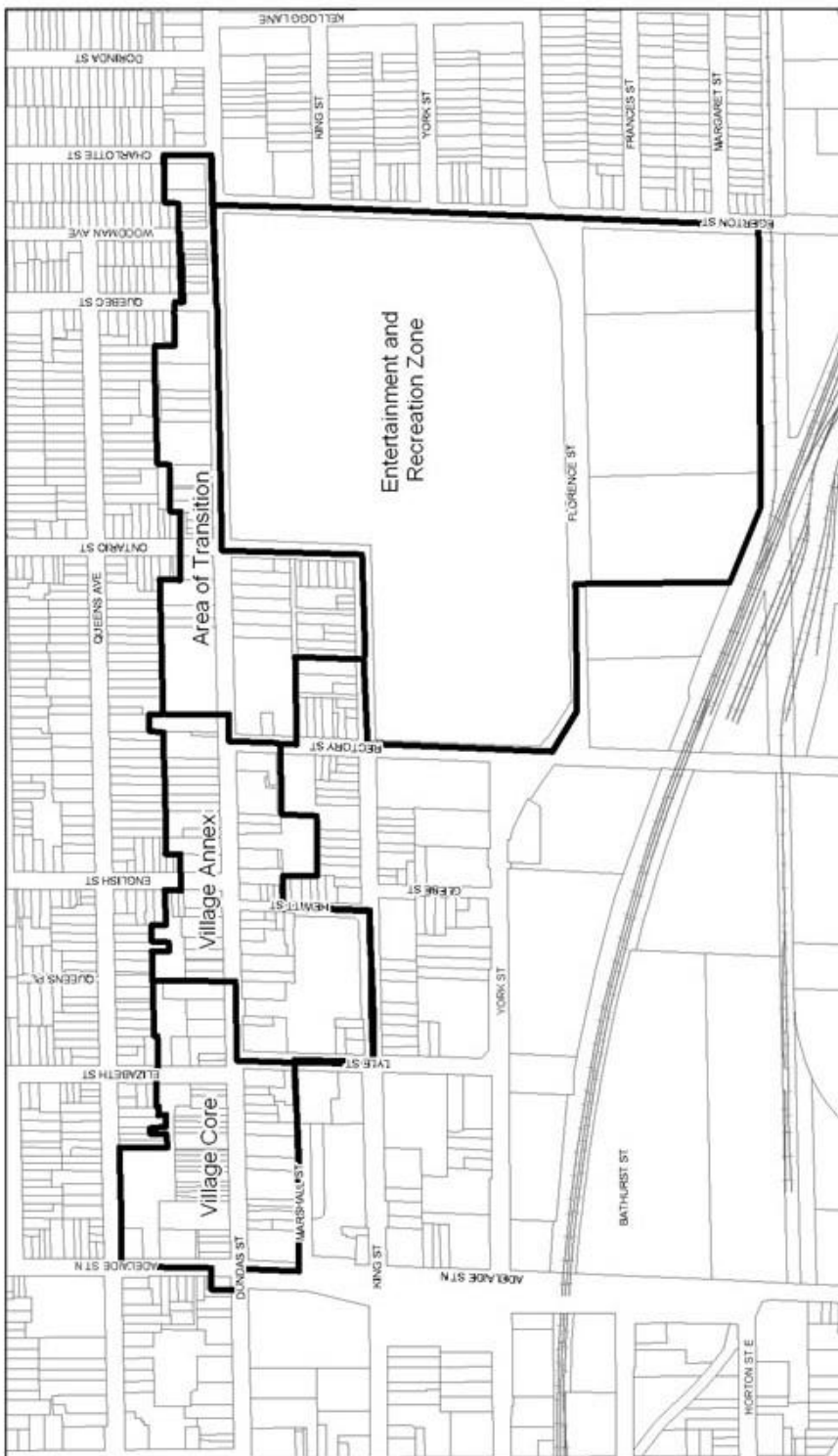
How to Read this Document

This document identifies the responsibility of each stakeholder in the Old East Village Recovery Grant Program.

Applicant indicates the person who is applying for the grant (for example, the property owner, tenant, business owner, or agent acting on behalf of the property owner, tenant, or business owner) is responsible for completing the task. **CL** indicates that a City of London staff member is responsible for that task.

The Recovery Grant Program is available to property owners, tenants, and business owners (or agent acting on behalf of the property owner, tenant, or business owner) who are eligible to make property modifications in the Old East Village Community Improvement Project Area (Map 1), excluding the Entertainment and Recreation Zone.

Map 1 – Old East Village Community Improvement Project Area



Definitions

Approved Work(s) – The materials, labour, and/or effort made to improve a property that has been determined to meet eligibility criteria under the incentive program requirements.

Applicant – The person (for example, the property owner, tenant, business owner, or agent acting on behalf of the property owner, tenant, or business owner) who applies for the Recovery Grant Program.

CL – City of London staff member.

Commitment Letter – A document prepared by the City of London outlining its commitment to a property owner to provide a future grant, based on a redevelopment, rehabilitation and/or renovation project that the applicant has yet to undertake. The letter describes the specific scope of *approved works* that the property owner will undertake to receive the grant and specifies the time length of the City's commitment.

Complete Application – Includes a completed application form for the Recovery Grant Program, and includes the following information:

- Name and address of the property owner, tenant, business owner (or agent acting on behalf of the property owner, tenant, or business owner)
- A letter from the property owner authorizing that the *applicant* (if different from the property owner) is permitted to make modifications to the building
- Confirmation that the address is within the Old East Village Community Improvement Project Area
- Complete drawings indicating the property modifications to be undertaken
- Itemized list of specific property modifications
- Two (2) comparable quotations by qualified contractors showing cost estimates for the proposed works which are required to be included in the incentive application. In general, the lower of the two estimates will be taken as the cost of the eligible works. Cost estimates should be consistent with the estimate noted on the accompanying Building Permit (if required)
- Photographs of the *discrete building* being considered for improvements
- A cover letter that summarizes the property modifications to be completed and summarizes the provided quotations
- A signed copy of the Addendum including the Hold Harmless Agreement, General Liability Insurance, and Contractor qualifications
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Health, safety, and visual attractiveness improvements can make for a more welcoming space and create a more vibrant urban environment.

Funding

Municipal Council has approved \$250,000 in total funding for the Recovery Grant Program.

The Old East Village community improvement project area will initially receive \$39,000 in funding for the first Recovery Grant submission window. The total amount of funding for the community improvement project area may increase or decrease depending on the number of applications received from all five eligible community improvement project areas.

Once the total funding is exhausted the Recovery Grant Program will conclude.

Eligible Works

Eligible works that will be granted through the Recovery Grant Program include costs associated with the modification or installation of the following improvements:

- Exterior lighting
- Street-facing façade windows and/or façade door replacement
- Façade repair (for example, brick repointing, painting, tile replacement, or similar repairs)
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- Interior modifications to improve health and safety because of the COVID-19 pandemic (for example, physical barriers, plexiglass, or other property improvements to improve physical distancing)
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- Other work at the discretion of the City Planner or designates

If the property is located within a Heritage Conservation District and/or individually designated under Part IV of the *Ontario Heritage Act*, and the work requires a Heritage Alteration Permit, grants will only be issued through the Recovery Grant Program if a Heritage Alteration Permit is approved.

The following fees and work are not eligible to be granted through this program:

- Any fees related to obtaining a City of London Business Licence
- Any materials required for an application or licence
- Non-property related improvements, such as hiring of security guards or cleaning staff
- Appliances, cupboards, cabinets, fixtures, furniture, and similar items
- Insurance fees
- Other fees and work at the discretion of the City Planner or designates

Eligibility Criteria

To be eligible for the Old East Village Recovery Grant Program, the *applicant* must meet all conditions detailed in this program description.

Applicant Considerations

- The *applicant* can be the registered owner of the property or an agent (including building tenant or contractor who has been retained to undertake improvements). If the applicant is not a registered owner of the subject property, the *applicant* will be required to provide authorization in writing from the registered owner as part of a *complete application*
- The *applicant* must not have ever defaulted on any City loan or grant program, including by way of individual affiliation with any company or group of people authorized to act as a single entity such as a corporation

- The Recovery Grant Program will not apply retroactively to work completed prior to the approval of the *complete application* by the City Planner or designates unless the approved work is part of an existing approved Upgrade to Building Code Loan application or Façade Improvement Loan application. If the work was previously approved under an existing loan *Commitment Letter* and the loan has not been issued yet, a Recovery Grant can still be issued, and its value will be deducted from the total amount of the loan

Property Considerations

- The property must be located within the Old East Village Community Improvement Project Area as defined in the Old East Village Community Improvement Area By-law (see Map 1)
- There are not any City of London Building Division orders or deficiencies relating to the subject property at the time the grant is issued
- The works applied for under the Recovery Grant Program shall not include any costs for which grants, or loans have been issued under any other City of London Community Improvement Plan financial incentive program
- Each property is eligible to avail simultaneously of multiple incentive programs provided through the other City of London Community Improvement Plans, where eligible

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- Separate applications must be submitted for each *discrete building* on a single property
- The property must contain an existing *discrete building* (occupied or unoccupied)
- Where the entirety of a multi-unit commercial building on one property, which contains separate units, are all under the same ownership, (or with condominium status) each commercial unit will be considered as one *discrete building* for the purpose of this grant program
- Where a building is within a contiguous group of buildings, a *discrete building* will be interpreted as any structure which is separated from other structures by a solid party wall and a distinct municipal address
- Each *discrete building* on each property is eligible for the Recovery Grant Program

General Grant Terms

Application can be made to the program during the funding application window(s) as determined and advertised by the City.

The City is not responsible for any costs incurred by an *applicant* in relation to the grant program, including without limitation, costs incurred in application of a grant.

If the *applicant* is in default of any of the general or program specific requirements, or any other requirements of the City of London, the approved grant may be delayed, reduced, or canceled, and the *applicant* may be required to repay part or all the approved grants.

All the *approved works* under the incentive program must comply with all applicable Provincial regulations and City guidelines, by-laws, policies, procedures, and standards.

If applied for and approved, all *approved works* completed must comply with the description of the works as provided in the Recovery Grant application form and detailed in the City's *Commitment Letter*, with any amendments as approved by the City of London.

This grant does not imply that processes for permits are invalid or unnecessary.

Grant Amount

The property improvements undertaken will be paid back to the *applicant* in the form of a one-time grant to cover 100 percent (100%) of the eligible property modification costs (the *approved works*), up to a maximum of \$5,000.

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The City will provide the *applicant* with one cheque in the full amount of the approved grant after: (1) the City has completed its due diligence to ensure the *applicant* and property remain eligible for the grant. This includes the *applicant* providing proof that the *approved work* has been paid for in full. (2) City staff has reviewed the completed *approved work* to ensure they have been completed as approved, and (3) the Grant Agreement has been signed.

The City will not provide partial grant amounts or progress payments.

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The City requires the *applicant* to enter into a Grant Agreement. The City Planner or designate has the authority to execute the Grant Agreement on behalf of the City.

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If a participating property is sold, in whole or in part, before the grant is issued, the *applicant* and/or the subsequent property owner is not entitled to the outstanding grant (on either the portion sold or retained by the *applicant*). The City may, entirely at its own discretion, enter into a new agreement with any subsequent owners of the property to receive the outstanding grant under this program.

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Expression of Interest

Applicant – It is suggested to contact City of London staff and/or Old East Village BIA staff prior to making an application to the Recovery Grant Program.

Consultation Phase

Applicant – The *applicant* contacts the City of London and/or Old East Village Business Improvement Area who, if necessary, will arrange a meeting to share ideas for the proposed project, information about incentive programs, provide application form(s) and assist with the application process. This meeting will also help to identify what permits or permissions may be required to complete the proposed improvements. Consultation with an Urban Designer and/or Heritage Planner may be necessary. Where possible, the City will make appropriate staff available for this meeting, which is usually on site at the property where the proposed work is planned.

Applications made for financial incentive programs do not in any way replace the need for obtaining any necessary approvals. Prior to undertaking building improvements, the *applicant* is required to obtain any necessary approvals and/or permits. Heritage Alteration Permits (for properties requiring them) will be required before financial incentive applications are accepted.

Service London staff are also available to help with clarifying/applying for applicable permits.

Discussions with City staff are encouraged early in the conceptual phase to ensure proposed improvements comply with City regulations and guidelines, and the proposed improvements are eligible under the incentive program.

Prior to property modifications beginning, the *applicant* must contact Planning and Economic Development to complete the application process.

Application Phase

Applicant – A *complete application* (see Definitions) for the grant program is submitted to the City of London during the initial submission window as advertised. Applications will be reviewed in the order they are received. Applications may be prioritized across all five eligible community improvement project areas to ensure equitable distribution of the Recovery Grant funding. As a result, some applications may be placed on a waitlist.

CL / Applicant – City of London staff will review the application for completeness and inform the *applicant* in writing that either, more information is required, or the application is accepted. If accepted, the City will provide a *Commitment Letter* which outlines the *approved works*, related costs, and monetary commitment that the City is making to the project. The City's commitment is valid for six months from the date of issuance of the *Commitment Letter* unless the approved work relates to façade improvements for a property in a stretch of road under construction. In that case, the commitment is valid for one year from the date of issuance of the *Commitment Letter*. The City's commitment applies only to the project as submitted and approved (i.e., the *approved works*).

Six months after the initial submission window has closed, City staff will review to see if any existing grant commitments have lapsed, review the waitlist to determine if additional grants can be released, and/or if a new application window should be opened. At this point, City staff may redistribute funding to one or more community improvement project areas if they are experiencing a large volume of applications.

Applicant – Any subsequent changes to the project will require review and approval by the City.

CL – City staff may visit the subject property and take photographs, both before and after the subject work is completed or ask the *applicant* to provide photos as part of a *complete application*.

Property Modification Phase

Applicant – Having obtained all necessary approvals and/or permits and receiving a *Commitment Letter* from the City for the *approved works* the *applicant* may start to undertake eligible property modifications.

Confirmation Phase

Applicant – The *applicant* will notify the City in writing (via letter or email) once the project is complete and the costs respecting those works are paid. Confirmation that related building permits are closed, if applicable, is also required so that the City may begin drafting an agreement.

CL – Before setting up any agreement, City staff must ensure the property modifications, as described in the *Commitment Letter*, are completed and other criteria, as set out in the program guidelines, have been met. This includes ensuring:

- Related costs, or bills respecting the *approved works* are paid in full
- Related building permits are closed (if necessary)
- Compliance with the Heritage Alteration Permit (if necessary)
- The property owner has not previously defaulted on any City loans or grants, and,
- There are no outstanding Building Division orders or deficiencies against the subject property related to the property modifications made

Agreement Phase

CL – Once the eligible works are verified, City staff will draft the grant agreement and provide a draft copy of the grant agreement to the *applicant* for review.

Applicant / CL – After the *applicant* has approved the grant agreement, City staff will prepare two hard copies of the grant agreement to be signed.

CL – When all the documentation is ready, City staff will contact the *applicant* to arrange for a meeting to sign the documents. One original signed copy is kept by the *applicant* and one is retained by the City.

CL – Once the grant agreement has been signed, City staff will request the grant cheque. The grant cheque is mailed to the *applicant* or picked up by the *applicant* at a City of London office.

Grant Approval

Once all eligibility criteria and conditions are met, and if funds are still available in the supporting Reserve Fund / account, the City Planner (or designates) will approve the grant application. Approval by means of a letter to the applicant will represent a commitment by the City of London (the *Commitment Letter*).

The City will track grant commitments and grants issued to ensure no more than the maximum funding of \$250,000 is issued across all community improvement project areas.

As a condition of approval, the *applicant* shall be required to enter into a Grant Agreement with the City prior to receiving the grant.

Additional Rehabilitation and Demolition

Additional work to the interior of the building can be undertaken subject to obtaining a building and/or heritage alteration permit, when required. The grant does not impose any specific restrictions on demolition.

Inspection of Complete Works

City staff will review the completed *approved works* to ensure they have been completed as approved. This is not a building permit inspection and does not replace the need for a building permit.

Grant Application Refusal and Appeal

If an application is refused, the *applicant* may, in writing, appeal the decision of the City Planner to the City Clerk's Office who will provide direction to the matter heard before Municipal Council through the Planning and Environment Committee.

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An *applicant* may also qualify for financial assistance under the City of London's other financial incentives programs. *Applicants* are advised to check with Planning and Economic Development.

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As part of the program administration, Planning and Economic Development will monitor the Old East Village Community Improvement Plan financial incentive programs. In receiving and processing applications staff will enter relevant information into a Monitoring Database. This information will be included in any Incentive Monitoring Reports which will be prepared to determine if programs should continue, be modified,

or cease. This program is monitored to ensure it implements the goals and objectives of *The London Plan* and the Old East Village Community Improvement Plan.

Municipal Council may discontinue the Recovery Grant Program at any time prior to the funding being exhausted.

The grant program's success in implementing the Old East Village Community Improvement Plan's goals will be based on the ongoing monitoring as noted in the Program Monitoring Data section.

Program Monitoring Data

The following information will be collected to monitor the Old East Village Recovery Grant Program. These measures are to be flexible allowing for the addition of new measures that better indicate if the goals and objectives of the Old East Village Community Improvement Plan have been met:

- Number of Recovery Grant applications
- Public to private return on investment for façade improvements
- Public to private return on investment for interior improvements

Grant Agreement Template

Old East Village Recovery Grant Program Grant Agreement

THIS AGREEMENT CONSISTS OF THREE PAGES

Application No.:

Name of Property Owner(s):

Name of Applicant (if different than property owner):

Address of Project:

Legal Description of Property:

Roll Number:

Mailing Address of Applicant:

Telephone No.:

Email Address:

Heritage Alteration Permit Information:

Date Permit Approved:

Designating By-Law:

Building Permit Information

Building Permit Number(s):

Date of Permit(s):

Value of Project:

Application Tracking Information (for staff use only)	Date and Staff Initials
Application Accepted	
Commitment Letter Issued	
Project Completion (applicant's written confirmation)	
Request to Finance and Administration for Grant Cheque	
Grant Cheque Issued	

Old East Village Recovery Grant Program Grant Agreement

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Conditions:

1. The applicant(s) for an Old East Village Recovery Grant must be the registered owner(s) of the subject property or an agent, including a business owner who is occupying space on the subject property or contractor who has been retained to undertake improvements on the subject property.
2. Where the applicant is an agent (tenant or contractor) of the property, the applicant must provide confirmation in writing that the property owner is aware of, and in support of, the improvements to the building.
3. Separate applications must be made for each discrete building or agent under consideration for a grant.
4. The Old East Village Recovery Grant Program will be a one-time grant. Applicants can apply only once per discrete building under the program.
5. The total value of the grant provided under this program shall not exceed the value of the work done.
6. If a participating property is demolished in whole within two years of receiving the grant it shall cause the grant to be forfeited and be repayable to the municipality.
7. The grant is not issued until such time as the City of London confirms that any City of London loans relating to the Property are in good standing with no arrears owing and there are no City of London Building Division orders or deficiencies registered against the Property.

Old East Village Recovery Grant Program Grant Agreement

THIS AGREEMENT CONSISTS OF THREE PAGES

- A. I/WE HEREBY AGREE TO ALL OF THE CONDITIONS IN THIS GRANT AGREEMENT (consisting of three pages) and the general terms and conditions of the Old East Village Recovery Grant Program guidelines.
- B. I/WE HEREBY CERTIFY that the information given above is true, correct, and complete in every respect and may be verified by the municipality. I/WE acknowledge that the City is relying upon the information provided by the applicant and if the information in this agreement and the associated application, proves to be false or substantially inaccurate, the grant will be forfeited and be immediately repayable to the City.
- C. I/WE HEREBY AGREE that in the event this property is demolished in whole or in part, prior to the issuance of the grant, any funds payable under this Program shall immediately be forfeited and all previously received grant payments shall become due and repayable to the City.
- D. I/WE hereby acknowledge receipt of a cheque for \$XX,XXX.XX, dated _____ as the Old East Village Recovery Grant.

I, _____ agree to the above conditions, and have the authority to bind the corporation named as **property owner/applicant** on page 1 of this agreement.

SIGNATURE (TITLE)

DATE

CO-SIGNATURE (TITLE)

DATE

This agreement is hereby approved, subject to the above-specified conditions.

SIGNATURE (TITLE)

DATE

City of London, Planning and Economic Development

Bill No.
2021

By-Law No. C.P.-

A by-law to amend C.P.- 1481-176, as amended, being “A By-law to establish financial incentives for the SoHo Community Improvement Project Area” by adding in its entirety, Schedule 2 – The Recovery Grant Program Guidelines

WHEREAS by subsection 28(2) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, the Council of a municipal corporation may, by by-law, designate the whole or any part of an area as a community improvement project area;

AND WHEREAS subsection 28(4) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, enables the Council of a municipal corporation to adopt a community improvement plan for a community improvement project area;

AND WHEREAS The London Plan, 2016, the Official Plan for the City of London, contains provisions relating to community improvement within the city;

AND WHEREAS Municipal Council adopted By-law C.P. 1479-174 to designate the SoHo Community Improvement Project Area;

AND WHEREAS Municipal Council adopted By-law C.P. 1480-175 to adopt the SoHo Community Improvement Plan;

AND WHEREAS Municipal Council adopted By-law C.P. 1481-176 to establish financial incentives for the SoHo Community Improvement Project Area;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law C.P.-1481-176, as amended, is hereby amended by adding in its entirety, Schedule 2 – The Recovery Grant Program Guidelines;
2. This by-law comes into effect on the day it is passed.

PASSED in Open Council on May 4, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 4, 2021
Second Reading – May 4, 2021
Third Reading – May 4, 2021

Schedule 2 – The Recovery Grant Program Guidelines

SoHo Community Improvement Plan – Recovery Grant Program Guidelines

* Effective May 4, 2021 *

These program guidelines provide details on the SoHo Recovery Grant Program provided by the City of London (“City”) through the SoHo Community Improvement Plan.

Table of Contents

How to Read this Document

Map 1 – SoHo Community Improvement Project Area

Definitions

Purpose

Funding

Eligible Works

Eligibility Criteria

General Grant Terms

Grant Amount

Grant Distribution

Grant Agreement

Transferable Grants

Application Process

 Expression of Interest

 Consultation Phase

 Concept Phase

 Property Modification Phase

 Confirmation Phase

 Agreement Phase

Grant Approval

Additional Rehabilitation and Demolition

Inspection of Complete Works

Grant Application Refusal and Appeal

Relationship to other Financial Incentive Programs

Monitoring & Discontinuation

Program Monitoring Data

Grant Agreement Template

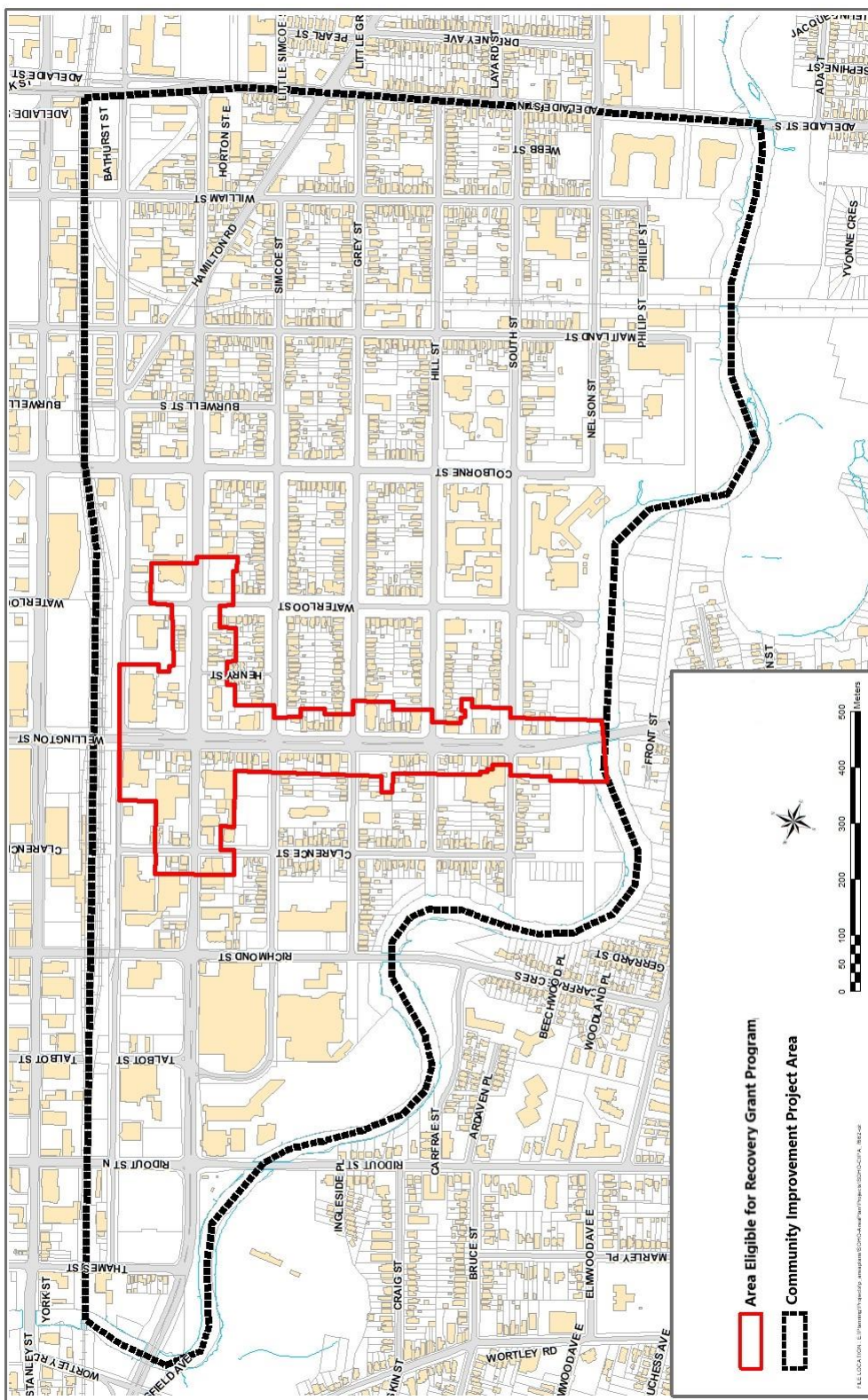
How to Read this Document

This document identifies the responsibility of each stakeholder in the SoHo Recovery Grant Program.

Applicant indicates the person who is applying for the grant (for example, the property owner, tenant, business owner, or agent acting on behalf of the property owner, tenant, or business owner) is responsible for completing the task. **CL** indicates that a City of London staff member is responsible for that task.

The Recovery Grant Program is available to property owners, tenants, and business owners (or agent acting on behalf of the property owner, tenant, or business owner) who are eligible to make property modifications in the SoHo Community Improvement Project Area (Map 1).

Map 1 – SoHo Community Improvement Project Area



Definitions

Approved Work(s) – The materials, labour, and/or effort made to improve a property that has been determined to meet eligibility criteria under the incentive program requirements.

Applicant – The person (for example, the property owner, tenant, business owner, or agent acting on behalf of the property owner, tenant, or business owner) who applies for the Recovery Grant Program.

CL – City of London staff member.

Commitment Letter – A document prepared by the City of London outlining its commitment to a property owner to provide a future grant, based on a redevelopment, rehabilitation and/or renovation project that the applicant has yet to undertake. The letter describes the specific scope of *approved works* that the property owner will undertake to receive the grant and specifies the time length of the City's commitment.

Complete Application – Includes a completed application form for the Recovery Grant Program, and includes the following information:

- Name and address of the property owner, tenant, business owner (or agent acting on behalf of the property owner, tenant, or business owner)
- A letter from the property owner authorizing that the *applicant* (if different from the property owner) is permitted to make modifications to the building
- Confirmation that the address is within the SoHo Community Improvement Project Area
- Complete drawings indicating the property modifications to be undertaken
- Itemized list of specific property modifications
- Two (2) comparable quotations by qualified contractors showing cost estimates for the proposed works which are required to be included in the incentive application. In general, the lower of the two estimates will be taken as the cost of the eligible works. Cost estimates should be consistent with the estimate noted on the accompanying Building Permit (if required)
- Photographs of the *discrete building* being considered for improvements
- A cover letter that summarizes the property modifications to be completed and summarizes the provided quotations
- A signed copy of the Addendum including the Hold Harmless Agreement, General Liability Insurance, and Contractor qualifications
- A copy of the Building Permit (if required)
- A copy of the Heritage Alteration Permit (if required)
- Any other information that may be deemed necessary by the City Planner or designates

Discrete building – Means any permanent structure which is separated from other structures by a solid party wall and is used or intended to be used for the shelter, accommodation, or enclosure of persons. To be a *discrete building*, the structure will have a distinct municipal address.

Purpose

In support of business and property owners during the COVID-19 pandemic, the Recovery Grant Program is intended to reduce the financial burden on business and property owners who want to make modifications to private property because of the increased health and safety requirements related to the pandemic. This program is also available to assist with exterior property modifications to improve façades to increase the visual attractiveness (“curb appeal”) and to fix or prevent damage related to vandalism. This program grants up to 100 percent of the total cost of the property modifications, up to a maximum of \$5,000 per *discrete building*.

Health, safety, and visual attractiveness improvements can make for a more welcoming space and create a more vibrant urban environment.

Funding

Municipal Council has approved \$250,000 in total funding for the Recovery Grant Program.

The SoHo community improvement project area will initially receive \$45,000 in funding for the first submission window. The total amount of funding for the community improvement project area may increase or decrease depending on the number of applications received from all five eligible community improvement project areas.

Once the total funding is exhausted the Recovery Grant Program will conclude.

Eligible Works

Eligible works that will be granted through the Recovery Grant Program include costs associated with the modification or installation of the following improvements:

- Exterior lighting
- Street-facing façade windows and/or façade door replacement
- Façade repair (for example, brick repointing, painting, tile replacement, or similar repairs)
- Decorative exterior façade gates
- Interior modifications to improve health and safety because of the COVID-19 pandemic (for example, physical barriers, plexiglass, or other property improvements to improve physical distancing)
- Interior modifications to refresh the property (for example, painting or flooring)
- Other work at the discretion of the City Planner or designates

If the property is located within a Heritage Conservation District and/or individually designated under Part IV of the *Ontario Heritage Act*, and the work requires a Heritage Alteration Permit, grants will only be issued through the Recovery Grant Program if a Heritage Alteration Permit is approved.

The following fees and work are not eligible to be granted through this program:

- Any fees related to obtaining a City of London Business Licence
- Any materials required for an application or licence
- Non-property related improvements, such as hiring of security guards or cleaning staff
- Appliances, cupboards, cabinets, fixtures, furniture, and similar items
- Insurance fees
- Other fees and work at the discretion of the City Planner or designates

Eligibility Criteria

To be eligible for the SoHo Recovery Grant Program, the *applicant* must meet all conditions detailed in this program description.

Applicant Considerations

- The *applicant* can be the registered owner of the property or an agent (including building tenant or contractor who has been retained to undertake improvements). If the applicant is not a registered owner of the subject property, the *applicant* will be required to provide authorization in writing from the registered owner as part of a *complete application*
- The *applicant* must not have ever defaulted on any City loan or grant program, including by way of individual affiliation with any company or group of people authorized to act as a single entity such as a corporation

- The Recovery Grant Program will not apply retroactively to work completed prior to the approval of the *complete application* by the City Planner or designates unless the approved work is part of an existing approved Upgrade to Building Code Loan application or Façade Improvement Loan application. If the work was previously approved under an existing loan *Commitment Letter* and the loan has not been issued yet, a Recovery Grant can still be issued, and its value will be deducted from the total amount of the loan

Property Considerations

- The property must be located within the SoHo Community Improvement Project Area as defined in SoHo Community Improvement Area By-law (see Map 1)
- There are not any City of London Building Division orders or deficiencies relating to the subject property at the time the grant is issued
- The works applied for under the Recovery Grant Program shall not include any costs for which grants, or loans have been issued under any other City of London Community Improvement Plan financial incentive program
- Each property is eligible to avail simultaneously of multiple incentive programs provided through the other City of London Community Improvement Plans, where eligible

Building Considerations

- Separate applications must be submitted for each *discrete building* on a single property
- The property must contain an existing *discrete building* (occupied or unoccupied)
- Where the entirety of a multi-unit commercial building on one property, which contains separate units, are all under the same ownership, (or with condominium status) each commercial unit will be considered as one *discrete building* for the purpose of this grant program
- Where a building is within a contiguous group of buildings, a *discrete building* will be interpreted as any structure which is separated from other structures by a solid party wall and a distinct municipal address
- Each *discrete building* on each property is eligible for the Recovery Grant Program

General Grant Terms

Application can be made to the program during the funding application window(s) as determined and advertised by the City.

The City is not responsible for any costs incurred by an *applicant* in relation to the grant program, including without limitation, costs incurred in application of a grant.

If the *applicant* is in default of any of the general or program specific requirements, or any other requirements of the City of London, the approved grant may be delayed, reduced, or canceled, and the *applicant* may be required to repay part or all the approved grants.

All the *approved works* under the incentive program must comply with all applicable Provincial regulations and City guidelines, by-laws, policies, procedures, and standards.

If applied for and approved, all *approved works* completed must comply with the description of the works as provided in the Recovery Grant application form and detailed in the City's *Commitment Letter*, with any amendments as approved by the City of London.

This grant does not imply that processes for permits are invalid or unnecessary.

Grant Amount

The property improvements undertaken will be paid back to the *applicant* in the form of a one-time grant to cover 100 percent (100%) of the eligible property modification costs (the *approved works*), up to a maximum of \$5,000.

Grant Distribution

The City will provide the *applicant* with one cheque in the full amount of the approved grant after: (1) the City has completed its due diligence to ensure the *applicant* and property remain eligible for the grant. This includes the *applicant* providing proof that the *approved work* has been paid for in full. (2) City staff has reviewed the completed *approved work* to ensure they have been completed as approved, and (3) the Grant Agreement has been signed.

The City will not provide partial grant amounts or progress payments.

Grant Agreement

The City requires the *applicant* to enter into a Grant Agreement. The City Planner or designate has the authority to execute the Grant Agreement on behalf of the City.

Transferable Grants

If a participating property is sold, in whole or in part, before the grant is issued, the *applicant* and/or the subsequent property owner is not entitled to the outstanding grant (on either the portion sold or retained by the *applicant*). The City may, entirely at its own discretion, enter into a new agreement with any subsequent owners of the property to receive the outstanding grant under this program.

Application Process

Expression of Interest

Applicant – It is suggested to contact City of London staff prior to making an application to the Recovery Grant Program.

Consultation Phase

Applicant – The *applicant* contacts the City of London, who, if necessary, will arrange a meeting to share ideas for the proposed project, information about incentive programs, provide application form(s) and assist with the application process. This meeting will also help to identify what permits or permissions may be required to complete the proposed improvements. Consultation with an Urban Designer and/or Heritage Planner may be necessary. Where possible, the City will make appropriate staff available for this meeting, which is usually on site at the property where the proposed work is planned.

Applications made for financial incentive programs do not in any way replace the need for obtaining any necessary approvals. Prior to undertaking building improvements, the *applicant* is required to obtain any necessary approvals and/or permits. Heritage Alteration Permits (for properties requiring them) will be required before financial incentive applications are accepted.

Service London staff are also available to help with clarifying/applying for applicable permits.

Discussions with City staff are encouraged early in the conceptual phase to ensure proposed improvements comply with City regulations and guidelines, and the proposed improvements are eligible under the incentive program.

Prior to property modifications beginning, the *applicant* must contact Planning and Economic Development to complete the application process.

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The following information will be collected to monitor the SoHo Recovery Grant Program. These measures are to be flexible allowing for the addition of new measures that better indicate if the goals and objectives of the SoHo Community Improvement Plan have been met:

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- Public to private return on investment for interior improvements

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Address of Project:

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Roll Number:

Mailing Address of Applicant:

Telephone No.:

Email Address:

Heritage Alteration Permit Information:

Date Permit Approved:

Designating By-Law:

Building Permit Information

Building Permit Number(s):

Date of Permit(s):

Value of Project:

Application Tracking Information (for staff use only)	Date and Staff Initials
Application Accepted	
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- A. I/WE HEREBY AGREE TO ALL OF THE CONDITIONS IN THIS GRANT AGREEMENT (consisting of three pages) and the general terms and conditions of the SoHo Recovery Grant Program guidelines.
- B. I/WE HEREBY CERTIFY that the information given above is true, correct, and complete in every respect and may be verified by the municipality. I/WE acknowledge that the City is relying upon the information provided by the applicant and if the information in this agreement and the associated application, proves to be false or substantially inaccurate, the grant will be forfeited and be immediately repayable to the City.
- C. I/WE HEREBY AGREE that in the event this property is demolished in whole or in part, prior to the issuance of the grant, any funds payable under this Program shall immediately be forfeited and all previously received grant payments shall become due and repayable to the City.
- D. I/WE hereby acknowledge receipt of a cheque for \$XX,XXX.XX, dated _____ as the SoHo Recovery Grant.

I, _____ agree to the above conditions, and have the authority to bind the corporation named as **property owner/applicant** on page 1 of this agreement.

SIGNATURE (TITLE)

DATE

CO-SIGNATURE (TITLE)

DATE

This agreement is hereby approved, subject to the above-specified conditions.

SIGNATURE (TITLE)

DATE

City of London, Planning and Economic Development

Appendix “D”

Bill No.
2021

By-Law No. C.P.-

A by-law to amend C.P.- 1527-248, as amended, being “A By-law to establish financial incentives for the Hamilton Road Area Community Improvement Project Area” by adding in its entirety, Schedule B – The Recovery Grant Program Guidelines

WHEREAS by subsection 28(2) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, the Council of a municipal corporation may, by by-law, designate the whole or any part of an area as a community improvement project area;

AND WHEREAS subsection 28(4) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, enables the Council of a municipal corporation to adopt a community improvement plan for a community improvement project area;

AND WHEREAS The London Plan, 2016, the Official Plan for the City of London, contains provisions relating to community improvement within the city;

AND WHEREAS Municipal Council adopted By-law C.P. 1522-112 to designate the Hamilton Road Area Community Improvement Project Area;

AND WHEREAS Municipal Council adopted By-law C.P. 1523-113 to adopt the Hamilton Road Area Community Improvement Plan;

AND WHEREAS Municipal Council adopted By-law C.P. 1527-248 to establish financial incentives for the Hamilton Road Area Community Improvement Project Area;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law C.P.-1527-248, as amended, is hereby amended by adding in its entirety, Schedule B – The Recovery Grant Program Guidelines;
2. This by-law comes into effect on the day it is passed.

PASSED in Open Council on May 4, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 4, 2021
Second Reading – May 4, 2021
Third Reading – May 4, 2021

Schedule B – The Recovery Grant Program Guidelines

Hamilton Road Area Community Improvement Plan – Recovery Grant Program Guidelines

* Effective May 4, 2021 *

These program guidelines provide details on the Hamilton Road Area Recovery Grant Program provided by the City of London (“City”) through the Hamilton Road Area Community Improvement Plan.

Table of Contents

How to Read this Document

Map 1 – Hamilton Road Area Community Improvement Project Area

Definitions

Purpose

Funding

Eligible Works

Eligibility Criteria

General Grant Terms

Grant Amount

Grant Distribution

Grant Agreement

Transferable Grants

Application Process

 Expression of Interest

 Consultation Phase

 Concept Phase

 Property Modification Phase

 Confirmation Phase

 Agreement Phase

Grant Approval

Additional Rehabilitation and Demolition

Inspection of Complete Works

Grant Application Refusal and Appeal

Relationship to other Financial Incentive Programs

Monitoring & Discontinuation

Program Monitoring Data

Grant Agreement Template

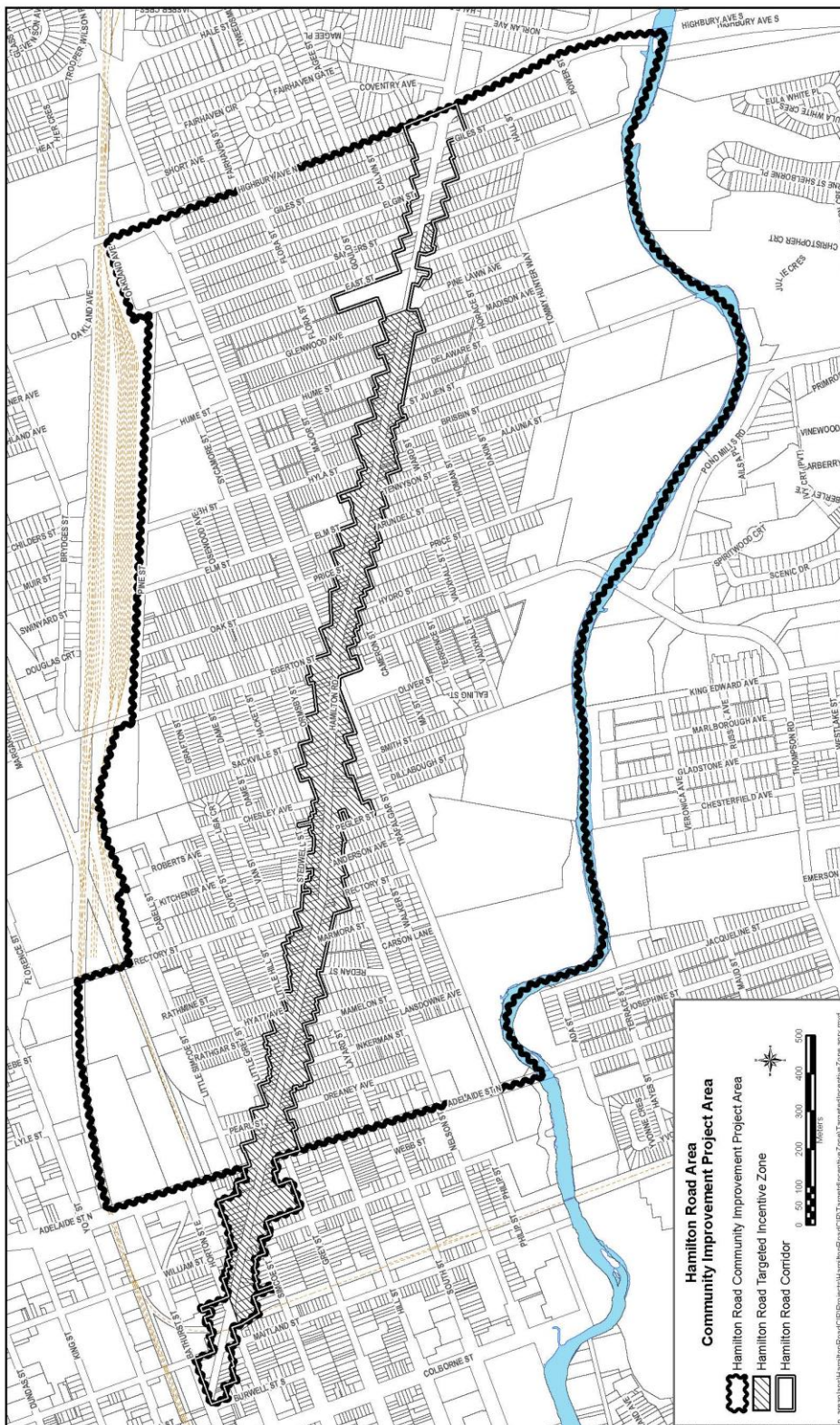
How to Read this Document

This document identifies the responsibility of each stakeholder in the Hamilton Road Area Recovery Grant Program.

Applicant indicates the person who is applying for the grant (for example, the property owner, tenant, business owner, or agent acting on behalf of the property owner, tenant, or business owner) is responsible for completing the task. **CL** indicates that a City of London staff member is responsible for that task.

The Recovery Grant Program is available to property owners, tenants, and business owners (or agent acting on behalf of the property owner, tenant, or business owner) who are eligible to make property modifications in the Hamilton Road Area Community Improvement Project Area – Hamilton Road Corridor (Map 1)

Map 1 – Hamilton Road Area Community Improvement Project Area



Definitions

Approved Work(s) – The materials, labour, and/or effort made to improve a property that has been determined to meet eligibility criteria under the incentive program requirements.

Applicant – The person (for example, the property owner, tenant, business owner, or agent acting on behalf of the property owner, tenant, or business owner) who applies for the Recovery Grant Program.

CL – City of London staff member.

Commitment Letter – A document prepared by the City of London outlining its commitment to a property owner to provide a future grant, based on a redevelopment, rehabilitation and/or renovation project that the applicant has yet to undertake. The letter describes the specific scope of *approved works* that the property owner will undertake to receive the grant and specifies the time length of the City's commitment.

Complete Application – Includes a completed application form for the Recovery Grant Program, and includes the following information:

- Name and address of the property owner, tenant, business owner (or agent acting on behalf of the property owner, tenant, or business owner)
- A letter from the property owner authorizing that the *applicant* (if different from the property owner) is permitted to make modifications to the building
- Confirmation that the address is within the Hamilton Road Area Community Improvement Project Area – Hamilton Road Corridor
- Complete drawings indicating the property modifications to be undertaken
- Itemized list of specific property modifications
- Two (2) comparable quotations by qualified contractors showing cost estimates for the proposed works which are required to be included in the incentive application. In general, the lower of the two estimates will be taken as the cost of the eligible works. Cost estimates should be consistent with the estimate noted on the accompanying Building Permit (if required)
- Photographs of the *discrete building* being considered for improvements
- A cover letter that summarizes the property modifications to be completed and summarizes the provided quotations
- A signed copy of the Addendum including the Hold Harmless Agreement, General Liability Insurance, and Contractor qualifications
- A copy of the Building Permit (if required)
- A copy of the Heritage Alteration Permit (if required)
- Any other information that may be deemed necessary by the City Planner or designates

Discrete building – Means any permanent structure which is separated from other structures by a solid party wall and is used or intended to be used for the shelter, accommodation, or enclosure of persons. To be a *discrete building*, the structure will have a distinct municipal address.

Purpose

In support of business and property owners during the COVID-19 pandemic, the Recovery Grant Program is intended to reduce the financial burden on business and property owners who want to make modifications to private property because of the increased health and safety requirements related to the pandemic. This program is also available to assist with exterior property modifications to improve façades to increase the visual attractiveness (“curb appeal”) and to fix or prevent damage related to vandalism. This program grants up to 100 percent of the total cost of the property modifications, up to a maximum of \$5,000 per *discrete building*.

Health, safety, and visual attractiveness improvements can make for a more welcoming space and create a more vibrant urban environment.

Funding

Municipal Council has approved \$250,000 in total funding for the Recovery Grant Program.

The Hamilton Road Area community improvement project area will initially receive \$40,000 in funding for the first submission window. The total amount of funding for the community improvement project area may increase or decrease depending on the number of applications received from all five eligible community improvement project areas.

Once the total funding is exhausted the Recovery Grant Program will conclude.

Eligible Works

Eligible works that will be granted through the Recovery Grant Program include costs associated with the modification or installation of the following improvements:

- Exterior lighting
- Street-facing façade windows and/or façade door replacement
- Façade repair (for example, brick repointing, painting, tile replacement, or similar repairs)
- Decorative exterior façade gates
- Interior modifications to improve health and safety because of the COVID-19 pandemic (for example, physical barriers, plexiglass, or other property improvements to improve physical distancing)
- Interior modifications to refresh the property (for example, painting or flooring)
- Other work at the discretion of the City Planner or designates

If the property is located within a Heritage Conservation District and/or individually designated under Part IV of the *Ontario Heritage Act*, and the work requires a Heritage Alteration Permit, grants will only be issued through the Recovery Grant Program if a Heritage Alteration Permit is approved.

The following fees and work are not eligible to be granted through this program:

- Any fees related to obtaining a City of London Business Licence
- Any materials required for an application or licence
- Non-property related improvements, such as hiring of security guards or cleaning staff
- Appliances, cupboards, cabinets, fixtures, furniture, and similar items
- Insurance fees
- Other fees and work at the discretion of the City Planner or designates

Eligibility Criteria

To be eligible for the Hamilton Road Area Recovery Grant Program, the *applicant* must meet all conditions detailed in this program description.

Applicant Considerations

- The *applicant* can be the registered owner of the property or an agent (including building tenant or contractor who has been retained to undertake improvements). If the applicant is not a registered owner of the subject property, the *applicant* will be required to provide authorization in writing from the registered owner as part of a *complete application*
- The *applicant* must not have ever defaulted on any City loan or grant program, including by way of individual affiliation with any company or group of people authorized to act as a single entity such as a corporation

- The Recovery Grant Program will not apply retroactively to work completed prior to the approval of the *complete application* by the City Planner or designates unless the approved work is part of an existing approved Upgrade to Building Code Loan application or Façade Improvement Loan application. If the work was previously approved under an existing loan *Commitment Letter* and the loan has not been issued yet, a Recovery Grant can still be issued, and its value will be deducted from the total amount of the loan

Property Considerations

- The property must be located within the Hamilton Road Area Community Improvement Project Area – Hamilton Road Corridor as defined in Hamilton Road Area Community Improvement Area By-law (see Map 1)
- There are not any City of London Building Division orders or deficiencies relating to the subject property at the time the grant is issued
- The works applied for under the Recovery Grant Program shall not include any costs for which grants, or loans have been issued under any other City of London Community Improvement Plan financial incentive program
- Each property is eligible to avail simultaneously of multiple incentive programs provided through the other City of London Community Improvement Plans, where eligible

Building Considerations

- Separate applications must be submitted for each *discrete building* on a single property
- The property must contain an existing *discrete building* (occupied or unoccupied)
- Where the entirety of a multi-unit commercial building on one property, which contains separate units, are all under the same ownership, (or with condominium status) each commercial unit will be considered as one *discrete building* for the purpose of this grant program
- Where a building is within a contiguous group of buildings, a *discrete building* will be interpreted as any structure which is separated from other structures by a solid party wall and a distinct municipal address
- Each *discrete building* on each property is eligible for the Recovery Grant Program

General Grant Terms

Application can be made to the program during the funding application window(s) as determined and advertised by the City.

The City is not responsible for any costs incurred by an *applicant* in relation to the grant program, including without limitation, costs incurred in application of a grant.

If the *applicant* is in default of any of the general or program specific requirements, or any other requirements of the City of London, the approved grant may be delayed, reduced, or canceled, and the *applicant* may be required to repay part or all the approved grants.

All the *approved works* under the incentive program must comply with all applicable Provincial regulations and City guidelines, by-laws, policies, procedures, and standards.

If applied for and approved, all *approved works* completed must comply with the description of the works as provided in the Recovery Grant application form and detailed in the City's *Commitment Letter*, with any amendments as approved by the City of London.

This grant does not imply that processes for permits are invalid or unnecessary.

Grant Amount

The property improvements undertaken will be paid back to the *applicant* in the form of a one-time grant to cover 100 percent (100%) of the eligible property modification costs (the *approved works*), up to a maximum of \$5,000.

Grant Distribution

The City will provide the *applicant* with one cheque in the full amount of the approved grant after: (1) the City has completed its due diligence to ensure the *applicant* and property remain eligible for the grant. This includes the *applicant* providing proof that the *approved work* has been paid for in full. (2) City staff has reviewed the completed *approved work* to ensure they have been completed as approved, and (3) the Grant Agreement has been signed.

The City will not provide partial grant amounts or progress payments.

Grant Agreement

The City requires the *applicant* to enter into a Grant Agreement. The City Planner or designate has the authority to execute the Grant Agreement on behalf of the City.

Transferable Grants

If a participating property is sold, in whole or in part, before the grant is issued, the *applicant* and/or the subsequent property owner is not entitled to the outstanding grant (on either the portion sold or retained by the *applicant*). The City may, entirely at its own discretion, enter into a new agreement with any subsequent owners of the property to receive the outstanding grant under this program.

Application Process

Expression of Interest

Applicant – It is suggested to contact City of London staff and/or Hamilton Road BIA staff prior to making an application to the Recovery Grant Program.

Consultation Phase

Applicant – The *applicant* contacts the City of London and/or Hamilton Road BIA, who, if necessary, will arrange a meeting to share ideas for the proposed project, information about incentive programs, provide application form(s) and assist with the application process. This meeting will also help to identify what permits or permissions may be required to complete the proposed improvements. Consultation with an Urban Designer and/or Heritage Planner may be necessary. Where possible, the City will make appropriate staff available for this meeting, which is usually on site at the property where the proposed work is planned.

Applications made for financial incentive programs do not in any way replace the need for obtaining any necessary approvals. Prior to undertaking building improvements, the *applicant* is required to obtain any necessary approvals and/or permits. Heritage Alteration Permits (for properties requiring them) will be required before financial incentive applications are accepted.

Service London staff are also available to help with clarifying/applying for applicable permits.

Discussions with City staff are encouraged early in the conceptual phase to ensure proposed improvements comply with City regulations and guidelines, and the proposed improvements are eligible under the incentive program.

Prior to property modifications beginning, the *applicant* must contact Planning and Economic Development to complete the application process.

Application Phase

Applicant – A *complete application* (see Definitions) for the grant program is submitted to the City of London during the initial submission window as advertised. Applications will be reviewed in the order they are received. Applications will be prioritized across all five eligible community improvement project areas to ensure equitable distribution of the Recovery Grant funding. As a result, some applications may be placed on a waitlist.

CL / Applicant – City of London staff will review the application for completeness and inform the *applicant* in writing that either, more information is required, or the application is accepted. If accepted, the City will provide a *Commitment Letter* which outlines the *approved works*, related costs, and monetary commitment that the City is making to the project. The City's commitment is valid for six months from the date of issuance of the *Commitment Letter* unless the approved work relates to façade improvements for a property in a stretch of road under construction. In that case, the commitment is valid for one year from the date of issuance of the *Commitment Letter*. The City's commitment applies only to the project as submitted and approved (i.e., the *approved works*).

Six months after the initial submission window has closed, City staff will review to see if any existing grant commitments have lapsed, review the waitlist to determine if additional grants can be released, and/or if a new application window should be opened. At this point, City staff may redistribute funding to one or more community improvement project areas if they are experiencing a large volume of applications.

Applicant – Any subsequent changes to the project will require review and approval by the City.

CL – City staff may visit the subject property and take photographs, both before and after the subject work is completed or ask the *applicant* to provide photos as part of a *complete application*.

Property Modification Phase

Applicant – Having obtained all necessary approvals and/or permits and receiving a *Commitment Letter* from the City for the *approved works* the *applicant* may start to undertake eligible property modifications.

Confirmation Phase

Applicant – The *applicant* will notify the City in writing (via letter or email) once the project is complete and the costs respecting those works are paid. Confirmation that related building permits are closed, if applicable, is also required so that the City may begin drafting an agreement.

CL – Before setting up any agreement, City staff must ensure the property modifications, as described in the *Commitment Letter*, are completed and other criteria, as set out in the program guidelines, have been met. This includes ensuring:

- Related costs, or bills respecting the *approved works* are paid in full
- Related building permits are closed (if necessary)
- Compliance with the Heritage Alteration Permit (if necessary)
- The property owner has not previously defaulted on any City loans or grants, and,
- There are no outstanding Building Division orders or deficiencies against the subject property related to the property modifications made

Agreement Phase

CL – Once the eligible works are verified, City staff will draft the grant agreement and provide a draft copy of the grant agreement to the *applicant* for review.

Applicant / CL – After the *applicant* has approved the grant agreement, City staff will prepare two hard copies of the grant agreement to be signed.

CL – When all the documentation is ready, City staff will contact the *applicant* to arrange for a meeting to sign the documents. One original signed copy is kept by the *applicant* and one is retained by the City.

CL – Once the grant agreement has been signed, City staff will request the grant cheque. The grant cheque is mailed to the *applicant* or picked up by the *applicant* at a City of London office.

Grant Approval

Once all eligibility criteria and conditions are met, and if funds are still available in the supporting Reserve Fund / account, the City Planner (or designates) will approve the grant application. Approval by means of a letter to the applicant will represent a commitment by the City of London (the *Commitment Letter*).

The City will track grant commitments and grants issued to ensure no more than the maximum funding of \$250,000 is issued across all community improvement project areas.

As a condition of approval, the *applicant* shall be required to enter into a Grant Agreement with the City prior to receiving the grant.

Additional Rehabilitation and Demolition

Additional work to the interior of the building can be undertaken subject to obtaining a building and/or heritage alteration permit, when required. The grant does not impose any specific restrictions on demolition.

Inspection of Complete Works

City staff will review the completed *approved works* to ensure they have been completed as approved. This is not a building permit inspection and does not replace the need for a building permit.

Grant Application Refusal and Appeal

If an application is refused, the *applicant* may, in writing, appeal the decision of the City Planner to the City Clerk's Office who will provide direction to the matter heard before Municipal Council through the Planning and Environment Committee.

Relationship to other Financial Incentive Programs

An *applicant* may also qualify for financial assistance under the City of London's other financial incentives programs. *Applicants* are advised to check with Planning and Economic Development.

Monitoring & Discontinuation

As part of the program administration, Planning and Economic Development will monitor the Hamilton Road Area Community Improvement Plan financial incentive programs. In receiving and processing applications staff will enter relevant information into a Monitoring Database. This information will be included in any Incentive Monitoring Reports which will be prepared to determine if programs should continue, be modified,

or cease. This program is monitored to ensure it implements the goals and objectives of *The London Plan* and the Hamilton Road Area Community Improvement Plan.

Municipal Council may discontinue the Recovery Grant Program at any time prior to the funding being exhausted.

The grant program's success in implementing the Hamilton Road Area Community Improvement Plan's goals will be based on the ongoing monitoring as noted in the Program Monitoring Data section.

Program Monitoring Data

The following information will be collected to monitor the Hamilton Road Area Recovery Grant Program. These measures are to be flexible allowing for the addition of new measures that better indicate if the goals and objectives of the Hamilton Road Area Community Improvement Plan have been met:

- Number of Recovery Grant applications
- Public to private return on investment for façade improvements
- Public to private return on investment for interior improvements

Grant Agreement Template

Hamilton Road Area Recovery Grant Program Grant Agreement

THIS AGREEMENT CONSISTS OF THREE PAGES

Application No.:

Name of Property Owner(s):

Name of Applicant (if different than property owner):

Address of Project:

Legal Description of Property:

Roll Number:

Mailing Address of Applicant:

Telephone No.:

Email Address:

Heritage Alteration Permit Information:

Date Permit Approved:

Designating By-Law:

Building Permit Information

Building Permit Number(s):

Date of Permit(s):

Value of Project:

Application Tracking Information (for staff use only)	Date and Staff Initials
Application Accepted	
Commitment Letter Issued	
Project Completion (applicant's written confirmation)	
Request to Finance and Administration for Grant Cheque	
Grant Cheque Issued	

Hamilton Road Area Recovery Grant Program Grant Agreement

THIS AGREEMENT CONSISTS OF THREE PAGES

Conditions:

1. The applicant(s) for a Hamilton Road Area Recovery Grant must be the registered owner(s) of the subject property or an agent, including a business owner who is occupying space on the subject property or contractor who has been retained to undertake improvements on the subject property.
2. Where the applicant is an agent (tenant or contractor) of the property, the applicant must provide confirmation in writing that the property owner is aware of, and in support of, the improvements to the building.
3. Separate applications must be made for each discrete building or agent under consideration for a grant.
4. The Hamilton Road Area Recovery Grant Program will be a one-time grant. Applicants can apply only once per discrete building under the program.
5. The total value of the grant provided under this program shall not exceed the value of the work done.
6. If a participating property is demolished in whole within two years of receiving the grant it shall cause the grant to be forfeited and be repayable to the municipality.
7. The grant is not issued until such time as the City of London confirms that any City of London loans relating to the Property are in good standing with no arrears owing and there are no City of London Building Division orders or deficiencies registered against the Property.

Hamilton Road Area Recovery Grant Program Grant Agreement

THIS AGREEMENT CONSISTS OF THREE PAGES

- A. I/WE HEREBY AGREE TO ALL OF THE CONDITIONS IN THIS GRANT AGREEMENT (consisting of three pages) and the general terms and conditions of the Hamilton Road Area Recovery Grant Program guidelines.
- B. I/WE HEREBY CERTIFY that the information given above is true, correct, and complete in every respect and may be verified by the municipality. I/WE acknowledge that the City is relying upon the information provided by the applicant and if the information in this agreement and the associated application, proves to be false or substantially inaccurate, the grant will be forfeited and be immediately repayable to the City.
- C. I/WE HEREBY AGREE that in the event this property is demolished in whole or in part, prior to the issuance of the grant, any funds payable under this Program shall immediately be forfeited and all previously received grant payments shall become due and repayable to the City.
- D. I/WE hereby acknowledge receipt of a cheque for \$XX,XXX.XX, dated _____ as the Hamilton Road Area Recovery Grant.

I, _____ agree to the above conditions, and have the authority to bind the corporation named as **property owner/applicant** on page 1 of this agreement.

SIGNATURE (TITLE)

DATE

CO-SIGNATURE (TITLE)

DATE

This agreement is hereby approved, subject to the above-specified conditions.

SIGNATURE (TITLE)

DATE

City of London, Planning and Economic Development

Appendix “E”

Bill No.
2021

By-Law No. C.P.-

A by-law to amend C.P.- 1539-220, as amended, being “A By-law to establish financial incentives for the Lambeth Area Community Improvement Project Area” by adding in its entirety, Schedule 2 – The Recovery Grant Program Guidelines

WHEREAS by subsection 28(2) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, the Council of a municipal corporation may, by by-law, designate the whole or any part of an area as a community improvement project area;

AND WHEREAS subsection 28(4) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, enables the Council of a municipal corporation to adopt a community improvement plan for a community improvement project area;

AND WHEREAS The London Plan, 2016, the Official Plan for the City of London, contains provisions relating to community improvement within the city;

AND WHEREAS Municipal Council adopted By-law C.P. 1537-218 to designate the Lambeth Area Community Improvement Project Area;

AND WHEREAS Municipal Council adopted By-law C.P. 1538-219 to adopt the Lambeth Area Community Improvement Plan;

AND WHEREAS Municipal Council adopted By-law C.P. 1539-220 to establish financial incentives for the Lambeth Area Community Improvement Project Area;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law C.P.-1539-220, as amended, is hereby amended by adding in its entirety, Schedule 2 – The Recovery Grant Program Guidelines;
2. This by-law comes into effect on the day it is passed.

PASSED in Open Council on May 4, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 4, 2021
Second Reading – May 4, 2021
Third Reading – May 4, 2021

Schedule 2 – The Recovery Grant Program Guidelines

Lambeth Area Community Improvement Plan – Recovery Grant Program Guidelines

* Effective May 4, 2021 *

These program guidelines provide details on the Lambeth Area Recovery Grant Program provided by the City of London (“City”) through the Lambeth Area Community Improvement Plan.

Table of Contents

How to Read this Document

Map 1 – Lambeth Area Community Improvement Project Area

Definitions

Purpose

Funding

Eligible Works

Eligibility Criteria

General Grant Terms

Grant Amount

Grant Distribution

Grant Agreement

Transferable Grants

Application Process

 Expression of Interest

 Consultation Phase

 Concept Phase

 Property Modification Phase

 Confirmation Phase

 Agreement Phase

Grant Approval

Additional Rehabilitation and Demolition

Inspection of Complete Works

Grant Application Refusal and Appeal

Relationship to other Financial Incentive Programs

Monitoring & Discontinuation

Program Monitoring Data

Grant Agreement Template

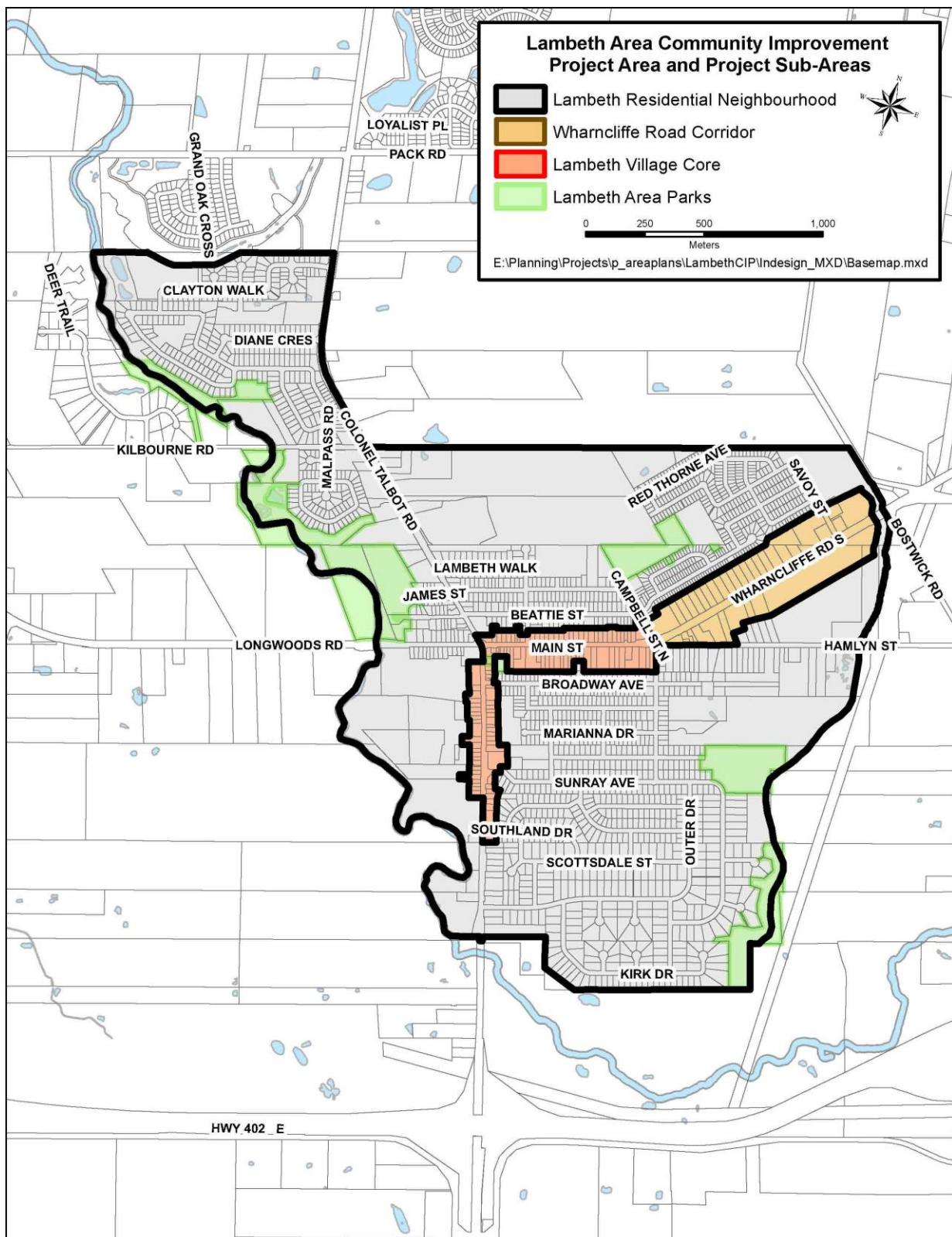
How to Read this Document

This document identifies the responsibility of each stakeholder in the Lambeth Area Recovery Grant Program.

Applicant indicates the person who is applying for the grant (for example, the property owner, tenant, business owner, or agent acting on behalf of the property owner, tenant, or business owner) is responsible for completing the task. **CL** indicates that a City of London staff member is responsible for that task.

The Recovery Grant Program is available to property owners, tenants, and business owners (or agent acting on behalf of the property owner, tenant, or business owner) who are eligible to make property modifications in the Lambeth Area Community Improvement Project Area – Wharnccliffe Road Corridor and Lambeth Village Core (Map 1).

Map 1 – Lambeth Area Community Improvement Project Area



Definitions

Approved Work(s) – The materials, labour, and/or effort made to improve a property that has been determined to meet eligibility criteria under the incentive program requirements.

Applicant – The person (for example, the property owner, tenant, business owner, or agent acting on behalf of the property owner, tenant, or business owner) who applies for the Recovery Grant Program.

CL – City of London staff member.

Commitment Letter – A document prepared by the City of London outlining its commitment to a property owner to provide a future grant, based on a redevelopment, rehabilitation and/or renovation project that the applicant has yet to undertake. The letter describes the specific scope of *approved works* that the property owner will undertake to receive the grant and specifies the time length of the City's commitment.

Complete Application – Includes a completed application form for the Recovery Grant Program, and includes the following information:

- Name and address of the property owner, tenant, business owner (or agent acting on behalf of the property owner, tenant, or business owner)
- A letter from the property owner authorizing that the *applicant* (if different from the property owner) is permitted to make modifications to the building
- Confirmation that the address is within the Lambeth Area Community Improvement Project Area – Wharncliffe Road Corridor or Lambeth Village Core
- Complete drawings indicating the property modifications to be undertaken
- Itemized list of specific property modifications
- Two (2) comparable quotations by qualified contractors showing cost estimates for the proposed works which are required to be included in the incentive application. In general, the lower of the two estimates will be taken as the cost of the eligible works. Cost estimates should be consistent with the estimate noted on the accompanying Building Permit (if required)
- Photographs of the *discrete building* being considered for improvements
- A cover letter that summarizes the property modifications to be completed and summarizes the provided quotations
- A signed copy of the Addendum including the Hold Harmless Agreement, General Liability Insurance, and Contractor qualifications
- A copy of the Building Permit (if required)
- A copy of the Heritage Alteration Permit (if required)
- Any other information that may be deemed necessary by the City Planner or designates

Discrete building – Means any permanent structure which is separated from other structures by a solid party wall and is used or intended to be used for the shelter, accommodation, or enclosure of persons. To be a *discrete building*, the structure will have a distinct municipal address.

Purpose

In support of business and property owners during the COVID-19 pandemic, the Recovery Grant Program is intended to reduce the financial burden on business and property owners who want to make modifications to private property because of the increased health and safety requirements related to the pandemic. This program is also available to assist with exterior property modifications to improve façades to increase the visual attractiveness (“curb appeal”) and to fix or prevent damage related to vandalism. This program grants up to 100 percent of the total cost of the property modifications, up to a maximum of \$5,000 per *discrete building*.

Health, safety, and visual attractiveness improvements can make for a more welcoming space and create a more vibrant urban environment.

Funding

Municipal Council has approved \$250,000 in total funding for the Recovery Grant Program.

The Lambeth Area community improvement project area will initially receive \$45,000 in funding for the first submission window. The total amount of funding for the community improvement project area may increase or decrease depending on the number of applications received from all five eligible community improvement project areas.

Once the total funding is exhausted the Recovery Grant Program will conclude.

Eligible Works

Eligible works that will be granted through the Recovery Grant Program include costs associated with the modification or installation of the following improvements:

- Exterior lighting
- Street-facing façade windows and/or façade door replacement
- Façade repair (for example, brick repointing, painting, tile replacement, or similar repairs)
- Decorative exterior façade gates
- Interior modifications to improve health and safety because of the COVID-19 pandemic (for example, physical barriers, plexiglass, or other property improvements to improve physical distancing)
- Interior modifications to refresh the property (for example, painting or flooring)
- Other work at the discretion of the City Planner or designates

If the property is located within a Heritage Conservation District and/or individually designated under Part IV of the *Ontario Heritage Act*, and the work requires a Heritage Alteration Permit, grants will only be issued through the Recovery Grant Program if a Heritage Alteration Permit is approved.

The following fees and work are not eligible to be granted through this program:

- Any fees related to obtaining a City of London Business Licence
- Any materials required for an application or licence
- Non-property related improvements, such as hiring of security guards or cleaning staff
- Appliances, cupboards, cabinets, fixtures, furniture, and similar items
- Insurance fees
- Other fees and work at the discretion of the City Planner or designates

Eligibility Criteria

To be eligible for the Lambeth Area Recovery Grant Program, the *applicant* must meet all conditions detailed in this program description.

Applicant Considerations

- The *applicant* can be the registered owner of the property or an agent (including building tenant or contractor who has been retained to undertake improvements). If the applicant is not a registered owner of the subject property, the *applicant* will be required to provide authorization in writing from the registered owner as part of a *complete application*
- The *applicant* must not have ever defaulted on any City loan or grant program, including by way of individual affiliation with any company or group of people authorized to act as a single entity such as a corporation

- The Recovery Grant Program will not apply retroactively to work completed prior to the approval of the *complete application* by the City Planner or designates unless the approved work is part of an existing approved Upgrade to Building Code Loan application or Façade Improvement Loan application. If the work was previously approved under an existing loan *Commitment Letter* and the loan has not been issued yet, a Recovery Grant can still be issued, and its value will be deducted from the total amount of the loan

Property Considerations

- The property must be located within the Lambeth Area Community Improvement Project Area – Wharncliffe Road Corridor or Lambeth Village Core as defined in Lambeth Area Community Improvement Area By-law (see Map 1)
- There are not any City of London Building Division orders or deficiencies relating to the subject property at the time the grant is issued
- The works applied for under the Recovery Grant Program shall not include any costs for which grants, or loans have been issued under any other City of London Community Improvement Plan financial incentive program
- Each property is eligible to avail simultaneously of multiple incentive programs provided through the other City of London Community Improvement Plans, where eligible

Building Considerations

- Separate applications must be submitted for each *discrete building* on a single property
- The property must contain an existing *discrete building* (occupied or unoccupied)
- Where the entirety of a multi-unit commercial building on one property, which contains separate units, are all under the same ownership, (or with condominium status) each commercial unit will be considered as one *discrete building* for the purpose of this grant program
- Where a building is within a contiguous group of buildings, a *discrete building* will be interpreted as any structure which is separated from other structures by a solid party wall and a distinct municipal address
- Each *discrete building* on each property is eligible for the Recovery Grant Program

General Grant Terms

Application can be made to the program during the funding application window(s) as determined and advertised by the City.

The City is not responsible for any costs incurred by an *applicant* in relation to the grant program, including without limitation, costs incurred in application of a grant.

If the *applicant* is in default of any of the general or program specific requirements, or any other requirements of the City of London, the approved grant may be delayed, reduced, or canceled, and the *applicant* may be required to repay part or all the approved grants.

All the *approved works* under the incentive program must comply with all applicable Provincial regulations and City guidelines, by-laws, policies, procedures, and standards.

If applied for and approved, all *approved works* completed must comply with the description of the works as provided in the Recovery Grant application form and detailed in the City's *Commitment Letter*, with any amendments as approved by the City of London.

This grant does not imply that processes for permits are invalid or unnecessary.

Grant Amount

The property improvements undertaken will be paid back to the *applicant* in the form of a one-time grant to cover 100 percent (100%) of the eligible property modification costs (the *approved works*), up to a maximum of \$5,000.

Grant Distribution

The City will provide the *applicant* with one cheque in the full amount of the approved grant after: (1) the City has completed its due diligence to ensure the *applicant* and property remain eligible for the grant. This includes the *applicant* providing proof that the *approved work* has been paid for in full. (2) City staff has reviewed the completed *approved work* to ensure they have been completed as approved, and (3) the Grant Agreement has been signed.

The City will not provide partial grant amounts or progress payments.

Grant Agreement

The City requires the *applicant* to enter into a Grant Agreement. The City Planner or designate has the authority to execute the Grant Agreement on behalf of the City.

Transferable Grants

If a participating property is sold, in whole or in part, before the grant is issued, the *applicant* and/or the subsequent property owner is not entitled to the outstanding grant (on either the portion sold or retained by the *applicant*). The City may, entirely at its own discretion, enter into a new agreement with any subsequent owners of the property to receive the outstanding grant under this program.

Application Process

Expression of Interest

Applicant – It is suggested to contact City of London staff prior to making an application to the Recovery Grant Program.

Consultation Phase

Applicant – The *applicant* contacts the City of London, who, if necessary, will arrange a meeting to share ideas for the proposed project, information about incentive programs, provide application form(s) and assist with the application process. This meeting will also help to identify what permits or permissions may be required to complete the proposed improvements. Consultation with an Urban Designer and/or Heritage Planner may be necessary. Where possible, the City will make appropriate staff available for this meeting, which is usually on site at the property where the proposed work is planned.

Applications made for financial incentive programs do not in any way replace the need for obtaining any necessary approvals. Prior to undertaking building improvements, the *applicant* is required to obtain any necessary approvals and/or permits. Heritage Alteration Permits (for properties requiring them) will be required before financial incentive applications are accepted.

Service London staff are also available to help with clarifying/applying for applicable permits.

Discussions with City staff are encouraged early in the conceptual phase to ensure proposed improvements comply with City regulations and guidelines, and the proposed improvements are eligible under the incentive program.

Prior to property modifications beginning, the *applicant* must contact Planning and Economic Development to complete the application process.

Application Phase

Applicant – A *complete application* (see Definitions) for the grant program is submitted to the City of London during the initial submission window as advertised. Applications will be reviewed in the order they are received. Applications will be prioritized across all five eligible community improvement project areas to ensure equitable distribution of the Recovery Grant funding. As a result, some applications may be placed on a waitlist.

CL / Applicant – City of London staff will review the application for completeness and inform the *applicant* in writing that either, more information is required, or the application is accepted. If accepted, the City will provide a *Commitment Letter* which outlines the *approved works*, related costs, and monetary commitment that the City is making to the project. The City's commitment is valid for six months from the date of issuance of the *Commitment Letter* unless the approved work relates to façade improvements for a property in a stretch of road under construction. In that case, the commitment is valid for one year from the date of issuance of the *Commitment Letter*. The City's commitment applies only to the project as submitted and approved (i.e., the *approved works*).

Six months after the initial submission window has closed, City staff will review to see if any existing grant commitments have lapsed, review the waitlist to determine if additional grants can be released, and/or if a new application window should be opened. At this point, City staff may redistribute funding to one or more community improvement project areas if they are experiencing a large volume of applications.

Applicant – Any subsequent changes to the project will require review and approval by the City.

CL – City staff may visit the subject property and take photographs, both before and after the subject work is completed or ask the *applicant* to provide photos as part of a *complete application*.

Property Modification Phase

Applicant – Having obtained all necessary approvals and/or permits and receiving a *Commitment Letter* from the City for the *approved works* the *applicant* may start to undertake eligible property modifications.

Confirmation Phase

Applicant – The *applicant* will notify the City in writing (via letter or email) once the project is complete and the costs respecting those works are paid. Confirmation that related building permits are closed, if applicable, is also required so that the City may begin drafting an agreement.

CL – Before setting up any agreement, City staff must ensure the property modifications, as described in the *Commitment Letter*, are completed and other criteria, as set out in the program guidelines, have been met. This includes ensuring:

- Related costs, or bills respecting the *approved works* are paid in full
- Related building permits are closed (if necessary)
- Compliance with the Heritage Alteration Permit (if necessary)
- The property owner has not previously defaulted on any City loans or grants, and,
- There are no outstanding Building Division orders or deficiencies against the subject property related to the property modifications made

Agreement Phase

CL – Once the eligible works are verified, City staff will draft the grant agreement and provide a draft copy of the grant agreement to the *applicant* for review.

Applicant / CL – After the *applicant* has approved the grant agreement, City staff will prepare two hard copies of the grant agreement to be signed.

CL – When all the documentation is ready, City staff will contact the *applicant* to arrange for a meeting to sign the documents. One original signed copy is kept by the *applicant* and one is retained by the City.

CL – Once the grant agreement has been signed, City staff will request the grant cheque. The grant cheque is mailed to the *applicant* or picked up by the *applicant* at a City of London office.

Grant Approval

Once all eligibility criteria and conditions are met, and if funds are still available in the supporting Reserve Fund / account, the City Planner (or designates) will approve the grant application. Approval by means of a letter to the applicant will represent a commitment by the City of London (the *Commitment Letter*).

The City will track grant commitments and grants issued to ensure no more than the maximum funding of \$250,000 is issued across all community improvement project areas.

As a condition of approval, the *applicant* shall be required to enter into a Grant Agreement with the City prior to receiving the grant.

Additional Rehabilitation and Demolition

Additional work to the interior of the building can be undertaken subject to obtaining a building and/or heritage alteration permit, when required. The grant does not impose any specific restrictions on demolition.

Inspection of Complete Works

City staff will review the completed *approved works* to ensure they have been completed as approved. This is not a building permit inspection and does not replace the need for a building permit.

Grant Application Refusal and Appeal

If an application is refused, the *applicant* may, in writing, appeal the decision of the City Planner to the City Clerk's Office who will provide direction to the matter heard before Municipal Council through the Planning and Environment Committee.

Relationship to other Financial Incentive Programs

An *applicant* may also qualify for financial assistance under the City of London's other financial incentives programs. *Applicants* are advised to check with Planning and Economic Development.

Monitoring & Discontinuation

As part of the program administration, Planning and Economic Development will monitor the Lambeth Area Community Improvement Plan financial incentive programs. In receiving and processing applications staff will enter relevant information into a Monitoring Database. This information will be included in any Incentive Monitoring Reports which will be prepared to determine if programs should continue, be modified, or cease. This program is monitored to ensure it implements the goals and objectives of *The London Plan* and the Lambeth Area Community Improvement Plan.

Municipal Council may discontinue the Recovery Grant Program at any time prior to the funding being exhausted.

The grant program's success in implementing the Lambeth Area Community Improvement Plan's goals will be based on the ongoing monitoring as noted in the Program Monitoring Data section.

Program Monitoring Data

The following information will be collected to monitor the Lambeth Area Recovery Grant Program. These measures are to be flexible allowing for the addition of new measures that better indicate if the goals and objectives of the Lambeth Area Community Improvement Plan have been met:

- Number of Recovery Grant applications
- Public to private return on investment for façade improvements
- Public to private return on investment for interior improvements

Grant Agreement Template

Lambeth Area Recovery Grant Program Grant Agreement

THIS AGREEMENT CONSISTS OF THREE PAGES

Application No.:

Name of Property Owner(s):

Name of Applicant (if different than property owner):

Address of Project:

Legal Description of Property:

Roll Number:

Mailing Address of Applicant:

Telephone No.:

Email Address:

Heritage Alteration Permit Information:

Date Permit Approved:

Designating By-Law:

Building Permit Information

Building Permit Number(s):

Date of Permit(s):

Value of Project:

Application Tracking Information (for staff use only)	Date and Staff Initials
Application Accepted	
Commitment Letter Issued	
Project Completion (applicant's written confirmation)	
Request to Finance and Administration for Grant Cheque	
Grant Cheque Issued	

Lambeth Area Recovery Grant Program Grant Agreement

THIS AGREEMENT CONSISTS OF THREE PAGES

Conditions:

1. The applicant(s) for a Lambeth Area Recovery Grant must be the registered owner(s) of the subject property or an agent, including a business owner who is occupying space on the subject property or contractor who has been retained to undertake improvements on the subject property.
2. Where the applicant is an agent (tenant or contractor) of the property, the applicant must provide confirmation in writing that the property owner is aware of, and in support of, the improvements to the building.
3. Separate applications must be made for each discrete building or agent under consideration for a grant.
4. The Lambeth Area Recovery Grant Program will be a one-time grant. Applicants can apply only once per discrete building under the program.
5. The total value of the grant provided under this program shall not exceed the value of the work done.
6. If a participating property is demolished in whole within two years of receiving the grant it shall cause the grant to be forfeited and be repayable to the municipality.
7. The grant is not issued until such time as the City of London confirms that any City of London loans relating to the Property are in good standing with no arrears owing and there are no City of London Building Division orders or deficiencies registered against the Property.

Lambeth Area Recovery Grant Program Grant Agreement

THIS AGREEMENT CONSISTS OF THREE PAGES

- A. I/WE HEREBY AGREE TO ALL OF THE CONDITIONS IN THIS GRANT AGREEMENT (consisting of three pages) and the general terms and conditions of the Lambeth Area Recovery Grant Program guidelines.
- B. I/WE HEREBY CERTIFY that the information given above is true, correct, and complete in every respect and may be verified by the municipality. I/WE acknowledge that the City is relying upon the information provided by the applicant and if the information in this agreement and the associated application, proves to be false or substantially inaccurate, the grant will be forfeited and be immediately repayable to the City.
- C. I/WE HEREBY AGREE that in the event this property is demolished in whole or in part, prior to the issuance of the grant, any funds payable under this Program shall immediately be forfeited and all previously received grant payments shall become due and repayable to the City.
- D. I/WE hereby acknowledge receipt of a cheque for \$XX,XXX.XX, dated _____ as the Lambeth Area Recovery Grant.

I, _____ agree to the above conditions, and have the authority to bind the corporation named as **property owner/applicant** on page 1 of this agreement.

SIGNATURE (TITLE)

DATE

CO-SIGNATURE (TITLE)

DATE

This agreement is hereby approved, subject to the above-specified conditions.

SIGNATURE (TITLE)

DATE

City of London, Planning and Economic Development

Report to Planning & Environment Committee

To: Planning & Environment Committee
From: George Kotsifas, P. Eng
Managing Director, Development & Compliance Services & Chief Building Official
Subject: Annual Report on Building Permit Fees
Date: April 19, 2021

Recommendation

That, on the recommendation of the Managing Director, Development & Compliance Services & Chief Building Official, the attached report on building permit fees collected and costs of administration and enforcement of the *Building Code Act* and regulations for the year 2020, **BE RECEIVED** for information purposes.

Previous Reports Related to this Matter

March 9, 2020 – Planning & Environment Committee

Background

The *Building Code Act* (“Act”) and the regulations made thereunder (*Ontario’s Building Code*) require that a report be prepared annually on building permit fees collected, and the costs incurred in the administration and enforcement of the *Building Code Act* and regulations. Specifically, Division C, Section 1.9.1.1., of the regulations state:

- (1) The report referred to in subsection 7(4) of the Act shall contain the following information in respect of fees authorized under clause 7(1)(c) of the Act:
 - (a) total fees collected in the 12-month period ending no earlier than three months before the release of the report,
 - (b) the direct and indirect costs of delivering services related to the administration and enforcement of the Act in the area of jurisdiction of the *principal authority* in the 12-month period referred to in Clause (a),
 - (c) a breakdown of the costs described in Clause (b) into at least the following categories:
 - (i) direct costs of administration and enforcement of the Act, including the review of applications for permits and inspection of *buildings*, and
 - (ii) indirect costs of administration and enforcement of the Act, including support and overhead costs, and
 - (d) if a reserve fund has been established for any purpose relating to the administration or enforcement of the Act, the amount of the fund at the end of the 12-month period referred to in Clause (a).
- (2) The *principal authority* shall give notice of the preparation of a report under subsection 7(4) of the Act to every person and organization that has requested that the *principal authority* provide the person or organization with such notice and has provided an address for the notice.

Revenues Collected

Building permit fees collected during 2020 totalled \$7,604,281. However, consistent with revenue recognition principles governed by generally accepted accounting principles (GAAP), Building fee revenue recognized by the City of London for 2020 equated to \$8,485,018 on an accrual basis.

As shown below, subject to completion of the 2020 year-end financial statement audit, the net revenue of building permit fees for 2020 was:

Deferred Revenue from 2019 [permits issued in 2020]	\$2,298,795
2020 Building Permit Fees	\$7,604,281
Deferred Revenues to 2021 [permits not issued in 2020]	<u>\$(1,418,058)</u>
2020 NET REVENUE	\$8,485,018

Costs Incurred

The total costs, both direct and indirect, incurred during 2020 were \$6,747,480, as shown in the Table below (subject to completion of the 2020 year-end financial statement audit).

	Costs (\$)	Positions
<u>DIRECT COSTS</u>		
Administration	\$328,312	2
Permit Issuance	\$1,571,932	14
Inspection	\$1,910,248	23
Zoning Review	\$553,059	6
Operational Support	\$500,149	12
Operating Expenses (supplies, equipment, etc.)	\$437,081	
TOTAL DIRECT COSTS	\$5,300,781	57
<u>INDIRECT COSTS</u>		
Corporate Management and Support	\$1,113,103	
Risk Management	\$135,596	
Office Space	\$198,000	
TOTAL INDIRECT COSTS	\$1,446,699	
TOTAL COSTS	\$6,747,480	

Net Financial Position

At 2020 year end, the net revenue was \$8,485,018. By deducting the total direct and indirect costs of \$6,747,480 for administration and enforcement of the *Building Code Act* and the *Building Code*, results in a \$1,737,538 contribution to the Building Permit Stabilization Reserve Fund.

Total Net Revenue	\$8,485,018
	\$-
Total Cost of Enforcement	<u>6,747,480</u>
YEAR END CONTRIBUTION (withdrawal if negative)	\$1,737,538

Building Permit Stabilization Reserve Fund (BPSRF)

In 2006, the BPSRF target was set at 40% of the annual operating costs following discussions with the London Home Builders' Association (a key industry stakeholder). Additionally, a lower and upper limit of 30% and 50% respectively was also set at that time.

During the building permit fee review in 2019, further consultations occurred with industry stakeholders and the BPSRF target was increased to 100% of the annual operating costs.

The BPSRF 2020 opening balance was \$1,992,637 after interest allocations and any year-end adjustments. Considering a 2020 contribution of \$1,737,538 and 2020 interest income of \$46,824, the revised closing balance is \$3,777,000 in the reserve fund, which equates to 56.0% of the annual operating cost.

Building Permit Fees

In 2019, a review was completed of the building permit fee structure in relation to volumes and effort, as well as a comparison of London fees in relation to other similar jurisdictions. Consequently, a new fee structure was adopted by Council which includes an annual indexing component. Considering that building permit fees were recently increased in August 2019, a further increase is not recommended at this time.

Conclusion

In accordance with the legislation, building permit revenues are to be used for the cost of administration and enforcement of the *Building Code Act*. The balance of \$3,777,000 in the BPSRF equates to 56.0% of annual operating costs.

Prepared & recommended by:

**George Kotsifas, P. Eng
Managing Director, Development &
Compliance Services & Chief Building
Official**

cc:

**Kyle Murray, Director, Financial Planning &
Business Support
Nathan Asare-Bediako, Financial Business
Administrator**

Report to Planning & Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P.Eng.
Managing Director, Development & Compliance Services
& Chief Building Official

Subject: Building Division Monthly Report
February 2021

Date: April 19, 2021

Recommendation

That the report dated April 19, 2021 entitled “Building Division Monthly Report February 2021”, **BE RECEIVED** for information.

Executive Summary

The Building Division is responsible for the administration and enforcement of the *Ontario Building Code Act* and the *Ontario Building Code*. Related activities undertaken by the Building Division include the processing of building permit applications and inspections of associated construction work. The Building Division also issues sign and pool fence permits. The purpose of this report is to provide Municipal Council with information related to permit issuance and inspection activities for the month of February 2021.

Linkage to the Corporate Strategic Plan

Growing our Economy

- London is a leader in Ontario for attracting new jobs and investments.

Leading in Public Service

- The City of London is trusted, open, and accountable in service of our community.
 - Improve public accountability and transparency in decision making.

Analysis

1.0 Background Information

This report provides information on permit and associated inspection activities for the month of February 2021. Attached as Appendix “A” to this report is a “Summary Listing of Building Construction Activity for the Month of February 2021”, as well as respective “Principle Permits Reports”.

2.0 Discussion and Considerations

2.1 Building permit data and associated inspection activities – February 2021

Permits Issued to the end of the month

As of February 2021, a total of 602 permits were issued, with a construction value of \$160.7 million, representing 250 new dwelling units. Compared to the same period in 2020, this represents a 13.0% increase in the number of building permits, with a 59.9%

increase in construction value and a 77.3% increase in the number of dwelling units constructed.

Total permits to construct New Single and Semi-Dwelling Units

As of the end of February 2021, the number of building permits issued for the construction of single and semi-detached dwellings is 184, representing a 65.8% increase over the same period in 2020.

Number of Applications in Process

As of the end of February 2021, 1,019 applications are in process, representing approximately \$809 million in construction value and an additional 1,985 dwelling units compared with 694 applications, with a construction value of \$740 million and an additional 1,674 dwelling units in the same period in 2020.

Rate of Application Submission

Applications received in February 2021 averaged to 21.9 applications per business day, for a total of 416 applications. Of the applications submitted 120 were for the construction of single detached dwellings and 146 townhouse units.

Permits issued for the month

In February 2021, 303 permits were issued for 127 new dwelling units, totalling a construction value of \$97.7 million.

Inspections – Building

A total of 2,125 inspection requests were received with 2,378 inspections being conducted.

In addition, 5 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 2,125 inspections requested, 100% were conducted within the provincially mandated 48 hour period.

Inspections - Code Compliance

A total of 414 inspection requests were received, with 691 inspections being conducted.

An additional 102 inspections were completed relating to complaints, business licences, orders and miscellaneous inspections.

Of the 414 inspections requested, 100% were conducted within the provincially mandated 48 hour period.

Inspections - Plumbing

A total of 899 inspection requests were received with 1,135 inspections being conducted related to building permit activity.

An additional 6 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 899 inspections requested, 100% were conducted within the provincially mandated 48 hour period.

Conclusion

The purpose of this report is to provide Municipal Council with information regarding the building permit issuance and building & plumbing inspection activities for the month of February 2021. Attached as Appendix “A” to this report is a “Summary Listing of Building Construction Activity” for the month of February 2021 as well as “Principle Permits Reports”.

Prepared by: Peter Kokkoros, P.Eng.
Deputy Chief Building Official
Development & Compliance Services
Building Division

Submitted by: George Kotsifas, P.Eng.
Managing Director, Development & Compliance Services
& Chief Building Official

Recommended by: George Kotsifas, P.Eng.
Managing Director, Development & Compliance Services
& Chief Building Official

CITY OF LONDON

SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF February 2021

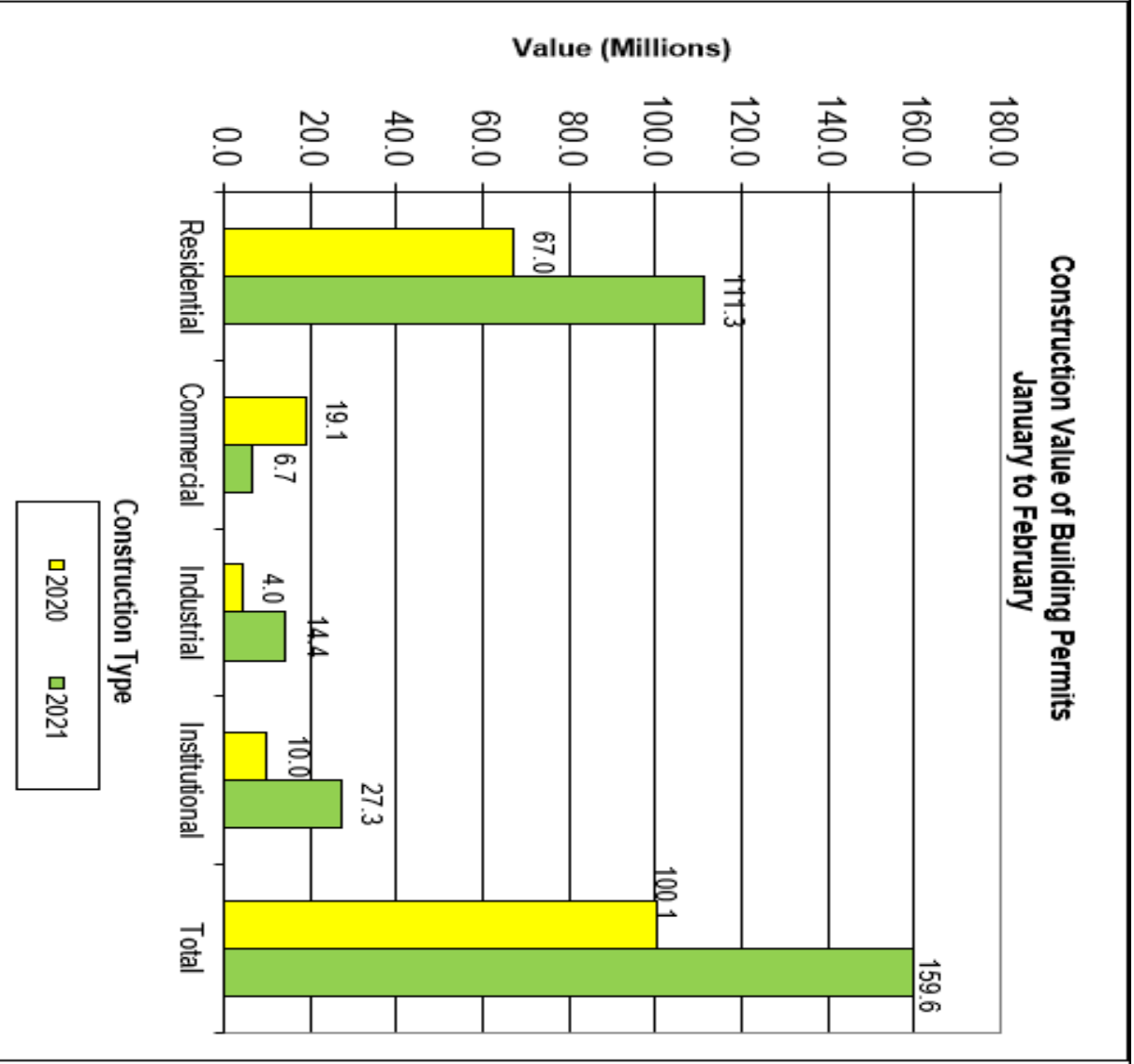
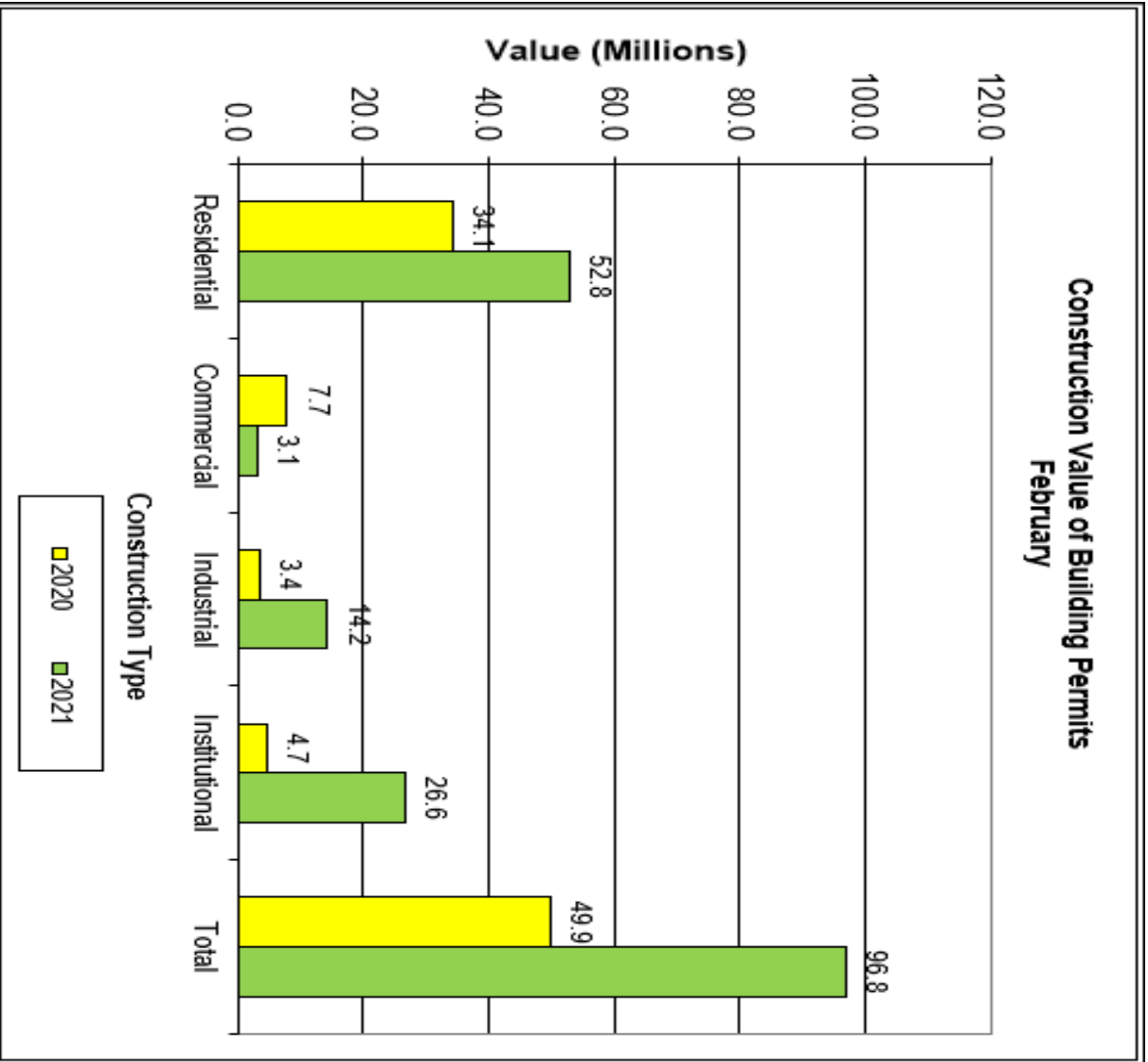
CLASSIFICATION	February 2021			to the end of February 2021			February 2020			to the end of February 2020		
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS
SINGLE DETACHED DWELLINGS	82	37,231,400	82	185	81,567,700	184	60	26,144,600	60	111	49,251,120	111
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0	0	0	0	0
TOWNHOUSES	12	11,709,800	36	21	15,910,600	48	6	2,384,500	6	16	7,063,900	22
DUPLEX, TRIPLEX, QUAD, APT BLDG	0	0	0	0	0	0	0	0	0	0	0	0
RES-ALTER & ADDITIONS	103	3,862,500	9	213	13,809,560	18	99	5,595,575	2	196	10,701,475	8
COMMERCIAL -ERECT	0	0	0	1	976,500	0	1	940,000	0	1	940,000	0
COMMERCIAL - ADDITION	0	0	0	0	0	0	2	2,001,800	0	2	2,001,800	0
COMMERCIAL - OTHER	23	3,141,614	0	46	5,674,814	0	28	4,799,000	0	76	16,127,506	0
INDUSTRIAL - ERECT	2	14,195,000	0	2	14,195,000	0	1	3,000,000	0	1	3,000,000	0
INDUSTRIAL - ADDITION	0	0	0	0	0	0	1	118,800	0	1	118,800	0
INDUSTRIAL - OTHER	2	51,000	0	6	159,800	0	3	261,000	0	11	890,500	0
INSTITUTIONAL - ERECT	1	12,000,000	0	1	12,000,000	0	0	0	0	1	575,000	0
INSTITUTIONAL - ADDITION	1	1,663,386	0	2	1,763,386	0	0	0	0	1	2,000,000	0
INSTITUTIONAL - OTHER	7	12,977,100	0	12	13,507,100	0	9	4,657,500	0	19	7,412,000	0
AGRICULTURE	0	0	0	0	0	0	0	0	0	1	100,000	0
SWIMMING POOL FENCES	26	771,600	0	35	1,065,100	0	7	269,000	0	9	314,000	0
ADMINISTRATIVE	5	80,000	0	10	80,000	0	2	0	0	6	0	0
DEMOLITION	8	0	6	8	0	6	6	0	4	14	0	9
SIGNS/CANOPY - CITY PROPERTY	2	0	0	4	0	0	0	0	0	0	0	0
SIGNS/CANOPY - PRIVATE PROPERTY	29	0	0	56	0	0	19	0	0	67	0	0
TOTALS	303	97,683,400	127	602	160,709,560	250	244	50,174,775	68	533	100,496,101	141

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Note: 1) Administrative permits include Tents, Change of Use and Transfer of Ownership, Partial Occupancy.

2) Mobile Signs are no longer reported.

Cons



City of London - Building Division

Principal Permits Issued from February 1, 2021 to February 28, 2021

Owner	Project Location	Proposed Work	No. of Units	Construction Value
FANSHAWE COLLEGE OF APPLIED ARTS & TECHNOLOGY FANSHAWE COLLEGE OF APPLIED ARTS & TECHNOLOGY	1001 Fanshawe College Blvd	Alter Community College WELDING SHOP UPGRADE, RENOVATION OF 735m2 OF THE EXISTING AREA, + ADDING 16 SQM SHED. PROVIDE SPRINKLER SHOP DRAWING AND GRCC.	0	3,000,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1095 Upperpoint Ave C	Erect-Street Townhouse - Condo ERECT (6) UNIT TOWNHOUSE BLOCK - BLOCK C DPN 1071, 1069, 1067, 1065, 1063, 1061	6	1,198,800
The Board of of Western Ontario The Board Of Governors The University Of Western Ontario	1151 Richmond St	Alter University INTERIOR ALTERATIONS TO WELDON LIBRARY	0	9,252,000
Nathan Applebaum Holdings Ltd C/O A C W Properties Inc	1251 Huron St	Alter Restaurant INTERIOR FIT UP FOR RESTAURANT, LESS THAN 30 SEATS PROVIDE SPRINKLER SHOP DRAWING	0	350,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1539 Moe Norman Pl	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 1 STOREY, 2 CAR GARAGE + GOLF CART PARK, PARTIALLY FINISHED BASEMENT, 3 BEDROOMS, NO DECK, A/C INCLUDED, SB-12 PERFORMANCE, PART 10 OF BLOCK 6 33M-429, HRV & DWHR REQUIRED. *** SOILS REPORT REQUIRED***	1	369,000
Brookside Developments Inc	1625 Purser St 48	Alter Townhouse - Condo TOWNHOUSE CONDO - ALTER - TO REPAIR DAMAGE DUE TO FIRE	0	115,000
FOXWOOD (LONDON) INC. FOXWOOD DEVELOPMENTS (LONDON) INC.	166 Southdale Rd W 105 1781 Henrica Ave A	Alter Townhouse - Condo REPAIR FIRE DAMAGE Unit 105 Erect-Townhouse - Condo ERECT TOWNHOUSE CONDO BUILDING A - A/C will install. 7 UNITS DPN's 50, 52, 54, 56, 58, 60, 62	0 7	130,000 1,503,600
PATRICK HAZZARD CUSTOM HOMES PATRICK HAZZARD CUSTOM HOMES (2594857 Ont Inc)	1820 Canvas Way 21	Erect-Townhouse - Cluster SDD ERECT NEW CLUSTER SDD, 2 STOREY, 2 CAR GARAGE, 3 BEDROOM, UNFINISHED BASEMENT, NO DECK, W/ A/C, SB-12 A1, LOT 28, DWHR AND HRV REQUIRED	1	302,000
Z- Group	1820 Canvas Way 60	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 2 STOREY, 3 BEDROOM, 2 CAR GARAGE, UNFINISHED BASEMENT, NO DECK, NO A/C, SB-12 A1, M/LCP 927 DPN 60, HRV & DWHR REQUIRED	1	306,000
PATRICK HAZZARD CUSTOM HOMES PATRICK HAZZARD CUSTOM HOMES (2594857 Ont Inc)	1820 Canvas Way 68	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 2 STOREY, 2 CAR GARAGE, UNFINISHED BASEMENT, 3 BEDROOMS, NO DECK, NO A/C, SB-12 A1, UNIT 16 M/LCP 927 DPN 68, HRV & DWHR REQUIRED, SOILS REQUIRED	1	302,000
LEGACY HOMES OF LONDON LEGACY HOMES OF LONDON	1965 Upperpoint Gate C	Erect-Street Townhouse - Condo ERECT NEW STREET TOWNHOUSE CONDO, BLOCK C, 5 UNITS, 1953, 1955, 1957, 1959, 1961	5	2,006,000

City of London - Building Division
Principal Permits Issued from February 1, 2021 to February 28, 2021

Owner	Project Location	Proposed Work	Construction	
			No. of Units	Value
THE ARTS PROJECT LONDON	203 Dundas St	Alter Art Galleries INTERIOR ALTERATIONS FOR WORKSHOP AREAS AND WASHROOMS DA1-ART GALLERY	0	130,000
TOWN & COUNTRY DEVELOPMENTS (2005) INC. TOWN & COUNTRY DEVELOPMENTS (2005) INC.	2313 Callingham Dr B	Erect-Street Townhouse - Condo ERECT RT 4 UNITS, BLOCK B 2315, 2317, 2319, 2321, 3 STOREY, 2 CAR GARAGE, NO BASEMENT, UNCOVERED DECK, SB-12 A5, HRV & DWHR REQUIRED.	4	1,614,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	2441 Moe Norman Way	Erect-Townhouse - Cluster SDD ERECT NEW TOWNHOUSE CLUSTER SDD, 1 STOREY, 2 CAR GARAGE + GOLF CART GARAGE, 2 BEDROOMS, UNFINISHED BASEMENT, REAR COVERED PORCH, A/C, SB12 A3, LOT 13, PLAN 33M 429, HRV AND DWHR REQUIRED	1	340,000
CORPORATION OF LONDON CORPORATION OF THE CITY OF LONDON	2479 Bondar Rd	Erect-Plant for Manufacturing ID - Erect Manufacturing Plant for Arvo Laboratories Inc. CONDITIONAL FOUNDATION ONLY - NO UNDERGROUND PLUMBING	0	8,995,000
TVDSB	2541 Meadowgate Blvd	Erect-Schools Elementary, Kindergarten IS - ERECT ELEMENTARY SCHOOL AND CHILDCARE CENTRE CONDITIONAL FOUNDATION ONLY	0	12,000,000
London City C/O Manager Of Realty Services	2545 Innovation Dr	Erect-Plant for Manufacturing ERECT INDUSTRIAL BUILDING FOR QUEST BRANDS. FOUNDATION PERMIT ONLY, NO UNDERGROUND PLUMBING.	0	5,200,000
ALI SOUFAN 2219008 ONTARIO LIMITED c/o YORK DEVELOPMENTS LONDON	3493 Colonel Talbot Rd	Install-Site Services Installation of site services.		1,250,000
WASTELL DEVELOPMENTS INC. WASTELL DEVELOPMENTS INC.	435 Callaway Rd E	Erect-Street Townhouse - Condo Townhouse Building - Erect new townhouse - Street Townhouse - Condo, DPN's 353, 349, 345, 341, 3 Storey, 3 Bedroom, 2 Car Garage, A/C, no Basement	4	2,523,600
WASTELL DEVELOPMENTS INC. WASTELL DEVELOPMENTS INC.	435 Callaway Rd P	Erect-Townhouse - Condo Townhouse Building - Erect new townhouse - Townhouse - Condo BLOCK P - 3 Bedroom, 2.5 Bathroom, A/C, Deck, 2 Car Garage, No Basement, DPN 33, 31, 29, 27,	4	964,800
Schindler Elevator Corporation	540 Admiral Dr	Alter Offices ALTERATION TO INTERIOR OFFICE AREA	0	250,000
ST JOSEPH'S CARE LONDON ST. JOSEPH'S HEALTH CARE LONDON	550 Wellington Rd	Alter Hospitals REMOVE OLD CURTAINWALL FRAMING AND GLAZING AND REPLACE WITH NEW	0	700,000
1675034 Ontario Limited	6068 Colonel Talbot Rd	Alter Retail Store CM - Renovation and repair to existing facade.	0	150,000

City of London - Building Division
Principal Permits Issued from February 1, 2021 to February 28, 2021

Owner	Project Location	Proposed Work	No. of Units	Construction Value
2126495 Ontario Inc	640 Dundas St	Alter Retail Store ALTER FIRST FLOOR FOR RETAIL/RESIDENTIAL AND SECOND FLOOR FOR REIDENTIAL FRR/FPO: SHELL ONLY –SEALED GUARD DRAWING REQUIRED PRIOR TO WORK IN THESE AREAS	0	200,000
STATION (LONDON) INC. STATION PARK (LONDON) INC.	660 Richmond St	Alter Retail Store Interior fit up for new retail store	0	110,800
MANAGEMENT SECRETARIAT MANAGEMENT BOARD SECRETARIAT	711 Exeter Rd	Add Jails 15 - Adding office trailers linked to existing jail. For the fire alarm demonstration: inspector to be notified when F-A Verification is planned.	0	1,663,386
WESTERN ASSOCIATION WESTERN FAIR ASSOCIATION	900 King St	Alter Convention Centre/Exhibition Hall Interior alter to create shell space for Agri-food. Sprinkler shop drawing and General Review Certificate for sprinkler system and commercial cooking hood fire suppression shop drawing required.	0	200,000

Total Permits 28 Units 35 Value 55,125,986

** Includes all permits over \$100,000, except for single and semi-detached dwellings.*

Commercial building permits issued - subject to Development Charges under By-law C.P. -1535-144

OWNER

Commercial Permits regardless of construction value

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee
From: Gregg Barrett, Director, City Planning and City Planner
Subject: Demolition Request for Heritage Listed Property at 88 Wellington Road
Date: Monday April 19, 2021

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, that the property at 88 Wellington Road **BE REMOVED** from the Register of Cultural Heritage Resources.

It being noted that the two stained glass windows pictured in Appendix B should be salvaged prior to the building's demolition.

Executive Summary

A Cultural Heritage Evaluation Report (CHER) was completed for the heritage listed property at 88 Wellington Road. The CHER determined that the property does not meet the criteria for designation pursuant to the *Ontario Heritage Act*. The property should be removed from the Register of Cultural Heritage Resources. Removing the property from the Register of Cultural Heritage Resources will allow the demolition of the property to proceed.

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan area of focus:

- Strengthening Our Community:
 - Continue to conserve London's heritage properties and archaeological resources

Analysis

1.0 Background Information

1.1 Property Location

The subject property at 88 Wellington Road is located on the east side of Wellington Road (Appendix A). The property is just south of Watson Street.

1.2 Cultural Heritage Status

The subject property at 88 Wellington Street is a heritage listed property pursuant to Section 27(1.2) of the *Ontario Heritage Act*.

With the recommendation of the London Advisory Committee on Heritage (LACH), Municipal Council added 347 potential cultural heritage resources identified by the Cultural Heritage Screening Report (CHSR) to the Register of Cultural Heritage Resources at its meeting on March 26, 2017. The CHSR was prepared as part of the background studies for the Transit Project Assessment Process (TPAP) for Rapid Transit.

1.3 Rapid Transit and Cultural Heritage

During and since TPAP, cultural heritage evaluations of properties along the Rapid Transit corridors have been completed. Some evaluations have found that properties have met the criteria for designation (see Section 4.0), and further cultural heritage assessment (e.g. property-specific Heritage Impact Assessment) is required. Other evaluations have found that properties have not met the criteria for designation, and no further cultural heritage assessment is required.

1.4 Description

The existing dwelling on the subject property at 88 Wellington Road was built in about 1907. It is a one-and-a-half storey structure with a steeply pitched gable roof with a dormer (Appendix B). The first storey of the dwelling is clad in buff bricks, with the upper storey clad in horizontal siding. The dwelling has been previously altered, which has affected its integrity in demonstrating influences of the Queen Anne Revival architectural style. There are two extant stained glass windows, the arched transom of the front window and the transom of the front door.

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies of the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, and *The London Plan* and the *Official Plan (1989, as amended)*.

2.1.1 Provincial Policy Statement

Section 2.6.1 of the *Provincial Policy Statement (2020)* directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

“Significant” is defined in the *Provincial Policy Statement (2020)* as, regarding cultural heritage and archaeology, “resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.”

“Conserved” is defined in the *Provincial Policy Statement (2020)*, “means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

2.1.2 Ontario Heritage Act

The *Ontario Heritage Act* enables municipalities to protect properties that are of cultural heritage value or interest.

Section 27 of the *Ontario Heritage Act* requires that a Register kept by the clerk shall list all properties that have been designated under the *Ontario Heritage Act*. Section 27(1.2) of the *Ontario Heritage Act* also enables Municipal Council to add properties that have not been designated, but that Municipal Council “believes to be of cultural heritage value or interest” on the Register. Listing a property on the Register is an important action to “flag” the potential cultural heritage value or interest of properties during decision making processes.

As consultation with the LACH is required to add a property to the Register, consultation with the LACH is required before a property may be removed from the Register by Municipal Council.

2.1.3 Ontario Regulation 9/06

The criteria of Ontario Regulation 9/06 establishes criteria for determining the cultural heritage value or interest of individual properties. These criteria are:

1. Physical or design value:
 - i. Is a rare, unique, representative or early example of a style, type, expression, material or construction method;
 - ii. Displays a high degree of craftsmanship or artistic merit; or,
 - iii. Demonstrates a high degree of technical or scientific achievement.
2. Historical or associative value:

- i. Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
 - ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or,
 - iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. Contextual value:
- i. Is important in defining, maintaining or supporting the character of an area;
 - ii. Is physically, functionally, visually or historically linked to its surroundings; or,
 - iii. Is a landmark.

A property is required to meet one or more of the abovementioned criteria to merit protection under Section 29 of the *Ontario Heritage Act*. Should the property not meet any of the criteria, the property should be removed from the Register.

2.1.4 Register of Cultural Heritage Resources

Municipal Council may include properties on the Register of Cultural Heritage Resources that it “believes to be of cultural heritage value or interest,” pursuant to Section 27(1.2) of the *Ontario Heritage Act*. These properties are not designated but are considered to be of potential cultural heritage value or interest.

The Register of Cultural Heritage Resources states that further research is required to determine the cultural heritage value or interest of heritage listed properties.

2.1.5 The London Plan

The Cultural Heritage chapter of *The London Plan* recognizes that our cultural heritage resources define our City’s unique identity and contribute to its continuing prosperity. It notes, “The quality and diversity of these resources are important in distinguishing London from other cities and make London a place that is more attractive for people to visit, live or invest in.” Policies 572_ and 573_ of *The London Plan* enable the designation of individual properties under Part IV of the *Ontario Heritage Act*, as well as the criteria by which individual properties will be evaluated.

2.2 Demolition Request

The City has acquired the subject property at 88 Wellington Road for the Rapid Transit project. Following acquisition of the property, the City has submitted written notice of intention to demolish the building or structure on the heritage listed property, in compliance with the requirements of Section 27(3) of the *Ontario Heritage Act*.

2.3 Consultation

During the TPAP, the LACH was consulted on number of cultural heritage matters arising from the project including cultural heritage evaluations completed where direct impacts where possible. Following consultation with the Stewardship Sub-Committee, the LACH was consulted on the “Wellington 35” Group Cultural Heritage Evaluation Report (CHER), which included the property at 88 Wellington Road, at its meeting on February 13, 2019. The Stewardship Sub-Committee and the LACH supported the conclusion of the “Wellington 35” Group CHER, which found that the property did not meet the criteria of Ontario Regulation 9/06.

Pursuant to the Council Policy Manual, notification of the demolition request has been sent to 70 property owners within 120m of the subject property on March 29, 2021, as well as community groups including the Architectural Conservancy Ontario – London Region, London & Middlesex Historical Society, and the Urban League. Notice was published in *The Londoner* on April 1, 2021.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1. Does the Subject Property Meet the Criteria for Designation?

The subject property was individually evaluated in the “Wellington 35” Group CHER that was undertaken as part of the TPAP for Rapid Transit (AECOM, February 2019; digital link to the “Wellington 35” Group CHER at the end of this report).

The CHER evaluated the subject property using the criteria of Ontario Regulation 9/06 (see Section 2.1.3 of this report for the criteria). The Heritage Planner had the opportunity to review and comment on the CHER; the Heritage Planner concurs with the evaluation presented in the CHER.

The evaluation of the property at 88 Wellington Road found that the property did not meet the criteria of Ontario Regulation 9/06. The CHER did not recommend any further cultural heritage assessment for the property at 88 Wellington Road.

While the subject property did not meet the criteria for designation, it still retains historic stained glass windows that should be salvaged prior to the building’s demolition. Stained glass windows can be found in the arched transom above the front window and the rectangular transom above the front door (see Appendix B). Other elements of the building should be salvaged to avoid unnecessary additions to the landfill.

Conclusion

Cultural heritage matters are an important consideration through any process of change. Potential cultural heritage resources were identified, inventoried, and flagged for further work and evaluation during and following the TPAP for Rapid Transit. As the project has progressed, properties have been evaluated to determine if they demonstrate sufficient cultural heritage value or interest to warrant designation pursuant to the *Ontario Heritage Act* and if any further cultural heritage studies are required.

The subject property at 88 Wellington Road was evaluated as part of the “Wellington 35” Group CHER and found to not meet the criteria for designation pursuant to the *Ontario Heritage Act*. The property should be removed from the Register of Cultural Heritage Resources. Removing the property from the Register of Cultural Heritage Resources will allow the demolition of the property to proceed.

Prepared by: Kyle Gonyou, CAHP
Heritage Planner, City Planning

Submitted and Recommended by: Gregg Barrett, AICP
Director, City Planning and City Planner

C: Bryan Baar, Manager II, Realty Services
Jennie Dann, Director, Major Projects

Appendices

Appendix A Property Location
Appendix B Images

Link to “Wellington 35” Group Cultural Heritage Evaluation Report (AECOM, February 2019): <https://pub-london.escribemeetings.com/Meeting.aspx?Id=e2513031-ed04-4bd3-8964-fd001613cc23&Agenda=Merged&lang=English> (see Item 2.1, attachment 6)

Appendix A – Subject Property Location



Figure 1: Location map of the subject property at 88 Wellington Road.

Appendix B – Images



Image 1: Photograph of the subject property at 88 Wellington Road, seen from the west side of Wellington Road looking east (April 5, 2021).



Image 2: Photograph showing the north and west (main) elevations of the building at 88 Wellington Road (April 5, 2021).



Image 3: Detail photograph of the arched transom over the front window with stained glass (April 5, 2021). The stained glass has an urn and floral motif, typical of the period of construction for the subject property. Salvage of this window in advance of demolish is strongly encouraged.



Image 4: Detail photograph of the rectangular transom over the front doorway with stained glass (April 5, 2021). The stained glass has an urn and floral motif, typical of the period of construction for the subject property. Salvage of this window in advance of demolish is strongly encouraged.

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee
From: Gregg Barrett, Director, City Planning and City Planner
Subject: Demolition Request for Heritage Listed Property at 92 Wellington Road
Date: Monday April 19, 2021

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, that the property at 92 Wellington Road **BE REMOVED** from the Register of Cultural Heritage Resources.

Executive Summary

A Cultural Heritage Evaluation Report (CHER) was completed for the heritage listed property at 92 Wellington Road. The CHER determined that the property does not meet the criteria for designation pursuant to the *Ontario Heritage Act*. The property should be removed from the Register of Cultural Heritage Resources. Removing the property from the Register of Cultural Heritage Resources will allow the demolition of the property to proceed.

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan area of focus:

- Strengthening Our Community:
 - Continue to conserve London's heritage properties and archaeological resources

Analysis

1.0 Background Information

1.1 Property Location

The subject property at 92 Wellington Road is located on the east side of Wellington Road (Appendix A). The property is south of Watson Street.

1.2 Cultural Heritage Status

The subject property at 92 Wellington Street is a heritage listed property pursuant to Section 27(1.2) of the *Ontario Heritage Act*.

With the recommendation of the London Advisory Committee on Heritage (LACH), Municipal Council added 347 potential cultural heritage resources identified by the Cultural Heritage Screening Report (CHSR) to the Register of Cultural Heritage Resources at its meeting on March 26, 2017. The CHSR was prepared as part of the background studies for the Transit Project Assessment Process (TPAP) for Rapid Transit.

1.3 Rapid Transit and Cultural Heritage

During and since TPAP, cultural heritage evaluations of properties along the Rapid Transit corridors have been completed. Some evaluations have found that properties have met the criteria for designation (see Section 4.0), and further cultural heritage assessment (e.g. property-specific Heritage Impact Assessment) is required. Other evaluations have found that properties have not met the criteria for designation, and no further cultural heritage assessment is required.

1.4 Description

The existing dwelling on the subject property at 92 Wellington Road was built in 1949. It is a single storey vernacular structure with a hipped roof (Appendix B). The exterior of the building is clad in horizontal vinyl siding, with a large rectangular three-lite front window.

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies of the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, and *The London Plan* and the *Official Plan (1989, as amended)*.

2.1.1 Provincial Policy Statement

Section 2.6.1 of the *Provincial Policy Statement (2020)* directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

“Significant” is defined in the *Provincial Policy Statement (2020)* as, regarding cultural heritage and archaeology, “resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.”

“Conserved” is defined in the *Provincial Policy Statement (2020)*, “means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

2.1.2 Ontario Heritage Act

The *Ontario Heritage Act* enables municipalities to protect properties that are of cultural heritage value or interest.

Section 27 of the *Ontario Heritage Act* requires that a Register kept by the clerk shall list all properties that have been designated under the *Ontario Heritage Act*. Section 27(1.2) of the *Ontario Heritage Act* also enables Municipal Council to add properties that have not been designated, but that Municipal Council “believes to be of cultural heritage value or interest” on the Register. Listing a property on the Register is an important action to “flag” the potential cultural heritage value or interest of properties during decision making processes.

As consultation with the LACH is required to add a property to the Register, consultation with the LACH is required before a property may be removed from the Register by Municipal Council.

2.1.3 Ontario Regulation 9/06

The criteria of Ontario Regulation 9/06 establishes criteria for determining the cultural heritage value or interest of individual properties. These criteria are:

1. Physical or design value:
 - i. Is a rare, unique, representative or early example of a style, type, expression, material or construction method;
 - ii. Displays a high degree of craftsmanship or artistic merit; or,
 - iii. Demonstrates a high degree of technical or scientific achievement.
2. Historical or associative value:
 - i. Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
 - ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or,

- iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. Contextual value:
- i. Is important in defining, maintaining or supporting the character of an area;
 - ii. Is physically, functionally, visually or historically linked to its surroundings; or,
 - iii. Is a landmark.

A property is required to meet one or more of the abovementioned criteria to merit protection under Section 29 of the *Ontario Heritage Act*. Should the property not meet any of the criteria, the property should be removed from the Register.

2.1.4 Register of Cultural Heritage Resources

Municipal Council may include properties on the Register of Cultural Heritage Resources that it “believes to be of cultural heritage value or interest,” pursuant to Section 27(1.2) of the *Ontario Heritage Act*. These properties are not designated but are considered to be of potential cultural heritage value or interest.

The Register of Cultural Heritage Resources states that further research is required to determine the cultural heritage value or interest of heritage listed properties.

2.1.5 The London Plan

The Cultural Heritage chapter of *The London Plan* recognizes that our cultural heritage resources define our City’s unique identity and contribute to its continuing prosperity. It notes, “The quality and diversity of these resources are important in distinguishing London from other cities and make London a place that is more attractive for people to visit, live or invest in.” Policies 572_ and 573_ of *The London Plan* enable the designation of individual properties under Part IV of the *Ontario Heritage Act*, as well as the criteria by which individual properties will be evaluated.

2.2 Demolition Request

The City has acquired the subject property at 92 Wellington Road for the Rapid Transit project. Following acquisition of the property, the City has submitted written notice of intention to demolish the building or structure on the heritage listed property, in compliance with the requirements of Section 27(3) of the *Ontario Heritage Act*.

2.3 Consultation

The Stewardship Sub-Committee was consulted on the Cultural Heritage Evaluation Reports that were completed following the TPAP process, including the subject property, in fall 2019. The Stewardship Sub-Committee supported the evaluation of the property in the CHER, which found that the property did not meet the criteria of Ontario Regulation 9/06. The LACH received the CHER for 92 Wellington Road at its meeting on December 11, 2019.

Pursuant to the Council Policy Manual, notification of the demolition request has been sent to 70 property owners within 120m of the subject property on March 29, 2021, as well as community groups including the Architectural Conservancy Ontario – London Region, London & Middlesex Historical Society, and the Urban League. Notice was published in *The Londoner* on April 1, 2021.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1. Does the Subject Property Meet the Criteria for Designation?

The subject property was individually evaluated in its own CHER (AECOM, November 2019; digital link to the CHER at the end of this report) that was undertaken following the TPAP for Rapid Transit.

The CHER evaluated the subject property using the criteria of Ontario Regulation 9/06 (see Section 2.1.3 of this report for the criteria). The Heritage Planner had the opportunity to review and comment on the CHER; the Heritage Planner concurs with the evaluation presented in the CHER.

The evaluation of the property at 92 Wellington Road found that the property did not meet the criteria of Ontario Regulation 9/06. The CHER did not recommend any further cultural heritage assessment for the property at 92 Wellington Road.

Conclusion

Cultural heritage matters are an important consideration through any process of change. Potential cultural heritage resources were identified, inventoried, and flagged for further work and evaluation during and following the TPAP for Rapid Transit. As the project has progressed, properties have been evaluated to determine if they demonstrate sufficient cultural heritage value or interest to warrant designation pursuant to the *Ontario Heritage Act* and if any further cultural heritage studies are required.

A CHER was completed for the subject property at 88 Wellington Road. It was found to not meet the criteria for designation pursuant to the *Ontario Heritage Act*. The property should be removed from the Register of Cultural Heritage Resources. Removing the property from the Register of Cultural Heritage Resources will allow the demolition of the property to proceed.

Prepared by: Kyle Gonyou, CAHP
Heritage Planner, City Planning

Submitted and Recommended by: Gregg Barrett, AICP
Director, City Planning and City Planner

C: Bryan Baar, Manager II, Realty Services
Jennie Dann, Director, Major Projects

Appendices

Appendix A Property Location

Appendix B Images

Link to Cultural Heritage Evaluation Report for 92 Wellington Road (AECOM, November 2019): <https://pub-london.escribemeetings.com/Meeting.aspx?Id=2cc746df-9931-4ec0-aad1-74dce8ed2c79&Agenda=Agenda&lang=English> (see Item 2.3.b)

Appendix A – Subject Property Location



Figure 1: Location map of the subject property at 92 Wellington Road.

Appendix B – Images



Image 1: Photograph of the subject property at 92 Wellington Road (center), seen from the west side of Wellington Road looking east (April 5, 2021).



Image 2: Detail photograph of the subject property at 92 Wellington Road, showing the front (west) and south elevations (April 5, 2021).

Report to Planning and Environment

**To: Chair and Members
Planning and Environment Committee**

**From: Gregg Barrett, AICP
Director, City Planning and City Planner**

**Subject: Kilally South, East Basin, Environmentally Significant Area
(1918 to 2304 and 2005 to 2331 Kilally Road)**

Public Participation Meeting on: April 19, 2021

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the following actions be taken with respect to the application of the City of London relating to the Kilally South, East Basin Environmentally Significant Area (1918 to 2304 and 2005 to 2331 Kilally Road):

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 4, 2021 to amend the Official Plan to:
- i) change Schedule "A" (Land Use) on the subject lands **FROM** Urban Reserve Community Growth, Multi Family Medium Density Residential and Environmental Review designations, **TO** an Open Space designation and **FROM** Low Density Residential **TO** an Environmental Review designation;
 - ii) change Map Schedule B1 (Flood Plain and Environmental Features) **TO** apply an Environmentally Significant Area delineation to the lands identified as the Kilally South, East Basin Environmentally Significant Area that are designated Open Space as amended above; and,
 - iii) change Map Schedule B1 (Flood Plain and Environmental Features) **TO** add Unevaluated Wetlands and Unevaluated Vegetation Patches that are designated Environmental Review as amended above.
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at a future meeting of Municipal Council after the London Plan maps are in force and effect following the Local Planning Appeals Tribunal Hearings;
- i) change the Place Types on Map 1 - Place Types - **FROM** Neighbourhoods and Environmental Review **TO** Green Space, and **FROM** Environmental Review **TO** Neighbourhood to align with the limits of the Kilally South, East Basin Environmentally Significant Area; and
 - ii) change the Place Types on Map1-Place Types- **FROM** Neighbourhood **TO** Environmental Review; and
 - iii) change Map 5 - Natural Heritage - **FROM** Potential Environmentally Significant Area, Unevaluated Vegetation Patch **TO** Environmentally Significant Area; and,
 - iv) change Map 5- Natural Heritage **TO** add Unevaluated Wetlands and Unevaluated Vegetation Patches.
- (c) The proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on May 4, 2021 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** an Urban Reserve (UR3) Zone, **TO** an Open Space (OS5) Zone and **FROM** an Urban Reserve (UR2) Zone and Urban Reserve (UR3) Zone, **TO** an Environmental Review (ER) Zone.

Executive Summary

In November 2018 the City retained North-South Environmental Inc. to undertake an Environmental Impact Study (EIS) for the Kilally South, East Basin lands located at 1918-2304 and 2005-2331 Kilally Road. The EIS confirmed the boundaries of the Environmentally Significant Area and identified unevaluated wetland and unevaluated vegetation features. The proposed Official Plan and zoning By-law amendments would implement the recommendations of the EIS and would amend the 1989 Official Plan, The London Plan and Zoning By-law Z.-1 for the area as identified as an Environmentally Significant Area in the Kilally South, East Basin Environmental Impact Study to an Open Space designation in the City of London Official Plan, and Green Space in The London Plan. The areas identified as unevaluated wetlands and unevaluated vegetation patches would be identified as Environmental Review. Maps B-1 of the Official Plan and Map 5 of the London Plan would be amended to identify the Environmental Significant Area Boundary and the areas identified as unevaluated wetlands and unevaluated vegetation patches. Zoning By-law Z.-1 would be amended to apply the Open Space (OS5) Zone to the Kilally South, East Basin ESA and to zone the areas identified as unevaluated wetlands and unevaluated vegetation patches as Environmental Review (ER).

Purpose and the Effect of Recommended Action

The proposed amendment will establish the Environmentally Significant Area boundary for the lands located at 1918-2304 and 2005-2331 Kilally Road, and identify unevaluated wetlands and vegetation patches as identified in the Kilally South, East Basin Environmental Impact Study as prepared by North-South Environmental Inc.

Rationale of Recommended Action

1. The proposed amendment is consistent with the PPS 2020 as diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features;
2. The proposed amendment conforms to the policies of the 1989 Official Plan; and
3. The proposed amendment conforms to the policies of The London Plan.

Analysis

1.1 Property Description

The Kilally South, East Basin Area is generally located south of the Thames River east and west of Clarke Road on the lands municipally known as 1918 to 2304 and 2005 to 2331 Kilally Road.

1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Open Space, Low Density Residential, Multi Family Medium Density Residential.
- The London Plan Place Type – Neighbourhood and Green Space Place Types
- Existing Zoning – Urban Reserve (UR2), Urban Reserve (UR3) and Open Space (OS5) Zone

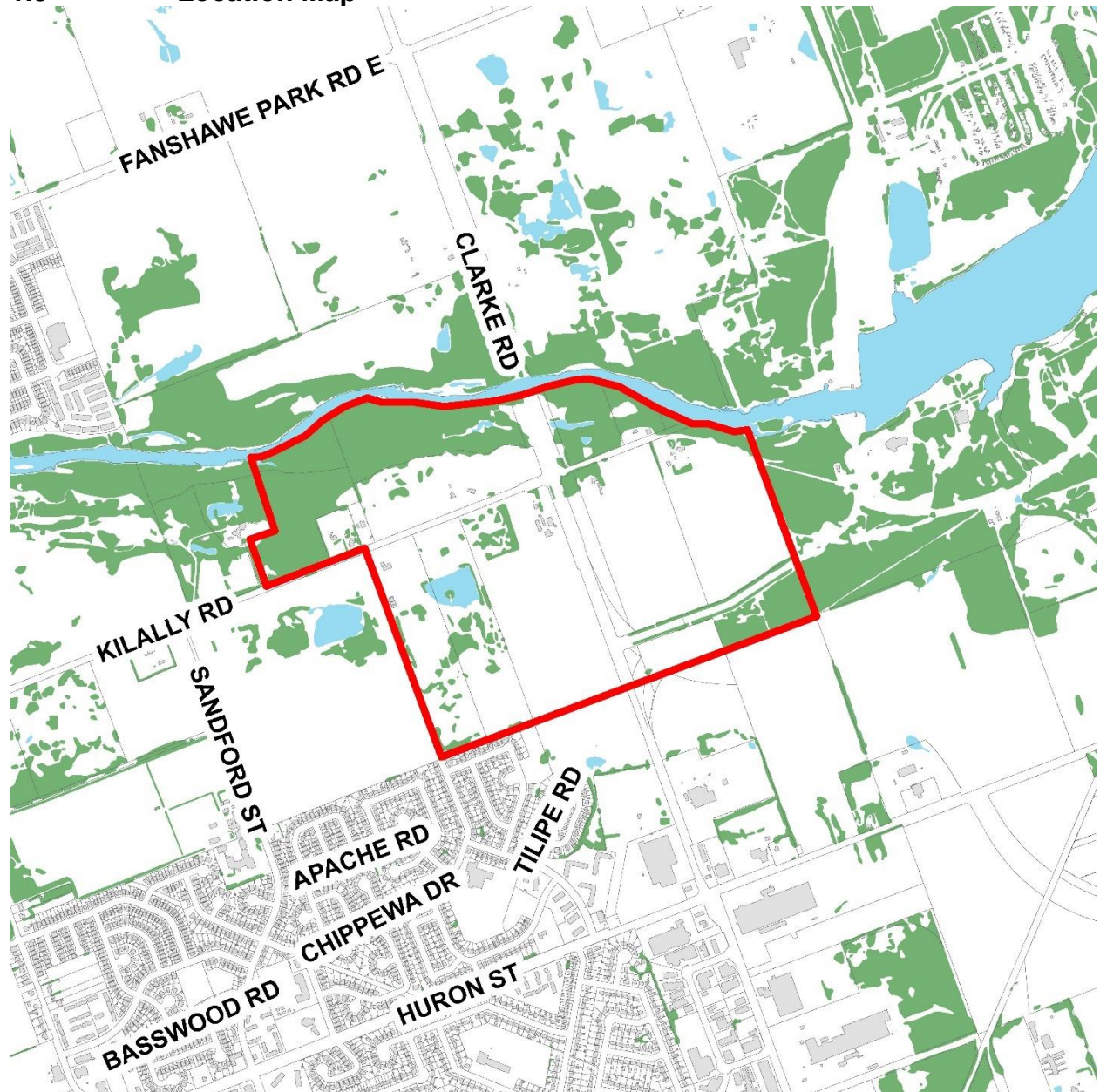
1.3 Site Characteristics

- Current Land Use – Environmentally Significant Area, residential and vacant residential
- Frontage – N/A
- Depth – N/A
- Area – approx. 124 hectares
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Thames River
- East – Upper Thames Conservation Authority
- South – residential uses
- West – residential and vacant residential

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The purpose and effect of this Official Plan and Zoning change is to amend the area as identified as an Environmental Significant Area in the Kilally South, East Basin Environmental Impact Study to an Open Space designation in the City of London Official Plan, Green Space in The London Plan, the areas identified as unevaluated wetlands and unevaluated vegetation patches as Environmental Review and to add on Maps B-1 of the Official Plan and Map 5 of the London Plan the Environmental Significant Area Boundary and the areas identified as unevaluated wetlands and unevaluated vegetation patches and to amend the Zoning of the lands to Open Space (OS5) Zone and to zone the areas identified as unevaluated wetlands and unevaluated vegetation patches as Environmental Review

3.0 Relevant Background

3.1 Planning History

Council on August 26, 2020 resolved:

That, on the recommendation of the Managing Director Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the Kilally South, East Basin Municipal Class Environmental Assessment:

*a) the Kilally South, East Basin Municipal Class Assessment Executive Summary, as appended to the staff report dated August 11, 2020, **BE ACCEPTED**;*

*b) a Notice of Completion **BE FILED** with the Municipal Clerk;*

*c) the Project File for the Kilally South, East Basin Municipal Class Environmental Assessment **BE PLACED** on public record for a 30-day review period;*

*d) the Civic Administration **BE DIRECTED** to initiate an Official Plan amendment and Zoning By-law amendment to implement the recommendations of the Subject Lands Status Report and EIS for the Kilally South, East Basin Municipal Class Environmental Assessment; and,*

*e) the Civic Administration **BE DIRECTED** to initiate a review of combined environmental impacts related to the Clarke Road bridge rehabilitation and the proposed stormwater management projects to ensure a comprehensive assessment of environmental sustainability is completed, prior to construction of municipal projects, based on the finding of the Subject Lands Status Report and EIS for the Kilally South, East Basin Municipal Class Environmental Assessment. (2020-E05) (AS AMENDED) (2.1/10/CWC)*

3.2 Requested Amendment

Requested Amendment to the 1989 Official Plan:

- To change the designation of the lands from Urban Reserve Community Growth, Multi Family Medium Density Residential and Environmental Review designations, to an Open Space designation and from Low Density Residential to an Environmental Review designation.
- Amend Official Plan Map Schedule B-1 Natural Heritage Features to revise the Environmentally Significant Area boundaries, and
- Amend Official Plan Map Schedule B-1 Natural Heritage Features to add Unevaluated Wetlands and Unevaluated Vegetation Patches.

Requested Amendment to The London Plan:

- To change the designation of the lands from Neighbourhoods and Environmental Review to Green Space, and from Environmental Review to Neighbourhood to align with the limits of the Kilally South, East Basin Environmentally Significant Area;
- To change the designation of the lands from Neighbourhood to Environmental Review; and
- Amend Map 5 Natural Heritage to revise the Environmentally Significant Area boundaries and to add Unevaluated Wetlands and Unevaluated Vegetation Patches.

Requested Zoning By-law Amendment: to change the zoning of the subject property from an Urban Reserve (UR3) Zone, to an Open Space (OS5) Zone and from an Urban Reserve (UR2) Zone and Urban Reserve (UR3) Zone, to an Environmental Review (ER) Zone.

3.3 Community Engagement (see more detail in Appendix B)

A Notice of Application was sent to property owners within a 120 metre radius of the subject site on December 3, 2020 and was published in The Londoner on December 3, 2020. A “Possible Land Use Change” sign was placed on the subject site, fronting onto Clarke Road.

Seven (7) responses were received. Of the seven (7) responses, two (2) identified the specific concerns identified below:

- Not to designate Environmental Review lands in the 1989 Official Plan, London Plan and Zoning By-law on 2065 Kilally Road and 1511 Clarke Road; and
- Not to identify Unevaluated Vegetation Patches on Schedule B-1 of the 1989 Official Plan and Map 5 of the London Plan on 2065 Kilally Road and 1511 Clarke Road.
- Not to identify Unevaluated Wetlands on Schedule B-1 of the Official Plan on 2065 Kilally Road and 1511 Clarke Road.

3.4 Policy Context (see more detail in Appendix F) ***Provincial Policy Statement (PPS), 2020***

Section 2.1 of the PPS – Natural Heritage, establishes clear direction on the adoption of an ecosystem approach and the protection of resources. The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features. These features are defined within the PPS and rely on the municipality to identify and delineate specific natural features.

As identified in the Kilally South, East Basin Environmental Impact Study, the features in the Kilally South, East Basin Environmentally Significant Area include:

- habitat of endangered species and threatened species;
- significant wetlands;
- significant woodlands;
- significant valleylands;
- significant wildlife habitat;
- significant areas of natural and scientific interest (ANSI); and
- fish habitat.
- unevaluated wetlands; and
- unevaluated vegetation patches

The Official Plan (1989)

The City of London Official Plan (1989) outlines policies for the protection of natural features within the City of London. Section 15.4.1 of the Official Plan details the policies relating to the creation, expansion, and evaluation of Environmentally Significant Areas and the identification of unevaluated wetlands and unevaluated vegetation patches.

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). *The London Plan* policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of City Council but are not determinative for the purposes of this planning application.

Policy 1367_ identifies Environmentally Significant Areas as components of the City's Natural Heritage System. They are described as large areas that contain natural features and perform ecological functions that warrant their retention in a natural state.

Policy 1368_ states that environmentally significant areas that have been identified by City Council as being of city-wide, regional, or provincial significance are included in the Green Space Place Type on Map 1 and are identified on Map 5.

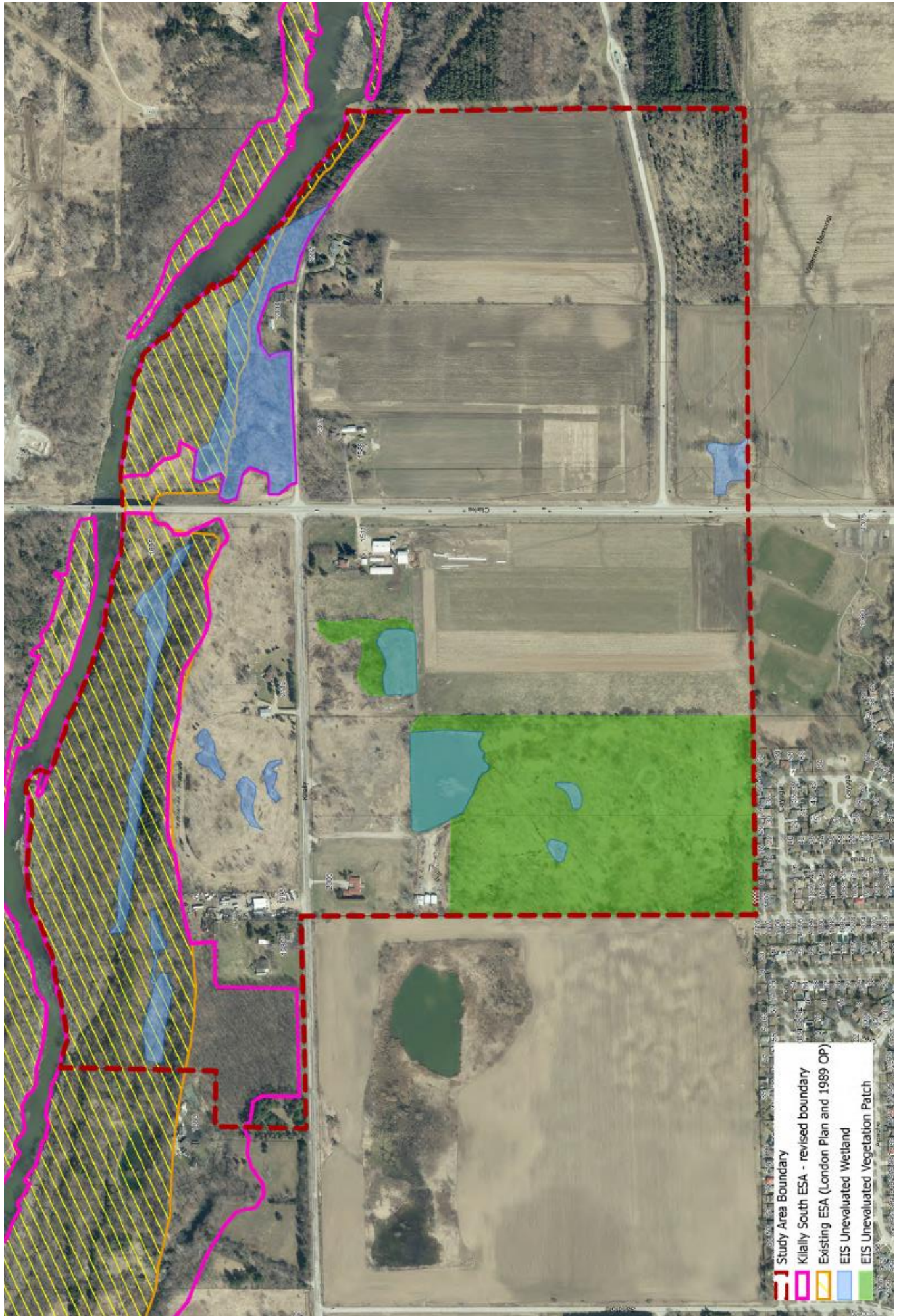
The recently completed Kilally South, East Basin Environmental Impact Study included an evaluation of these lands and identified revisions to the boundary of the ESA. The proposed amendments will amend Map 1 identifying these lands as Green Space and Map 5 as an Environmentally Significant Area, consistent with this policy.

1383_ Unevaluated vegetation patches, as identified on Map 5 were identified through the Subwatershed Plans or other environmental studies.

1335_ Development and site alteration shall not be permitted within and/or adjacent to an unevaluated wetland identified on Map 5 and/ or if an Ecological Land Classification determines that a vegetation community is a wetland that has not been evaluated.

The recently completed Kilally South, East Basin Environmental Impact Study included an evaluation of these lands and identified Unevaluated Wetlands and Unevaluated Vegetation Patches. The proposed amendments will amend Map 1 identifying these lands as Environmental Review and Map 5 as an Unevaluated Wetlands and Unevaluated Vegetation Patches, consistent with this policy.

Proposed ESA Boundary and Natural Heritage Features



4.0 Key Issues and Considerations

4.1. Environmental Significant Area and Defining Environmental Significant Area Boundary.

Section 15.4.1.3 of the 1989 Official Plan and Section 1367_ of The London Plan states that new environmentally significant areas may be identified by Council and added to Map 5 by amendment to this Plan and in conformity with the criteria set out in the Environmentally Significant Areas policies of this Plan. Environmentally significant areas recognized by Council are identified as Environmentally Significant Areas on Map 5 and included in the Green Space Place Type on Map 1.

15.4.1.3 of the Official Plan and Section 1371_ of the London Plan require that candidate areas that clearly satisfy two or more of the following criteria will be considered for recognition as environmentally significant areas:

1. The area contains unusual landforms and/or rare to uncommon natural communities within the country, province or London subwatershed region.
2. The area contains high-quality natural landform-vegetation communities that are representative of typical presettlement conditions of the dominant physiographic units within the London subwatershed region, and/or that have been classified as distinctive in the Province of Ontario.
3. The area, due to its large size, generally more than 40 hectares, provides habitat for species intolerant of disturbance or for species that require extensive blocks of suitable habitat.
4. The area, due to its hydrologic characteristics, contributes significantly to the healthy maintenance (quality or quantity) of a natural system beyond its boundaries.
5. The area has a high biodiversity of biological communities and/or associated plant and animal species within the context of the London subwatershed region.
6. The area serves an important wildlife habitat or linkage function.
7. The area provides significant habitat for rare, threatened or endangered indigenous species of plants or animals that are rare within the country, province or county

On August 26, 2020 Council received the Kilally South, East Basin EA, Environmental Impact Study and directed staff to prepare Official Plan, London Plan and Zoning By-law Amendments to designate the Kilally South, East Basin as an Environmental Significant Area as established in the Environmental Impact Study.

The Kilally South, East Basin Environmental Impact Study confirms that the area as defined as an Environmentally Significant Area meets all the above criteria and it is appropriate to be designated by Council as Open Space on Schedule A and Environmentally Significant Area on Map B-1 of the 1989 Official Plan and as Green Space on Map 1 and Environmentally Significant Area on Map 5 of the London Plan. All lands within the Environmental Significant Area as identified in the Kilally South, East Basin Environmental Impact Study will be Zoned Open Space (OS5).

4.2. 2112 Kilally Road

Three unevaluated wetlands were identified in the Environmental Impact Study on this property. These wetlands were described as: three wetland inclusions with areas of 0.14 ha, 0.14 ha and 0.08 ha, respectively. The largest wetland is a marsh dominated by Phragmites and the two smaller wetlands are swamps dominated by willows.

Possibly Significant – these wetlands are small and did not contain Species at Risk or Significant Wildlife Habitat, but they could be considered significant if they are complexed with the large wetland located on 2065 Kilally Road to the north.

The London Plan *Section 1317_ and the 1989 Official Plan state that when a new component of a Natural Heritage System has been identified through a required study associated with an environmental assessment or municipal infrastructure project, the natural heritage feature or area shall be added to 1989 Official Plan Map B-1 and London Plan Map 5 and identified as Open Space on Schedule “A” of the 1989 Official Plan and Green Space on Map 1 of the London Plan.

These wetlands have been identified through the Kilally South, East Basin Stormwater Environmental Assessment, Environmental Impact Study and will be identified on Map B-1 of the 1989 Official Plan and Map 5 of the London Plan as Unevaluated Wetlands. The wetlands will be identified on Schedule “A” of the 1989 Official Plan as Open Space and on Map 1 of the London Plan. The wetlands will be zoned Environmental Review (ER) to ensure that further studies will be taken to determine the significant prior and development of the lands.

Location of Proposed Wetlands 2112 Kilally Road



4.3. 1511 Clarke Road and 2065 Kilally Road

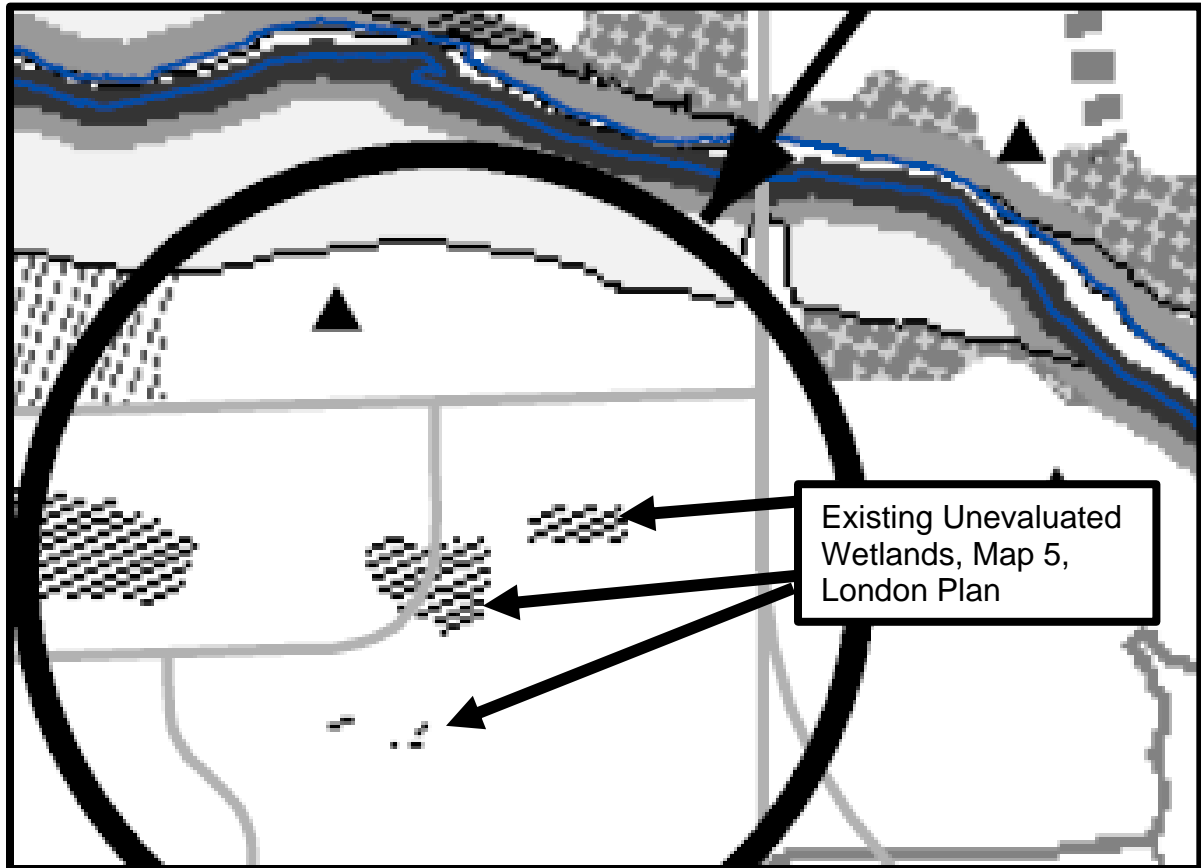
Existing Conditions

The Lands are currently designated Multi-Family Medium Density Residential and Low Density Residential in the 1989 Official Plan and Neighbourhood Place Type in the London Plan. Unevaluated wetland features are located on the properties and are identified on Map 5 of the London Plan.

Section 15.4 of the Official Plan and Section 1335_ of the London Plan state that Development and site alteration shall not be permitted within and/or adjacent to an unevaluated wetland identified on Map 5, and that City Council shall require that the unevaluated wetlands be evaluated by qualified persons in accordance with the Ontario Wetlands Evaluation System. The evaluation must be approved by the Ministry of Natural Resources and Forestry.

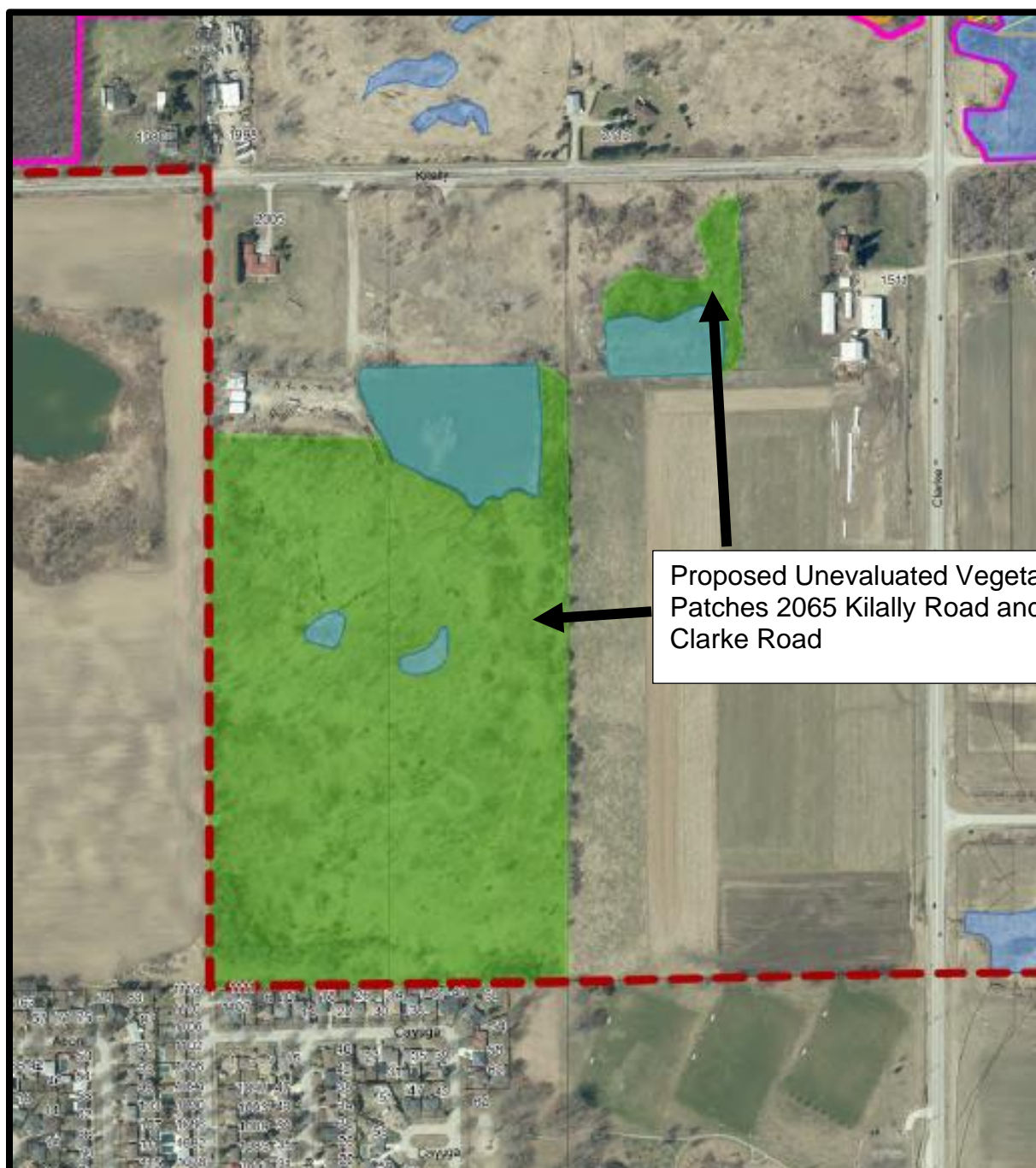
The wetlands are identified on Map 5 of the London Plan. An amendment to the 1989 Official Plan Map B-1 is proposed to add the identified wetlands. The identified wetlands will require the completion of an Ontario Wetlands Evaluation with approval of the Ministry of Natural Resources and Forestry prior to any development of the sites.

Existing Unevaluated Wetlands 2065 Kilally and 1511 Clarke Road



The Kilally South, East Basin Stormwater Environmental Assessment, Environmental Impact Study, has identified an unevaluated vegetation patch on the rear portion of the 2065 Kilally Road and on the front northwest portion of 1511 Clarke Road.

Proposed Unevaluated Vegetation Patches 2065 Kilally Road and 1511 Clarke Road



The proposed amendment to the 1989 Official Plan and The London Plan is to designate the unevaluated vegetation patch as Environmental Review and to amend the Zoning By-law to Environmental Review (ER) and to add unevaluated vegetation patches to Official Plan Map B-1 and London Plan Map 5.

The property owner of 2065 Kilally Road in a letter dated January 8, 2021 (attached appendix D) opposes the proposed amendments stating that: *Currently, The London Plan has identified our property located at 2065 Kilally Road as Neighborhood Place Type on Map 1 and has only identified the existing dug pond as unevaluated wetland. It, therefore, comes to our surprise that after such an extensive and comprehensive review of the London Plan that more than 75% of the property is being proposed to change from "Neighborhood" to "Environmental Review". It should be noted that the property is a former aggregate pit and that the young vegetation that exists sporadically does not represent significant habitat or woodlands and is in fact "scrublands" therefore does not meet the required threshold of the proposed Place Type.*

There are numerous policies that exist that will require a development application to determine significance and retention or if the lands are available for development. We do not support the proposal and see no warrant in the change as these lands, having

been fully extracted are prime to fulfill the housing objectives of the PPS and City of London Official Plan.

On December 9, 2020, a phone call with the property owner at 1511 Clarke Road stated that he was opposed to the proposed amendments.

Section 15.4.3 of the 1989 Official Plan and Section 1383_ of the London Plan state that:

- unevaluated vegetation patches, as identified on Map 5 and Map B-1 were identified through the Subwatershed Plans or other environmental studies.
 - These unevaluated vegetation patches were identified through the Kilally South, East Basin Stormwater Management Environmental Assessment, Environmental Impact Study. These unevaluated vegetation patches have been identified through an environmental study. The proposed amendment to add the unevaluated vegetation patches to London Plan Map 5 and Official Plan Map B-1 conforms to the Official Plan and London Plan policies.
- These features may include treed areas, swamps, wetlands, savannahs, old field plantations, or other similar natural features.
 - The Environmental Impact Study states that:
 - The unevaluated vegetation patch on 2065 Kilally Road is a complex feature which contains a mosaic of woodland, thicket, meadow and marsh communities. It is difficult to delineate the boundaries of woodland features on this property. However, the woodland is larger than 0.50 ha on 2065 Kilally Road (OP 89 Section 15.4.14 and LP Section 1385) and would be considered significant because it is located within a groundwater recharge area and contains Significant Wildlife Habitat: and
 - The unevaluated vegetation patches on 2065 Kilally Road and 1511 Clarke Road could not be surveyed to a sufficient level of detail due to lack of property access. However, woodland and thicket communities on these properties are within 230 m of the pond located on 2065 Kilally Road which is a significant amphibian breeding habitat (woodland type). As a result, these woodlands would likely also qualify as Significant Woodlands as defined in the City's Environmental Management Guidelines (2007); however, the precise boundaries of the Significant Wildlife Habitat will need to be refined through further study along with significant woodland evaluation.
 - The woodlands located on 2065 Kilally Road and 1511 Clarke Road qualify as Unevaluated Vegetation Patches as per the Section 15.4.3 of the 1989 Official Plan and Policy 1383 of the London Plan and it is recommended these unevaluated vegetation patches be included on the London Plan Map 5 and the Official Plan Map B-1 as Unevaluated Vegetation Patches.
- Unevaluated vegetation patches may be included in the Environmental Review 1989 Official Plan designation on Schedule "A" and Environmental Review of the London Plan Place Type on Map 1.
 - The proposed unevaluated vegetation patches conform with the 1989 Official Plan and London Plan policies as identified unevaluated vegetation patches. The proposed amendment to designate the patches as Environmental Review on Schedule "A" of the 1989 Official Plan and on Map 1 of the London Plan conforms to Section 15.4.3 of the 1989 Official Plan and Policy 1383 of the London Plan.
- Unevaluated vegetation patches previously identified for development or agricultural activity will be assessed for significance and protection as part of any development application or secondary planning study.

- The current designations of these identified unevaluated vegetation patches is Residential in the 1989 Official plan and Neighbourhood Place Type in the London Plan. The proposed amendment to Environmental Review designation and Place Type identifies the patches as unevaluated and that future studies are required to determine any natural heritage significance. As part of any future development application on the properties an Environmental Impact Study will be required to be submitted as part of a complete application. The determination of significance will be evaluated during this process.

Conclusion

The proposed amendments to the 1989 Official Plan, The London Plan and Zoning By-law Z.-1 to establish the boundary of the Kilally South, East Basin Environmentally Significant Area as established in the Kilally South, East Basin Environmental Impact Study is appropriate. The amendments meet the intent of Section 2.1 of the PPS, Section 15.4.1 of the 1989 Official Plan and Section 1367_ of The London Plan.

The proposed zoning amendment to zone all the lands within the boundary of the Kilally South, East Basin Environmentally Significant Area as Open Space (OS5) will protect the lands and only allow conservation uses.

The proposed amendment to Schedule "A" and Map B-1 of the 1989 Official Plan and Map 1 and Map 5 of the London Plan to add Environmental Review designation and Place Type and unevaluated wetlands and for the unevaluated vegetation patches meet the intent of Section 2.1 of the PPS, Section 15.4.3 of the 1989 Official Plan and Section 1383_ of The London Plan.

The proposed amendments represent good planning and are an appropriate use of the lands.

Prepared by: Craig Smith
Senior Planner, Sustainability and Resiliency

Submitted by: Michael Fabro
Manager, Sustainability and Resiliency

Recommended by: Gregg Barrett, AICP
Director, City Planning and City Planner

X:\Shared\Planning APPLICATIONS\Applications\City Planning - City Initiated Files\2020\9275OZ -Kilally South, East Basin ESA - 1918 to 2304 and 2005 to 2331 Kilally Road\PEC\PEC-OZ-9275 Kilally South(2).docx

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2021)

By-law No. C.P.-1284-
A by-law to amend the Official Plan for
the City of London, 1989 relating to the
Meadowlily Environmentally Significant
Area.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. # to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c. P.13*.

PASSED in Open Council on May 4, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 4, 2021
Second Reading – May 4, 2021
Third Reading – May 4, 2021

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To change the designation of 1918 to 2304 and 2005 to 2331 Kilally Road described herein from Urban Reserve Community Growth, Multi-family Medium Density Residential and Environmental Review designations, to an Open Space designation and from an Open Space Designation and Low Density Residential to an Environmental Review designation on Schedule “A”, Land Use, to the Official Plan for the City of London.
2. To apply an “Environmentally Significant Area” (ESA) delineation on Schedule “B-1”, (Flood Plain and Environmental Features) to the Official Plan for the City of London.
3. To add “Unevaluated Wetlands and Unevaluated Vegetation Patches” on Schedule “B-1” (Flood Plain and Environmental Features) to the Official Plan for the City of London.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to Kilally South, East Basin Environmentally Significant Area lands in the City of London.

C. BASIS OF THE AMENDMENT

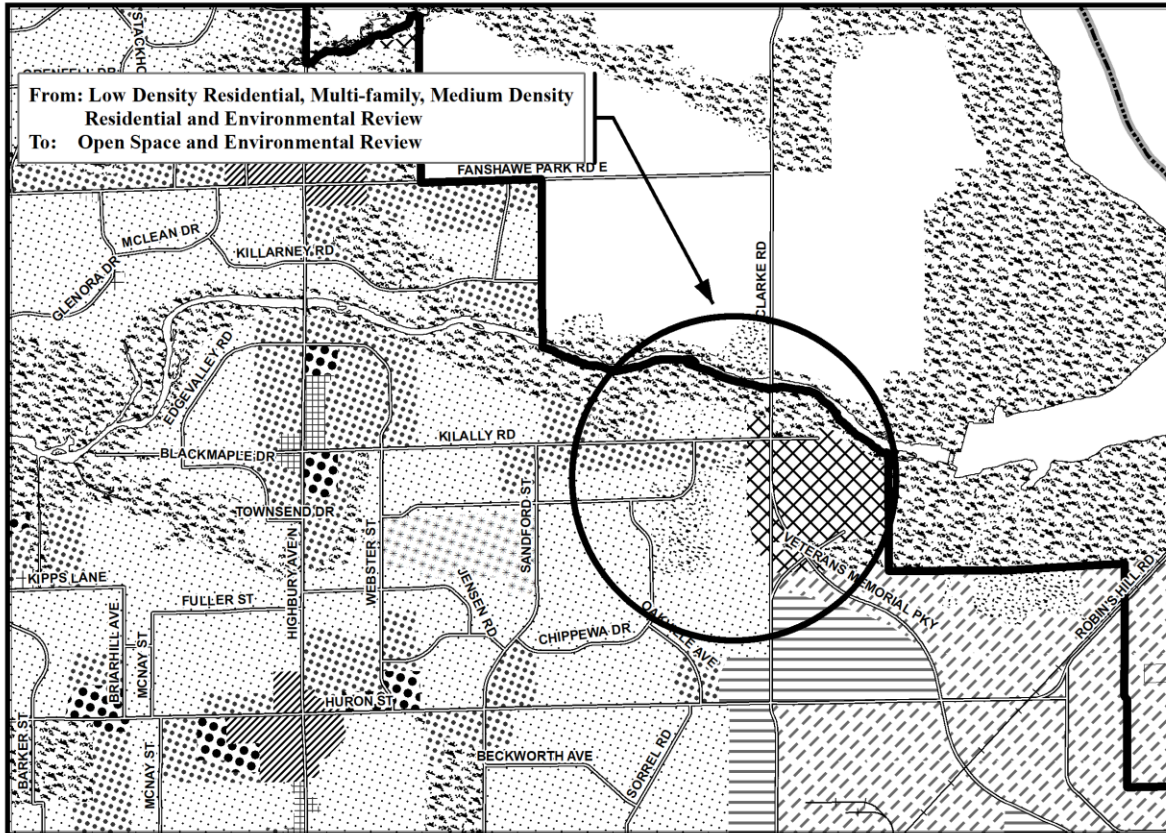
Based on more detailed information that has been made available through the completion of the Kilally South, East Basin, Environmental Impact Study, the final land use designations and Natural Heritage features can now be accurately confirmed in the Official Plan.

D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Schedule “A”, Land Use, to the Official Plan for the City of London Planning Area is amended by designating those lands within the Kilally South, East Basin Environmentally Significant Area in the City of London, as indicated on “Schedule 1” attached hereto from an Urban Reserve Community Growth, Multifamily Medium Density Residential and Environmental Review designations, to an Open Space designation and from a Low Density Residential designation to an Environmental Review designation.
2. Schedule “B-1” Flood Plain and Environmental Features, to the Official Plan for the City of London Planning Area is amended by changing the delineation to the lands identified as the Kilally South, East Basin Environmentally Significant Area that are designated Open Space as amended above as Environmentally Significant Area as indicated on “Schedule 2” attached hereto.
3. Schedule “B-1” Flood Plain and Environmental Features, to the Official Plan for the City of London Planning Area is amended by adding Unevaluated Wetlands and Unevaluated

Vegetation Patches as indicated on "Schedule 2" attached hereto.

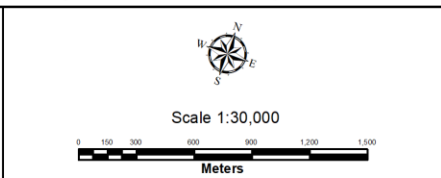


Legend

- | | | |
|---|--|-------------------------|
| Downtown | Multi-Family, Medium Density Residential | Office Business Park |
| Wonderland Road Community Enterprise Corridor | Low Density Residential | General Industrial |
| Enclosed Regional Commercial Node | Office Area | Light Industrial |
| New Format Regional Commercial Node | Office/Residential | Commercial Industrial |
| Community Commercial Node | Regional Facility | Transitional Industrial |
| Neighbourhood Commercial Node | Community Facility | Rural Settlement |
| Main Street Commercial Corridor | Open Space | Environmental Review |
| Auto-Oriented Commercial Corridor | Urban Reserve - Community Growth | Agriculture |
| Multi-Family, High Density Residential | Urban Reserve - Industrial Growth | Urban Growth Boundary |

This is an excerpt from the Planning Division's working consolidation of Schedule A to the City of London Official Plan, with added notations.

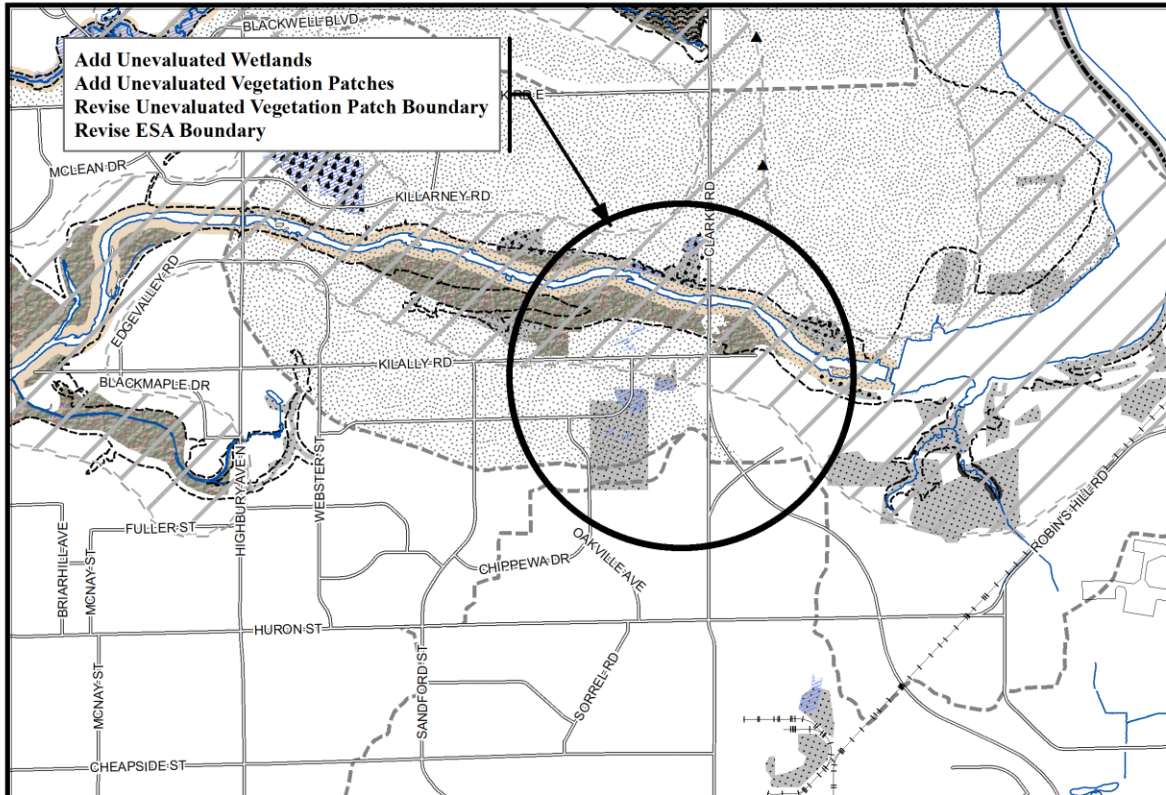
**SCHEDULE 1
TO
OFFICIAL PLAN**
 AMENDMENT NO. _____
 PREPARED BY: Graphics and Information Services
















FILE NUMBER: OZ-9275
PLANNER: CS
TECHNICIAN: MB
DATE: 2021/02/25

Map Schedule B-1


AMENDMENT NO:









NATURAL HERITAGE SYSTEM

-  ESAs
-  Potential ESAs
-  Significant Woodlands
-  Woodlands
-  Unevaluated Vegetation Patches
-  Significant River, Stream, and Ravine Corridors
-  Unevaluated Stream and Ravine Corridors
-  Provincially Significant Wetlands
-  Locally Significant Wetlands
-  Unevaluated Wetlands
-  Potential Naturalization Areas
-  Potential Upland Corridors
-  Ground Water Recharge Areas

NATURAL HAZARDS

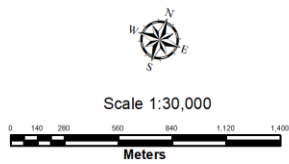
-  Maximum Hazard Line
- NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.*
- NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.*

Base Map Features

-  Railways
-  Water Courses/Ponds
-  Streets (refer to Schedule "C")
-  Conservation Authority Boundary
-  Subwatershed Boundary
-  Big Picture Meta-Cores and Meta-Corridors

This is an excerpt from the Planning Division's working consolidation of Schedule B1 to the City of London Official Plan, with added notations.

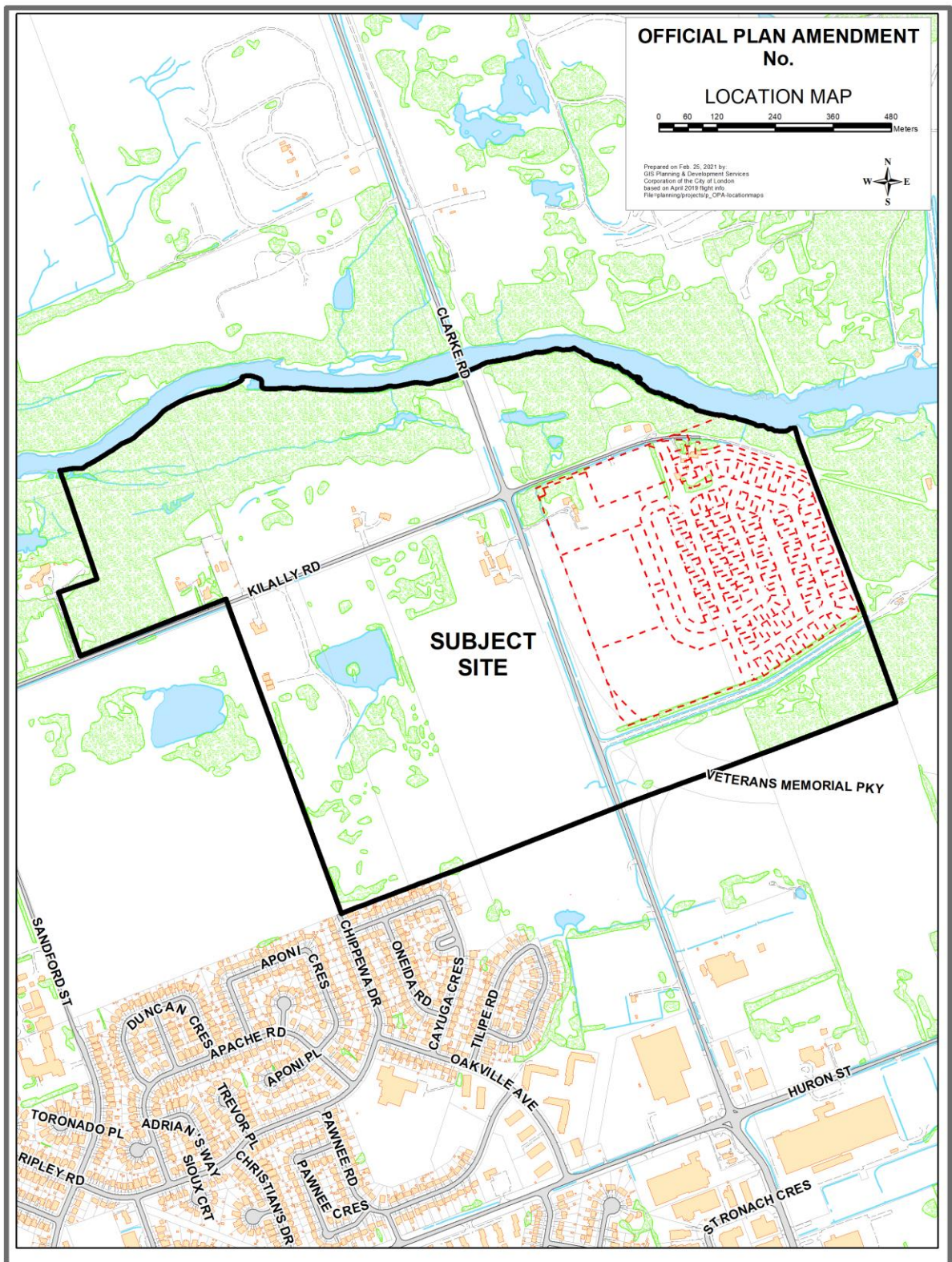
SCHEDULE #####
TO
OFFICIAL PLAN
 AMENDMENT NO. _____
 PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-9275
PLANNER: CS
TECHNICIAN: MB
DATE: 2021/02/25

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolidation\amendments\?????.mxd\scheduleB1_b&w_8x11_with_SWAP.mxd

Official Plan Amendment Location Map



Appendix B

Bill No. (number to be inserted by Clerk's Office)
xxx

By-law No. C.P.-XXXX-____

A by-law to amend The London Plan for the City of London, 2016 relating to the Meadowlily Environmentally Significant Area.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on xxx.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – xxx
Second Reading – xxx
Third Reading – xxx

**AMENDMENT NO.
to the
THE LONDON PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To change the Place Type of 1918 to 2304 and 2005 to 2331 Kilally Road described herein from Neighbourhood and Environmental Review to Green Space and from Environmental Review to Neighbourhood to align with the limits of the Kilally South, East Basin Environmentally Significant Area on Schedule “A”, Map 1 – Place Type, to The London Plan for the City of London.
2. To change the Place Type of certain lands described herein from Neighbourhood to Environmental Review on Schedule “A”, Map 1 – Place Type, to The London Plan for the City of London.
3. To change the designation from Potential Environmentally Significant Area to Environmentally Significant Area on Map 5 - Natural Heritage.
4. To add unevaluated wetlands and unevaluated vegetation patches on Map 5- Natural Heritage.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to Kilally South, East Basin Environmentally Significant Area lands in the City of London.

C. BASIS OF THE AMENDMENT

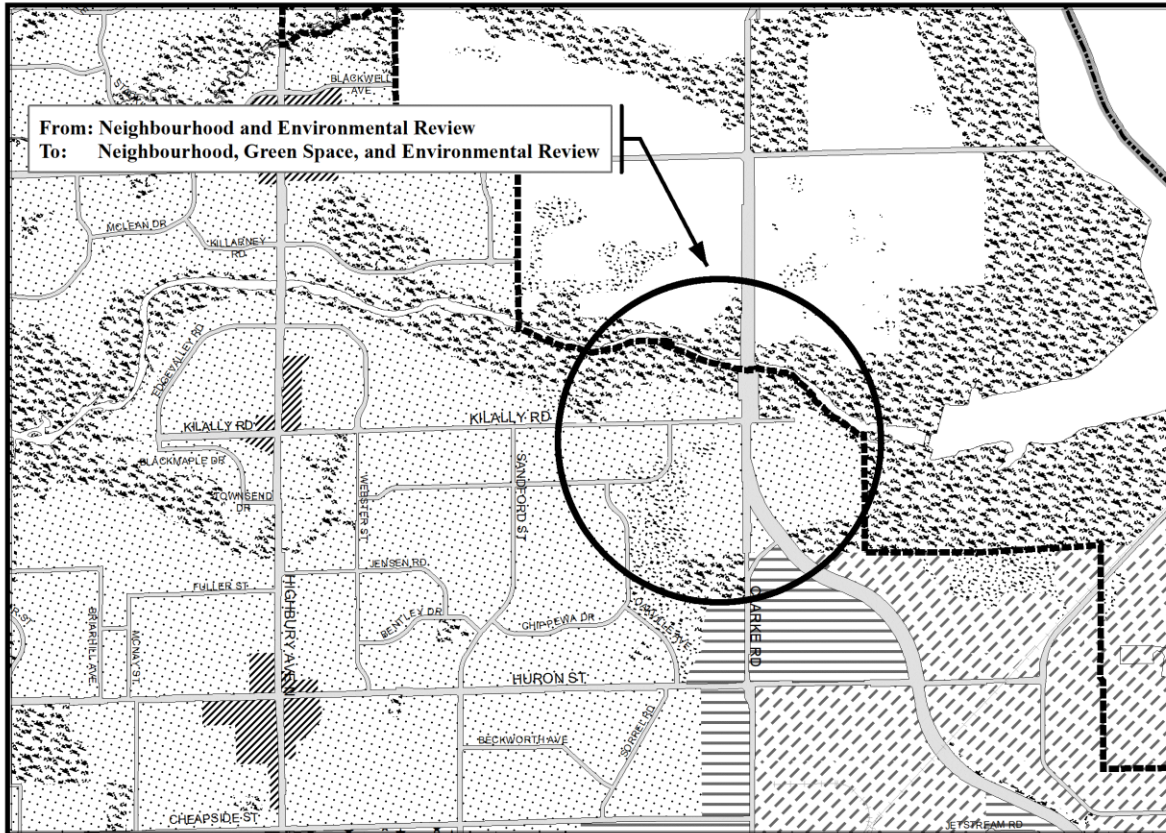
Based on more detailed information that has been made available through the completion of the Kilally South, East Basin Environmental Impact Study, the final land use designations and Natural Heritage features can now be accurately confirmed in the Official Plan

D. THE AMENDMENT

The London Plan for the City of London is hereby amended as follows:

1. Map 1 - Place Types, to the London Plan for the City of London Planning Area is amended by designating those lands located within the Kilally South, East Basin Environmentally Significant Area in the City of London, as indicated on “Schedule 1” attached hereto from Neighbourhoods and Environmental Review to Green Space and from Environmental Review to Neighbourhoods.
2. Map 1- Place Types, to the London Plan for the City of London Planning Area is amended by changing Neighbourhood to Environmental Review as indicated on “Schedule 1” attached hereto.
3. Map 5 - Natural Heritage, to the London Plan for the City of London Planning Area is amended by designating those lands located within the Kilally South, East Basin Environmentally Significant Area the City of London, as indicated on “Schedule “2” attached hereto to change the designation Potential Environmentally Significant Area and Unevaluated Vegetation Patch to Environmentally Significant Area.
4. Map 5 - Natural Heritage, to the London Plan for the City of London Planning Area is amended by adding Unevaluated Vegetation Patches

and Unevaluated Wetlands as indicated on "Schedule "2" attached hereto.



Legend

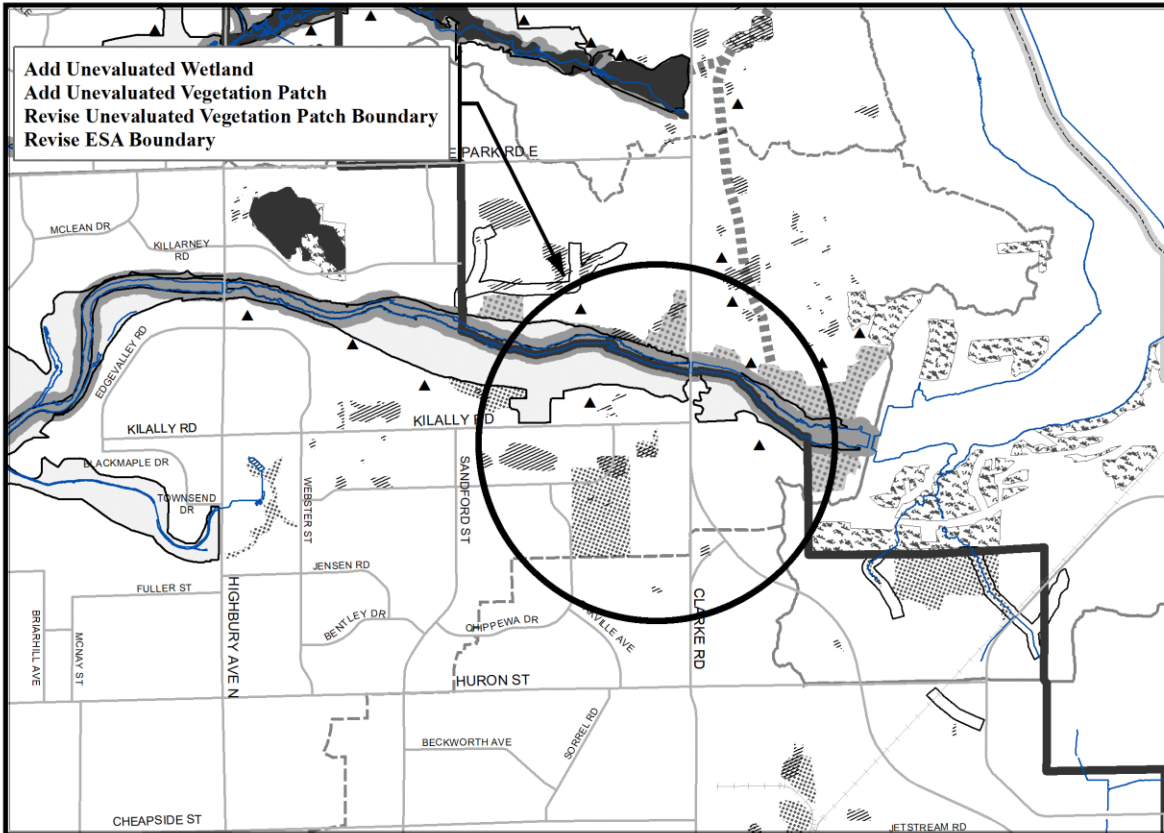
- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

<p>SCHEDULE # TO THE LONDON PLAN</p> <p>AMENDMENT NO. _____</p> <p>PREPARED BY: Planning Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-9275</p> <p>PLANNER: CS</p> <p>TECHNICIAN: MB</p> <p>DATE: 2/26/2021</p>
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Amended Map 5 London Plan

AMENDMENT NO:



NATURAL HERITAGE SYSTEM

- Provincially Significant Wetlands
- Wetlands
- Unevaluated Wetlands
- Significant Woodlands
- Woodlands
- Significant Valley Lands
- Valley Lands

- Areas of Natural and Scientific Interest
- Environmentally Significant Areas (ESA)
- Potential ESAs
- Upland Corridors
- Potential Naturalization Areas
- Unevaluated Vegetation Patches

Base Map Features

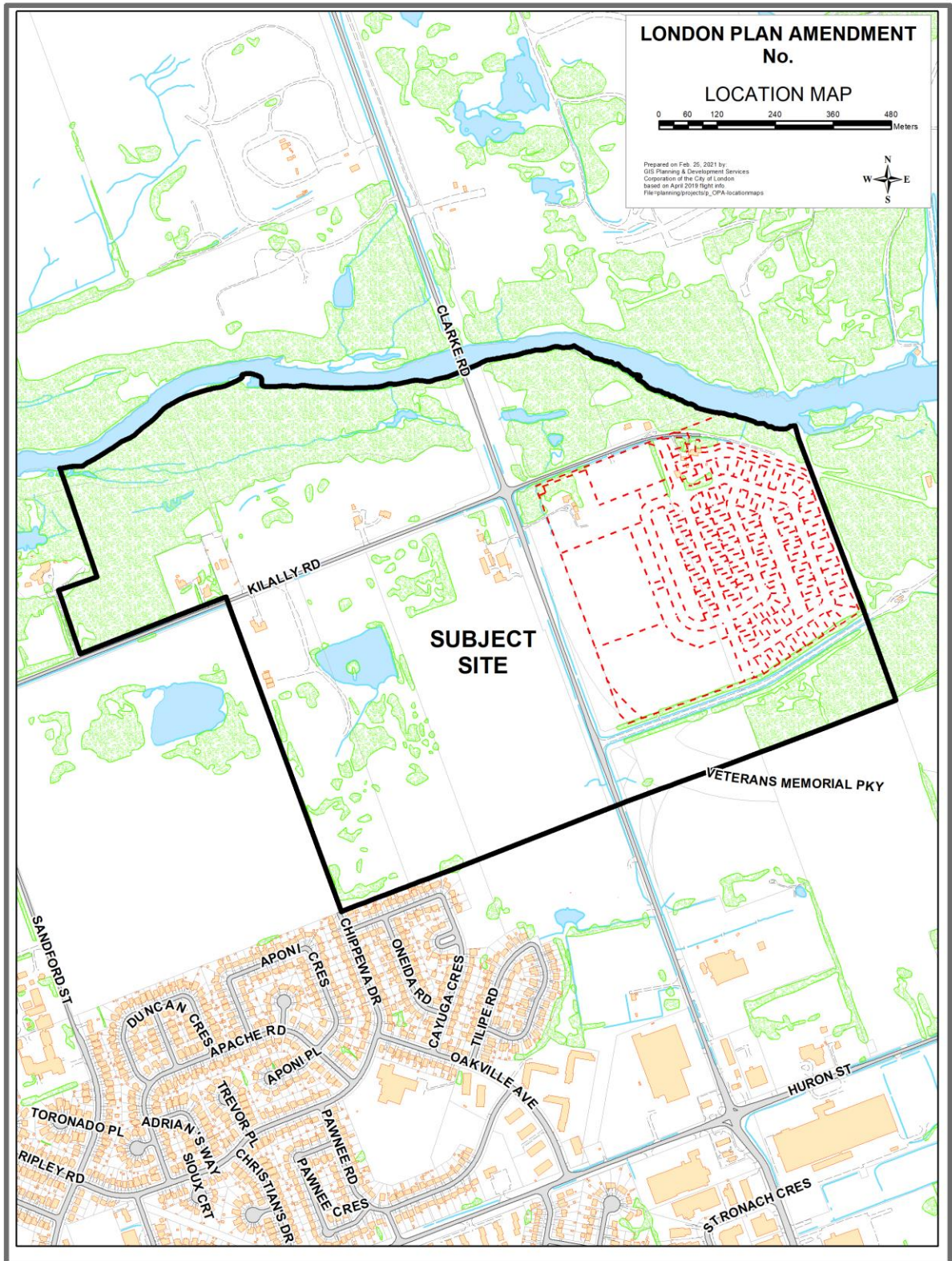
- Railways
- Water Courses/Ponds
- Streets (see Map 3)
- Conservation Authority Boundary
- Subwatershed Boundary

This is an excerpt from the Planning Division's working consolidation of Map 5 - Natural Heritage of the London Plan, with added notations.

<p>SCHEDULE # TO THE LONDON PLAN</p> <p>AMENDMENT NO. _____</p> <p>PREPARED BY: Planning Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-9275</p> <p>PLANNER: CS</p> <p>TECHNICIAN: MB</p> <p>DATE: 2/26/2021</p>
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London Plan Location Map



Appendix C

Bill No. (number to be inserted by Clerk's Office)
2021

By-law No. Z.-1-21_____

A by-law to amend By-law No. Z.-1 to
rezone the Kilally South, East Basin
Environmentally Significant Area.

WHEREAS the City of London has applied to rezone the Kilally South, East Basin Environmentally Significant Area, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located within the Kilally South, East Basin Environmentally Significant Area, as shown on the attached map, from an Urban Reserve (UR3) Zone, to an Open Space (OS5) Zone and from an Urban Reserve (UR2) Zone and Urban Reserve (UR3) Zone, to an Environmental Review (ER) Zone.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on xxx.

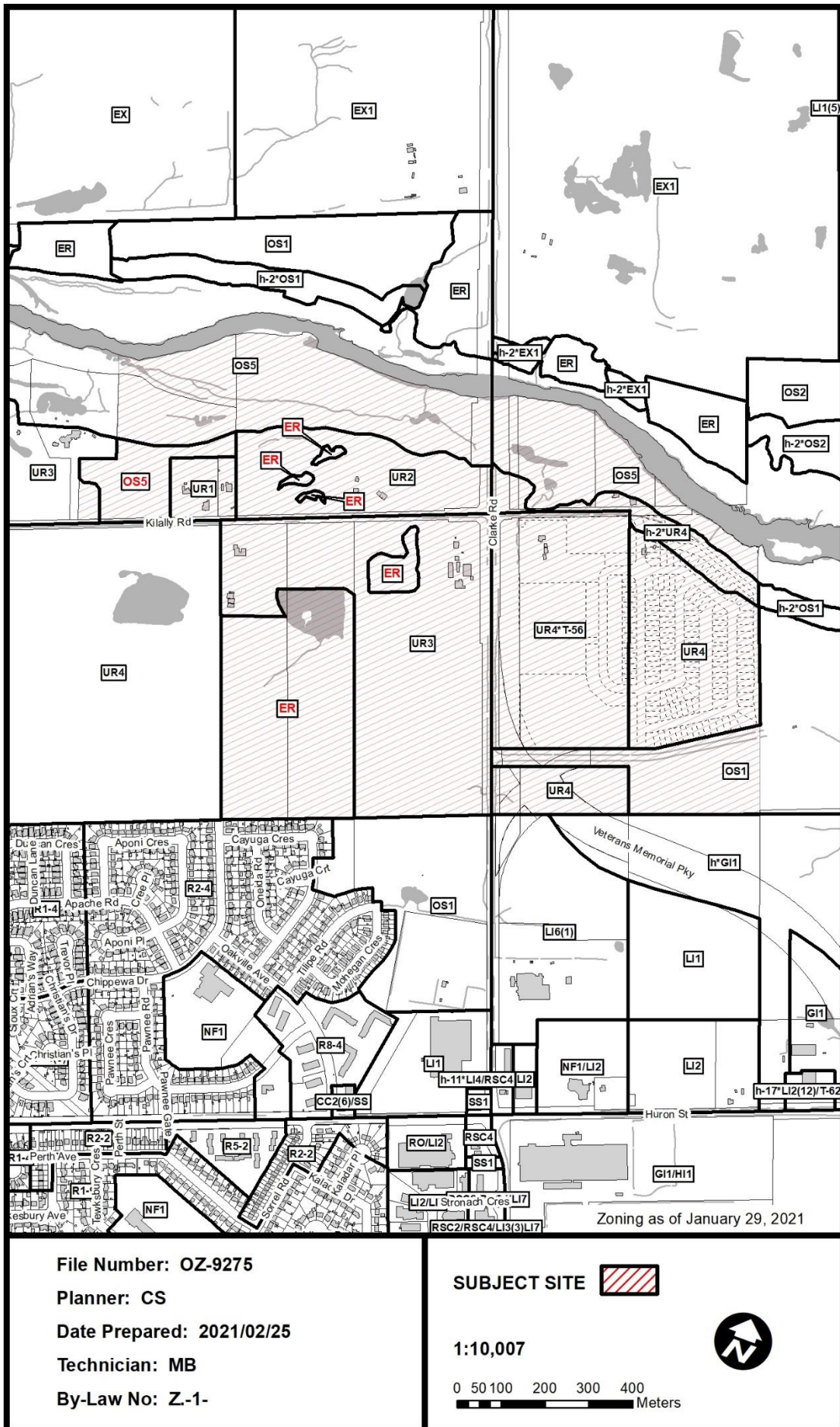
Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – xxx
Second Reading – xxx
Third Reading – xxx

Zoning Amendment Map

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



Appendix D – Public Engagement

Community Engagement

Public liaison: On December 3, 2020, Notice of Application was sent to 344 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 3, 2020. A “Planning Application” sign was also posted on the site.

7 replies were received

Nature of Liaison: The purpose and effect of this Official Plan and Zoning change is to amend the area as identified as an Environmental Significant Area in the Kilally South, East Basin Environmental Impact Study to an Open Space designation in the City of London Official Plan, Green Space in The London Plan, the areas identified as unevaluated wetlands and unevaluated vegetation patches as Environmental Review and to add on Maps B-1 of the Official Plan and Map 5 of the London Plan the Environmental Significant Area Boundary and the areas identified as unevaluated wetlands and unevaluated vegetation patches and to amend the Zoning of the lands to Open Space (OS5) Zone and to zone the areas identified as unevaluated wetlands and unevaluated vegetation patches as Environmental Review.

Responses: A summary of the various comments received include the following:

Concern for:

2- property owners do not want lands designated Environmental Review and unevaluated vegetation patches (see body of report for analysis);

4- property owners were looking for clarification; and

The Upper Thames River Conservation Authority supports the proposed amendments.

Responses to Public Liaison Letter and Publication in “The Londoner”

Written	Phone Call
Auburn Developments 560 Wellington Street London ON N6A 3R4	Bruce Johnson 1511 Clarke Road London ON N5V 5B4
Upper Thames River Conservation Authority 1424 Clarke Road London ON N5V 5B9	Chris Dehart 2304 Kilally Road
David and Milica Litt 1980 Kilally Road London, ON	Lew Lint 2112 Kilally Road
Joan & John Marcin	
Morgan Stackhouse	



January 8th, 2021.

City of London,
Development and Compliance Services
300 Dufferin Ave.
London, ON N6A 4L9

Attention : Mr. Craig Smith, MCIP, RPP Senior Planner

Re: OZ-9275-Kilally Road – 2065 Kilally Road

Please be advised that we received the above-referenced Notice just prior to the Christmas break and offer the following subsequent to our meeting on January 7th, 2021.

Currently, The London Plan has identified our property located at 2065 Kilally Road as Neighbourhood Place Type on Map 1 and has only identified the existing dug pond as an unevaluated wetland. It therefore, comes to our surprise that after such an extensive and comprehensive review of The London Plan, that more than 75% of the property is being proposed to change from 'Neighbourhood' to 'Environmental Review'. It should be noted that the property is a former aggregate pit and that the young vegetation that exists sporadically does not represent significant habitat or woodlands and is in fact 'scrub lands', therefore, does not meet the required threshold of the proposed Place Type.

There are numerous policies that exist that will require a development application to determine significance and retention or if the lands are available for development. We do not support the proposal and see no warrant in the change as these lands, having been fully extracted are prime to fulfill the housing objectives of the PPS and City of London Official Plan.

Should you wish to meet to discuss further, please advise.

Yours truly,

Per, Stephen Stapleton
Vice President
Auburn Developments Inc.

Auburn
DEVELOPMENTS
ss Stapleton@auburndev.com
www.auburndev.com

Appendix E – Policy Context

The following studies, policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

Kilally South, East Basin Stormwater Servicing Environmental Impact Study, North-South Environmental Inc.

Provincial Policy Statement, 2020

The London Plan

1317,1319, 1320,1333,1335,1336,1368,1369,1383,1431 wetland policies

1989 Official Plan

15.4.1.1, 15.4.4.13, 15.4.2 wetland policies

Z.-1 Zoning By-law

Section 2- Definitions

Section 3 – Zones and Symbols

Section 4 – General Provisions

Section 36 – Open Space (OS) Zone

Section 37- Environmental Review (ER) Zone



April 15th, 2021.

City of London,
Planning and Environment Committee
300 Dufferin Ave.
London, ON N6A 4L9

Attn: Councillor Phil Squire (Chair) PEC

VIA: e-mail: psquire@london.ca

Re: Kilally South ESA-1918 to 2304 and 2005 to 2331 Kilally Road – OPA & ZBA

Please be advised that notwithstanding our submission regarding lands at 2065 Kilally Road, staff have proceeded with a recommendation to change the current Neighbourhood Place Type to Environmental Review on Map 1.

We would like PEC and Council to know that staff did not seek nor were given access to our property and have therefore, accepted a 'desktop' analysis to support this change in Land Use. This approach would certainly not be acceptable if the private sector made a similar submission and therefore, should not be acceptable to Council.

The site is a depleted aggregate pit and given this status, should be viewed as a premium opportunity for growth. The vegetation is due to the previous owners neglect and the water feature is not a natural feature and is a man-made feature that was dug for aggregate washing. The approach taken by staff shows a bias towards restricting growth in favour of attempting to heighten insignificant and made features to a level beyond the pale and have minimized consideration of the other relevant policies of the London Plan and apply the proper emphasis relating to this area specifically. We have completed our own analysis and review of their consultants work and take issue with the methodology as well as the findings.

The acceptance of the recommendation offered by staff based on flawed information, signals to the development industry that growth will continue to be restricted and prices will continue to escalate. The continued depletion of recognizable 'developable lands' is a trend that will only impede directives of this Council regarding affordability.

In conclusion, the site is not a significant natural heritage feature/site and should not be redesignated to restrict growth or add costs to future development applications and will most certainly result in appeals.

The London Plan requires additional studies at the time of application and given no access was requested or given, the report is insufficient to justify the change requested.

We respectfully request the refusal of this application as it relates to our property as it has been mischaracterized as natural features worthy of retention and unduly constrains approx. ninety (90%) percent of our property from future growth.

Yours truly,
Auburn Developments Inc



Per; Stephen Stapleton,
Vice President

Attachments:

- Aerial Photo – 2065 Kilally Road property
- Excerpt – Neighbourhood Place Type, The London Plan, 2065 Kilally Road

c.c. Mr. George Kotsifas gkotsifa@London.ca
Mr. Craig Smith crsmith@London.ca
pec@london.ca.



April 16th, 2021.

City of London,
Planning and Environment Committee
300 Dufferin Ave.
London, ON N6A 4L9

Attn: Councillor Phil Squire (Chair) PEC

VIA: e-mail: psquire@london.ca

Re: 2065 Kilally Road - Kilally South ESA

Further to our correspondence of April 15th, 2021, please find attached additional information for consideration supporting our request to refuse staff's recommendation regarding our lands at 2065 Kilally Road.

Please contact me directly should you have any questions or concerns.

Yours truly,
Auburn Developments Inc

A handwritten signature in black ink, appearing to read "Stephen Stapleton", written over a horizontal line.

Per; Stephen Stapleton,
Vice President

Attachment:

- **Review of the Natural Heritage Study for Kilally Road South EA, MTE, April 14, 2021.**

c.c. Mr. George Kotsifas gkotsifa@London.ca
Mr. Craig Smith crsmith@London.ca
pec@london.ca



MTE Consultants
123 St. George St., London, ON N6A 3A1

April 14 2021
MTE File No.: 47825-100

Steve Stapleton
Auburn Homes
566 Wellington St
London ON N6A 3R4

Dear Steve:

Re: Review of the Natural Heritage Study for Kilally Road South EA

I have reviewed the EIS report (North-South, Feb 2021) that was produced in support of the Kilally South, East Basin Stormwater Servicing project undertaken by the City of London. This review is specific to the property owned by your corporation which lies south of Kilally Road and the proposed Official Plan amendments to Map 1 of the London Plan.

It is my understanding that there was no access granted for study on this property. Therefore, all conclusions must have been based on road side surveys. While this study approach may be acceptable in the context of devising Stormwater servicing options for future development, it is not an acceptable study effort to assign landuse designations to this property; a task which is outside the scope of the original report.

On Map 1 of the report, North-South has identified two study locations on the property [Map attached with Auburn property ownership highlighted), which are within the Auburn land holdings. A review of the field notes suggest the amphibian surveys were done at the roadside, not next to the aggregate extraction pond. That map is incorrect and should be fixed. Further, there is a breeding bird survey location noted but none of the breeding bird studies were compartmentalized to the specific locations. Again, without access permission, this call study location is incorrect and should be deleted from Map 1 of the EIS.

General Comments

This area owned by Auburn is clearly a former aggregate extraction area. These constructed features, similar to stormwater management ponds, sewage lagoons and landscape pond - all of which support plants and wildlife – should not be considered as part of the Natural Heritage System. I do not disagree that there is opportunity to review these features for opportunities in future development scenarios. As such, the aggregate pond is already identified as Unevaluated Wetland on Map 5. The recently agreed upon London Plan Map 1 retained the landuse designations as before, recognizing some assessment of the aggregate pond would be required at the time of development.

Nevertheless, the North-South Report chose to update Map 5 based on their study which was designed to determine stormwater management locations and servicing options; not land use.

There are two findings within the subject lands which led North-South to conclude the features

should be listed as ER on Map 5 of the London Plan as follows:

- 1) Significant Wildlife Habitat (amphibian breeding for both woodland and wetlands)
- 2) Eastern Meadowlark Habitat

Amphibian Breeding

In appendix 8 of the NSE report, the amphibian data is presented via field notes. All reported results are from the roadside in relation to this pond (Pond 4). In those notes, the results are not clear, even to the investigator. They had difficulties in determining call codes (Marsh Monitoring protocol) because of wind, traffic and even include notes that they assumed the calls were coming from a pond that was over 100m away. These findings are not at all definitive as suggested in the main body of the report. With other nearby habitats possible, the poor shoreline quality of the aggregate pond and lack of overwintering habitat for these amphibians (typically under logs and leaf litter of a forest floor), this data and thus conclusions of this study are not supportive of a landuse amendment at this time. Site specific studies should be conducted at the time of a development application; studies which would already be triggered by the current and accepted London Plan maps and policies.

Eastern Meadowlark

Eastern Meadowlark is a protected species under the Endangered Species Act. Location of nesting habitat is critical to the determination of what is protected under this Act. Category 1 (10m from nest) and Category 2 (up to 100m from nest) is the main area of interest for the ESAct. North-South did not provide locational data to nesting habitat nor to where the bird was seen or heard. Often, E. Meadowlark will seek higher perches near nesting habitat to help attract a mate and observe activity in its territory. The report indicates it is a “probable breeder” somewhere nearby.

While not having conducted breeding bird surveys for this site ourselves, we have inspected the habitat, and the areas noted on the Auburn lands are not good habitat for this species. They tend to prefer grassland habitat of hay fields or old field meadows. The habitat on site is dominated by shrub and early successional trees. The habitat suited to meadowlark is interspersed amongst the woody vegetation and not large enough for nesting habitat. There is much more suitable habitat in the surrounding lands including beyond the EA study area.

Conclusion

The North-South study was not designed to determine or adjust landuse designations on a property but to guide servicing locations. The data is not clear, definitive nor properly documented to support a landuse designation change. Current London Plan policies and supporting maps are sufficient to address and refine the findings as part of a future development application. No changes to the landuse Map 1 is supportable or warranted.

Yours truly,

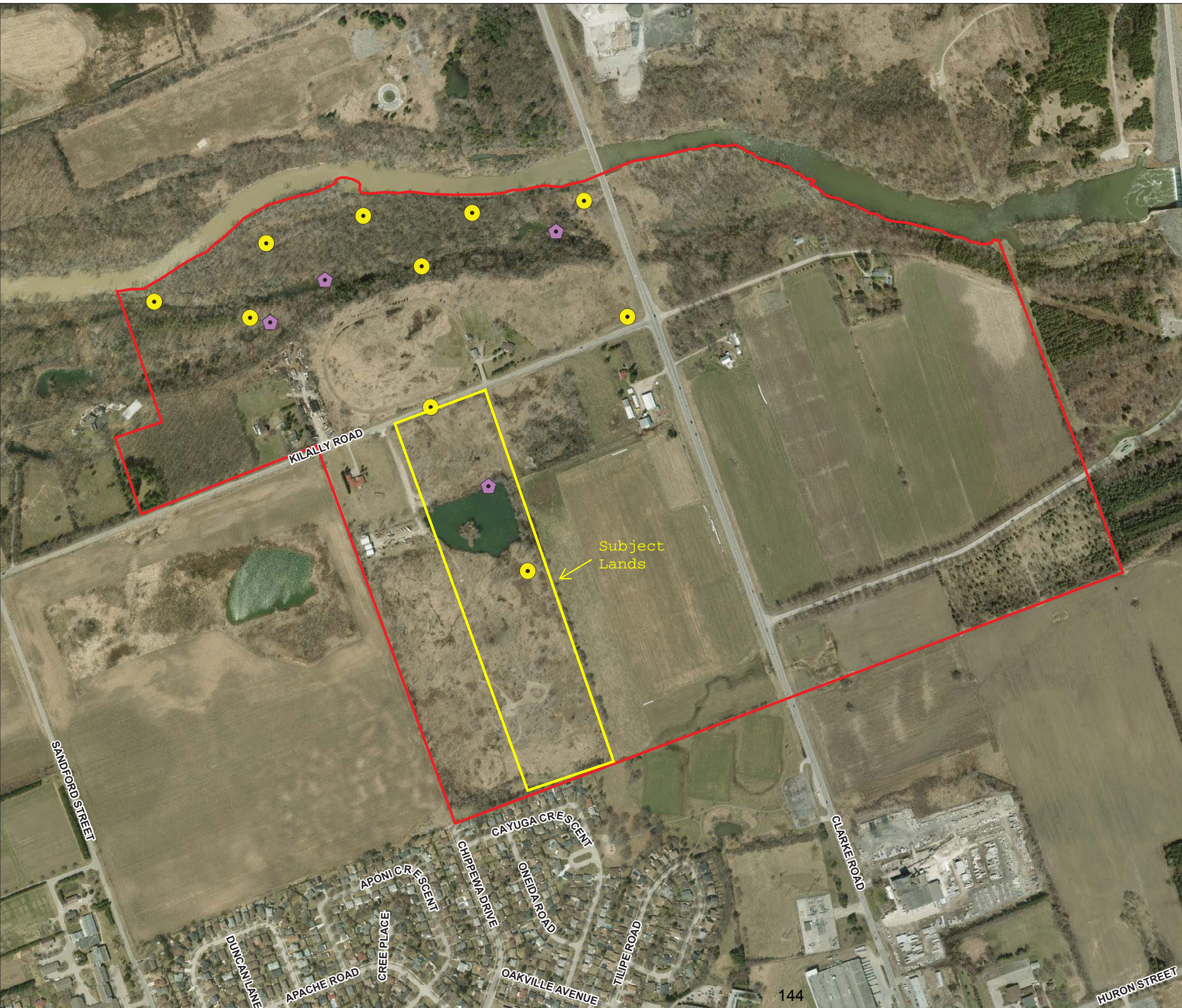
MTE Consultants Inc.



Dave Hayman MSc.
Manager, Natural Environments
519-204-6510 Ext 2241
Windsor Field Office 519-966-1645
dhayman@mte85.com
DGH:

Kilally South EA

Study Area



Legend

Study Area

Survey Points

Amphibian Call Count Survey Stations

Breeding Bird Survey Stations



Project Number 18-1042	Date: 2020-04-17	
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Data Sources:
North-South Environmental Inc., Ecosystem Recovery Inc., City of London,
Ontario Ministry of Natural Resources and Forestry



Trees and Forests Advisory Committee

Report

The 2nd Meeting of the Trees and Forests Advisory Committee
March 24, 2021

Advisory Committee Virtual Meeting - during the COVID-19 Emergency

Attendance PRESENT: A. Morrison (Chair), A. Cantell, M. Demand, A. Hames, J. Kogelheide, and A. Pascual (Committee Clerk).

ABSENT: R. Mannella and A. Valastro.

ALSO PRESENT: A. Beaton, D. MacRae, S. Meksula, C. Saunders, J.A. Spence, and B. Williamson

The meeting was called to order at 12:19 PM; it being noted that the following Members were in remote attendance: A. Cantell, M. Demand, A. Hames, J. Kogelheide, and A. Morrison.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

None.

3. Consent

3.1 1st Report of the Trees and Forests Advisory Committee

That it BE NOTED that the 1st Report of the Trees and Forests Advisory Committee from its meeting held on February 24, 2021, was received.

3.2 Notice of Planning Application - Draft Plan of Subdivision Official Plan and Zoning By-law Amendment - 14 Gideon Drive and 2012 Oxford Street West - RESUBMITTED

That the following actions be taken with respect to the Notice of Planning Application, dated February 10, 2021, from S. Meksula, Senior Planner, related to a Draft Plan of Subdivision Official Plan and Zoning By-law Amendment for the properties located at 14 Gideon Drive and 2012 Oxford Street West:

a) the Civic Administration BE REQUESTED to provide the Trees and Forests Advisory Committee (TFAC) with the Tree Preservation Plans for the following properties:

- 1478 Westdel Bourne; and,
- 3095 and 3105 Bostwick Avenue;

b) the Civic Administration BE REQUESTED to provide TFAC with the Tree Preservation Plans for any Notice of Planning Application that is sent to the Committee;

c) that Civic Administration BE REQUESTED to clarify with the applicant for the above-noted Notice the status of the woodlot located to the east of the turning circle, as illustrated on the Notice;

d) the above-noted notice, with respect to this matter, BE RECEIVED.

3.3 Urban Forest Strategy Update

That it BE NOTED that the presentation, as appended to the added agenda, from J.A. Spence, Manager, Transportation, Roadside and Forestry Operations, with respect to the Urban Forest Strategy Update, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 TFAC Work Plan

That it BE NOTED that the Trees and Forests Advisory Committee (TFAC) held a general discussion with respect to the TFAC Work Plan.

5.2 Review of Outstanding Recommendations

That it BE NOTED that the Trees and Forests Advisory Committee (TFAC) held a general discussion with respect to outstanding recommendations.

5.3 Neighbourhood Street Renewal Program

That the following actions be taken with respect to the Neighbourhood Street Renewal Program:

- a) the item BE DEFERRED to the next Trees and Forests Advisory Committee (TFAC) meeting; and,
- b) D. MacRae, Director, Roads and Transportation, BE INVITED to attend the next TFAC meeting, to provide information regarding the program.

6. Adjournment

The meeting adjourned at 2:59 PM.

Advisory Committee on the Environment

Report

3rd Meeting of the Advisory Committee on the Environment
April 7, 2021

Advisory Committee Virtual Meeting - during the COVID-19 Emergency

Attendance PRESENT: R. Sirois (Chair), N. Beauregard, M. Bloxam, J. Howell, K. May, M.D. Ross, M.T. Ross, J. Santarelli D. Szoller, A. Tipping and B. Vogel and J. Bunn (Committee Clerk)

ABSENT: R. Pate and A. Thompson

ALSO PRESENT: W. Abbott, T. Arnos, M. Fabro, M. Losee, J. Stanford and B. Westlake-Power

The meeting was called to order at 12:15 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Proposed Draft Environmental Assessment Study Report for the Expansion of the W12A Landfill

That it BE NOTED that the presentation, dated April 7, 2021, from J. Stanford, Director, Environment, Fleet and Solid Waste, with respect to the Proposed Draft Environmental Assessment Study Report for the Expansion of the W12A Landfill, was received.

3. Consent

3.1 2nd Report of the Advisory Committee on the Environment

That it BE NOTED that the 2nd Report of the Advisory Committee on the Environment, from its meeting held on March 3, 2021, was received.

3.2 Green Bin Program Design - Community Engagement Feedback

That it BE NOTED that the staff report, dated March 30, 2021, from K. Scherr, Managing Director, Environmental and Engineering Services, City Engineer, with respect to the Green Bin Program Design and Community Engagement Feedback, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 National Earth Day Event - 2040 Film

That the following actions be taken with respect to the National Earth Day Event and the 2040 Film:

- a) Asha Hodura, London Chapter of the International Circular Economy Club, BE INVITED to a future meeting of the Advisory Committee on the

Environment to speak to the above-noted film and the activities of the International Circular Economy Club; and,

b) the communication, movie poster and discussion questions, as appended to the agenda, BE RECEIVED.

5.2 ACE Work Plan Discussion - Alignment with the Climate Emergency Action Plan

That a representative of the London Environmental Network BE INVITED to a future meeting of the Advisory Committee on the Environment (ACE) to speak to the Green Homes London program; it being noted the ACE held a general discussion with respect to the ACE work plan.

6. Deferred Matters/Additional Business

6.1 (ADDED) Notice of Planning Application - Official Plan and Zoning By-law Amendments - Encouraging the Growing of Food in Urban Areas - City-Wide

That a Working Group BE CREATED to review the Notice of Planning Application, dated March 31, 2021, from C. Parker, Senior Planner, with respect to Official Plan and Zoning By-law Amendments related to Encouraging the Growing of Food in Urban Areas city wide and report back to the Advisory Committee on the Environment.

7. Adjournment

The meeting adjourned at 1:33 PM.

London Advisory Committee on Heritage

Report

4th Meeting of the London Advisory Committee on Heritage

April 14, 2021

Advisory Committee Virtual Meeting - during the COVID-19 Emergency

Attendance PRESENT: D. Dudek (Chair), S. Bergman, M. Bloxam, J. Dent, L. Fischer, S. Gibson, T. Jenkins, S. Jory, J. Manness, E. Rath, M. Rice, K. Waud and M. Whalley and J. Bunn (Committee Clerk)

ALSO PRESENT: R. Armistead, L. Dent, K. Gonyou, M. Greguol, L. Jones and M. Schulthess

The meeting was called to order at 5:30 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

L. Jones discloses a pecuniary interest in Items 2.4 and 4.1 of the 4th Report of the London Advisory Committee on Heritage, having to do with a Notice of Planning Application - Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments - 850 Highbury Avenue North and a Heritage Plaque at 505 Talbot Street, respectively, by indicating that her employer is involved in these matters.

2. Consent

2.1 3rd Report of the London Advisory Committee on Heritage

That it BE NOTED that the 3rd Report of the London Advisory Committee on Heritage, from its meeting held on March 10, 2021, was received.

2.2 Municipal Council Resolution - Wharnccliffe Road South Improvements Project

That it BE NOTED that the Municipal Council resolution, from its meeting held on March 23, 2021, with respect to the Wharnccliffe Road South Improvements Project, was received.

2.3 Notice of Revised Application and Notice of Public Meeting - Official Plan and Zoning By-law Amendments - 1153-1155 Dundas Street

That it BE NOTED that the Notice of Revised Application and Notice of Public Meeting, dated March 11, 2021, from L. Davies Snyder, Planner II, with respect to Official Plan and Zoning By-law Amendments for the properties located at 1153-1155 Dundas Street, was received.

2.4 Notice of Planning Application - Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments - 850 Highbury Avenue North

That a Working Group BE CREATED to review the Notice of Planning Application, dated March 10, 2021, from M. Corby, Senior Planner, with respect to a Notice of Application for Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments related to the property located at 850 Highbury Avenue North, as appended to the Agenda, and the Heritage Impact Assessment, dated January 2021, from Zelinka Priamo Ltd., with respect to the property located at 850 Highbury Avenue North,

as appended to the Added Agenda, and report back to the May meeting of the London Advisory Committee on Heritage.

2.5 Public Meeting Notice - Official Plan Amendment - Masonville Secondary Plan

That it BE NOTED that the Public Meeting Notice, dated March 10, 2021, from S. Wise, Senior Planner, with respect to an Official Plan Amendment related to the Masonville Secondary Plan, was received.

3. Sub-Committees and Working Groups

3.1 Stewardship Sub-Committee Report

That it BE NOTED that the Stewardship Sub-Committee Report, from its meeting held on March 31, 2021, was received.

3.2 Education Sub-Committee Report

That it BE NOTED that the Education Sub-Committee Report, from its meeting held on April 7, 2021, was received.

4. Items for Discussion

4.1 Heritage Plaque at 505 Talbot Street

That it BE NOTED that the Talbot Street History documents, as appended to the Agenda, were received.

4.2 Demolition Request for Heritage Listed Property at 88 Wellington Road

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the property located at 88 Wellington Road BE REMOVED from the Register of Cultural Heritage Resources; it being noted that the two stained glass windows pictured in Appendix B of the staff report, dated April 14, 2021, should be salvaged prior to the building's demolition.

4.3 Demolition Request for Heritage Listed Property at 92 Wellington Road

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the property located at 92 Wellington Road BE REMOVED from the Register of Cultural Heritage Resources.

4.4 Heritage Alteration Permit Application for Heritage Designated Property at 16 Cummings Avenue, Blackfriars/Petersville Heritage Conservation District by H. Wenman

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking retroactive approval and approval for alterations to the heritage designated property located at 16 Cummings Avenue, within the Blackfriars/Petersville Heritage Conservation District, BE APPROVED with the following terms and conditions:

- the existing faux wood shakes on the gables be painted;

- the Heritage Planner be circulated on the Building Permit application to verify consistency with the alterations proposed to the porch; and,
- front yard parking be prohibited and the front yard restored to landscape.

4.5 Heritage Alteration Permit Application for Heritage Designated Property at 574 Maitland Street, East Woodfield Heritage Conservation District by C. Hawkins

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking retroactive approval for alterations to the heritage designated property located at 574 Maitland Street, in the East Woodfield Heritage Conservation District, BE APPROVED with the following terms and conditions:

- exterior grilles be added to the double-hung windows to create a simulated divided lite pattern on the exterior of the windows; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

4.6 Heritage Planners' Report

That it BE NOTED that the Heritage Planners' Report, dated April 14, 2021, from the Heritage Planners, was received.

5. Adjournment

The meeting adjourned at 6:41 PM.