

Bill No. 281
2019

By-law No. C.P.-1467(____)-____

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”.

WHEREAS by Subsection 28(2) of the Planning Act, the Council of a municipal corporation may, by by-law, designate such an area as a community improvement project area;

AND WHEREAS by Subsection 28(4) of the Planning Act, the Council of a municipal corporation may adopt a community improvement plan for the community improvement project area;

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

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 Area;

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

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

1. The Downtown Façade Uplighting Grant Program Guidelines attached hereto as Schedule 2 is hereby adopted.
2. This by-law shall come into force on the date it is passed.

PASSED in Open Council on July 30, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – July 30, 2019
Second Reading – July 30, 2019
Third Reading – July 30, 2019

Schedule 2

Downtown Community Improvement Plan – Façade Uplighting Grant Program

Effective July 30, 2019

This program guideline package provides details on the new Façade Uplighting Grant Program to be contained within the existing Façade Improvement Loan program provided by the City of London (“City”) through the Downtown Community Improvement Plan (CIP).

Table of Contents

How to Read this Document

Map 1 – Downtown Community Improvement Project Area

1. Definitions
2. Purpose
3. Funding
4. Eligible Works
5. Ineligible Works
6. Determination of Grants where there are Two Street Frontages
7. Eligibility Criteria for Grant
8. General Terms of the Grant
9. Grant Amount
10. Grant Distribution
11. Grant Security
12. Grant Agreement
13. Grant Repayment Provisions
14. Transferable Grants
15. Application Process
16. Façade Uplighting Grant Program Approval
17. Additional Rehabilitation and Demolition
18. Inspection of Completed Works
19. Incentive Application Refusal and Appeal
20. Relationship to other Financial Incentive Programs
21. Monitoring & Discontinuation of Uplighting Grant Program
22. Program Monitoring Data
23. Activity Monitoring Reports

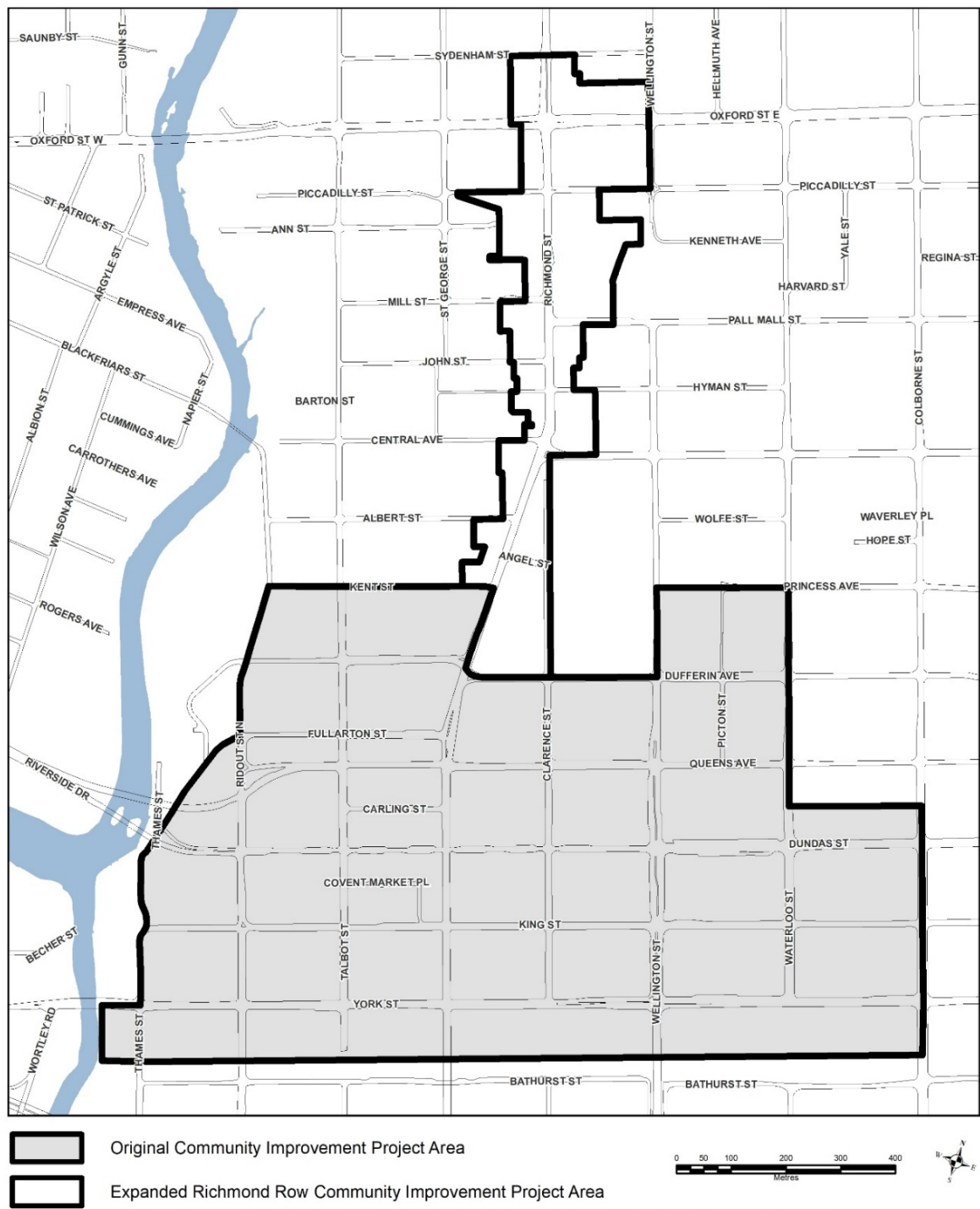
How to Read this Document

This document helps to identify what the responsibility of each stakeholder is in the Uplighting Grant Program. The initials **PO** indicate the property owner (or agent acting on behalf of the property owner) is responsible for completing that task or action, whereas **CL** indicates that a City of London staff member is responsible. Schedule 1 (not attached) contains additional details on the Façade Improvement Loan program and other Downtown CIP financial incentives.

PO – The Façade Uplighting Grant Program is available to property owners in the Downtown Community Improvement Project Area including Richmond Row (Map 1).

Map 1 – Downtown Community Improvement Project Area

THE DOWNTOWN COMMUNITY IMPROVEMENT AREA



1. Definitions

Approved Works – The materials, labour and/or effort made to improve a property that are determined to meet eligibility criteria under the incentive program requirements.

Applicant – The person who makes a formal application for a financial incentive program offered through the City's Community Improvement Plans. The person may be the owner 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. If the *Applicant* is not a registered owner of the property subject to the incentive program the *Applicant* will be required to provide authorization in writing from the registered owner as part of a complete application.

Commitment Letter – A document prepared by the City of London outlining its agreement with a property owner, to provide a future financial incentive – loan(s) and/or grant(s) – to a property owner, 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 in order to receive the grant or loan.

Complete Application – Includes a completed application form for financial incentive program(s) with the property owner(s) signature and date, which is accompanied by:

- Complete drawings of the works to be undertaken (including a façade drawing for façade projects) including:
 - An image of each elevation that is proposed to have exterior lighting improvements;
 - Colour images of the surrounding neighbourhood context;
 - Colour rendering of the proposed lighting schemes and concepts, including details in lighting fixtures and other required elements;
- If the upper floors of the building have occupied residential units, the applicant will need to show how the uplighting will not adversely impact the quality of life for those residents;
- The applicant will need to show how the lighting scheme will avoid unnecessary light pollution;
- Itemized list of specific improvements;
- Two (2) comparable quotations by qualified contractors showing cost estimates for each of the proposed works which are required to be included in the incentive program. In general, the lower of the two estimates will be taken as the cost of the eligible works the purpose of the program. Cost estimates should be consistent with the estimate noted on the accompanying Building Permit (if required);
- A cover letter that summarizes the work to be completed, summarizes the provided quotations, and outlines the proposed days/hours of operation of the lighting program;
- 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 Managing Director of Planning and City Planner, or designate.

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.

2. Purpose

The Façade Uplighting Grant Program is intended to provide exterior uplighting to enhance and highlight buildings in a manner respectful to the Downtown Heritage Conservation District. Further, the program will focus lighting on the best design and architectural features of an individual building. The Façade Uplighting Grant program will work in conjunction with the existing Façade Improvement Loan program.

3. Funding

- Total grant funding available for the pilot project will be: \$50,000
- Grant funding under the pilot project will cease on July 30, 2021, unless extended by the City of London. Commitment Letters shall expire in one year of the date of the letter, and in no case shall extend beyond July 30, 2022.
- If eligible, see Schedule 1 (not attached), applicants are permitted to also receive a Façade Improvement Loan for eligible costs not covered by the grant program.
- Grants will be payable upon the completion of the approved project subject to the eligibility criteria detailed in the program guidelines.

4. Eligible Works

Eligible works that will be financed through the Façade Uplighting Grant Program include improvements that are demonstrated to direct light to enhance the visual aesthetics of a building's exterior while meeting the Heritage Conservation District, as well as Urban Design Guidelines.

Examples of works that may be eligible under this program include:

- New or replacement light fixtures which are affixed to the exterior street front of a building that are designed or positioned to cast its light upwards;
- Any required electrical work and components to install and operate the new or replacement light fixtures;
- Any special installation requirements or components to retain the original historic fabric and materials of the subject structure;
- Professional fees and soft costs at the discretion of the Managing Director, Planning and City Planner, or designate (this includes, but is not limited to designers, architects, and engineers) limited to a maximum of \$500.

Note: Depending on the scope and nature of the proposed improvements, a Heritage Alteration Permit may be required for this work in the Downtown Heritage Conservation District.

5. Ineligible Works

The following list provides examples of materials and costs that are not eligible to be financed through this program:

- Lighting that projects into the sky and not on the building;
- Demolition;
- Operating or regular maintenance costs (for example, the cost of electricity);
- Construction not related to the exterior lighting elements;
- Electrical service upgrades;
- Utility services and installation;
- HST;
- Any other façade or Building Code improvements not identified in the Eligible Works section, unless permitted at the discretion of the Managing Director, Planning and City Planner, or designate.

6. Determination of Grants where there are Two Street Frontages

If a building has both the front and rear façade facing a municipal street (not a private street or a laneway), then the building is eligible for a Façade Uplighting Grant for each

unique street fronting façade. Further, if a building is on a corner property where two or more façades face a municipal street (not a private street or laneway), then the building is eligible for two or more Façade Uplighting Grants.

7. Eligibility Criteria for Grant

Financial Incentive Programs will not apply retroactively to work started prior to the approval of an application, by the Managing Director, Planning and City Planner, or designate.

To be eligible for the Façade Uplighting Grant Program, the applicant, property, and project must meet all conditions detailed in this program description unless permission is granted by the Managing Director, Planning and City Planner.

Property Owner Considerations

- The registered owner of the property, 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;
- All mortgages and charges must not exceed 90% of the post-rehabilitation appraised value of the property (i.e. the owner must maintain 10% equity in the property post-improvement);
- All City of London property taxes must be paid in full when the grant is issued;
- The registered owner of the property and/or applicant must have no outstanding debts to the City of London;
- The property owner and/or 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 Façade Uplighting Grant Program will not apply retroactively to work completed prior to the approval of the application, by the Managing Director of Planning and City Planner, or designate.

Property Considerations

- Properties within the Downtown Community Improvement Project Area as defined in the Downtown London 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;
- Each property is eligible to avail simultaneously of multiple incentive programs provided through the various Community Improvement Plans (for example, applications for an Uplighting Grant, an Upgrade to Building Code Loan, Facade Improvement Loan, and Tax Grant can be made at the same time).

Building Considerations

- Separate applications must be submitted for each *discrete building* (as defined) on a single property;
- Existing buildings (occupied or unoccupied) located within an identified area for improvement under the Downtown CIP;
- Where the entirety of a multi-unit building, which contains separate units, are all under the same ownership, (or with condominium status) it will be considered as one building for the purpose of the Façade Uplighting 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 Façade Uplighting Grant Program;
- Each *discrete building* is only eligible for one Façade Uplighting Grant (unless the building is eligible for additional grants under Section 6);
- Each *discrete building* is eligible to avail simultaneously of multiple incentive programs provided through the various Community Improvement Plans (for

example, applications for an Uplighting Grant, an Upgrade to Building Code Loan, Facade Improvement Loan, and Tax Grant can be made at the same time);

- There must be no City of London Building Division orders or deficiencies and no by-law infractions when the grant is issued.

8. General Terms of the Grant

The Façade Uplighting Grant Program will be a one-time grant. Applicants can apply only once under the program to discourage staged improvements over multiple years.

9. Grant Amount

Grants will be issued to cover the lesser of:

- The cost of the eligible works per *discrete building*;
- A maximum of \$5,000 per *discrete building*.

While more than one *discrete building* on a single property may be eligible for a grant, grants will not exceed 100% of the cost of the eligible works that relates to each *discrete building*.

The Façade Uplighting Grant is a one-time improvement grant. Applicants can only apply once per *discrete building* under the incentive to discourage staged improvements over multiple years.

10. Grant Distribution

The City will provide the applicant with one cheque in the full amount of the approved grant once: (1) the City has completed its due diligence to ensure the applicant and property remain eligible for the grant, and (2) the Grant Agreement has been signed. **The City will not provide partial grant amounts or progress payments.**

11. Grant Security

The grant is payable upon the completion of an approved project subject to the eligibility criteria detailed in these guidelines.

12. Grant Agreement

Participating property owners in the Façade Uplighting Grant Program shall be required to enter into a grant agreement with the City. This agreement shall specify such items as (but not limited to) the grant amount, the duration of the grant, and the owner's obligation to repay the City for any moneys received if the property is demolished before the grant period elapses. The agreement shall include the terms and conditions included in the program guidelines. The grant agreement will be signed by the property owner or authorized agent and the Managing Director, Planning and City Planner, or designate.

13. Grant Repayment Provisions

Not applicable.

14. Transferable Grants

At the discretion of the City, grants may be transferable to a new property owner providing that the new owner meets the eligibility criteria and agrees to the terms and conditions of the grant program. The new owner must submit a new application under the Façade Uplighting Grant Program.

15. Application Process

Expression of Interest

PO – It is suggested to meet with the Downtown London office regarding an expression of interest or proposal before any financial incentive application is made to the City of London. While City Planning staff are often involved in meeting with Downtown London and a property owner, no records are formally kept until a complete incentive application, accompanied by appropriate drawings and estimates, is submitted to City Planning.

Financial Incentive Programs will not apply retroactively to work started prior to the approval of an application, by the Managing Director, Planning and City Planner, or designate.

Consultation Phase

Step 1 – PO – The Applicant contacts City of London and/or Downtown London staff who 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 improvement project. 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 property owner (**PO**) 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. Discussions with City staff and Downtown London are encouraged early in the conceptual phase to ensure improvements comply with City regulations and guidelines, and the proposed improvements are eligible under the incentive program criteria. Service London staff are also available to help with clarifying/applying for applicable permits.

Concept Phase

Step 2 – PO – A *Complete Application* (see Definition Section) for the Façade Uplighting Grant Program is submitted to the City of London and/or Downtown London Staff.

Step 3 – CL – City of London City Planning 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 one year from the date of issuance of the *Commitment Letter*. The City's commitment applies only to the project as submitted. **PO – Any subsequent changes to the project will require review and approval by appropriate City staff.**

Step 4 – CL – City Planning Staff may visit the subject property and take photographs, both before and after the subject work is completed.

Construction Phase

Step 5 – PO – After obtaining all necessary approvals and/or permits and receiving a *Commitment Letter* from the City for approved works the applicant may start to undertake eligible improvements.

Financial Incentive Programs will not apply retroactively to work started prior to the approval of an application, by the Managing Director, Planning and City Planner, or designate.

Confirmation Phase

Step 6 – PO – 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. The applicant will

submit paid receipts (as proof of payment in full). Confirmation that related Building Permits or Heritage Alteration Permits are closed is also required so that the City may begin drafting an agreement.

Step 7 – CL – Before setting up any agreement City Planning staff must ensure the improvements, as described in the City's *Commitment Letter* are completed and other criteria, as set out in the respective program guidelines, have been met. Generally speaking, this includes:

- Related costs, or bills respecting those approved works are paid in full;
- Related building permits are closed;
- The loan must be in good standing with no arrears owing;
- All City of London property taxes must be paid in full and the account deemed in good standing by the Taxation Division;
- There must be no outstanding debts to the City;
- The property owner must not have defaulted on any City loans or grants;
- There must be no outstanding Building Division orders or deficiencies against the subject property.

Agreement Phase

Step 8 – CL – Once the approved works are verified by City Planning, staff will draft the grant agreement.

Step 9 – CL – City Planning staff will request a cheque, and prepare two hard copies of the grant agreement to be signed.

Step 10 – CL – When all the documentation is ready City Planning staff will contact the applicant to arrange for a meeting to sign the documents.

Step 11 – City Planning staff will have two original copies of the grant agreement available for signing. One original signed copy is kept by the applicant and one is retained by the City.

16. Façade Uplighting Grant Program Approval

Once all eligibility criteria and conditions are met, and provided that funds are available, the Managing Director, Planning and City Planner or designate will approve the application. Approval by means of a letter to the applicant will represent a commitment by the City of London. Grant commitments will be valid for one year and will expire if the work is not completed within that time period. The Managing Director, Planning and City Planner may, at his/her discretion, provide a written time extension of up to one year.

PO – It is important to note that the consideration of such an extension will require a written request from the applicant detailing the reasons the extension is being sought.

17. Additional Rehabilitation and Demolition

Additional work to the interior of the building can be undertaken without City Planning approval subject to obtaining a building and/or heritage alteration permit, when required. The grant program does not impose any specific restrictions on demolition.

18. Inspection of Completed Works

The grant will be paid to the property owner (or designate) upon receipt of invoices for all completed work and after the City inspection of all completed improvements has taken place. The City will inspect the work completed to verify that the proposed improvements have been completed as described in the application.

19. Incentive Application Refusal and Appeal

If an application is refused by the Managing Director, Planning and City Planner, the applicant may, in writing, appeal the decision to the City Clerk's Office who will provide

direction to have the matter heard before Municipal Council through the Planning and Environment Committee.

20. Relationship to other Financial Incentive Programs

It is intended that the Façade Uplighting Grant Program will complement other incentive programs offered by the City of London, in particular, the Façade Improvement Loan Program. Property owners may also qualify for financial assistance under those programs. Applicants are permitted to also receive a Façade Improvement Loan for eligible costs not covered by the grant program.

PO – Applicants are advised to check with Downtown London about its proprietary programs which complement the City's financial incentive programs.

21. Monitoring & Discontinuation of Uplighting Grant Program

As part of the program administration, City Planning staff will monitor the Façade Uplighting Grant Program. In receiving and processing applications staff will enter relevant information into a Monitoring Database. This information will be included in Incentive Monitoring Reports which will be prepared to determine if programs should continue, be modified, or cease to issue any new commitments. Each program is monitored to ensure it implements the goals and objectives of the Official Plan, The London Plan, and the Community Improvement Plans within which the program applies. The City may discontinue the Façade Uplighting Grant Program at any time; however, any existing grants will continue in accordance with the agreement. A program's success in implementing a Community Improvement Plan's goals will be based on the ongoing monitoring and measurement of a series of identified targets that represent indicators of the CIP's goals and objectives, as noted in the Program Monitoring Data section.

22. Program Monitoring Data

The following information will be collected and serve as data to monitor the Façade Uplighting Grant program offered through the Downtown Community Improvement Plan. These measures are to be flexible allowing for the addition of new measures that better indicate if the goals and objectives of the CIP have been met:

- Number of Applications (approved and denied);
- Approved value of the grant and the total construction cost (i.e. total public investment versus private investment);
- Total Value of Building Permit (if required);
- Total Grant amount.

23. Activity Monitoring Reports

Annual Activity Reports will measure the following variables and be used to help complete the biennial State of the Downtown Report:

- Number of applications;
- Total value of applications.

DOWNTOWN FAÇADE UPLIGHTING GRANT PROGRAM
GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF THREE PAGES

Application No.:

Name of Property Owner(s):

Address of Project:

Legal Description of Property:

Roll Number:

Mailing Address of Owner:

Telephone No.:

Email Address:

Heritage Alteration Permit Information:

Date Permit Approved:

Designating By-Law:

Project 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 FAÇADE UPLIGHTING GRANT PROGRAM GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF THREE PAGES

Conditions:

1. The applicant(s) for a Downtown Façade Uplighting 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 installation lighting to the building.
3. Separate applications must be made for each discrete building or agent under consideration for a grant.
4. The Downtown Façade Uplighting 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; all City of London realty taxes are paid in full; there are no outstanding debts to the City of London; the applicant and, where the applicant is an agent, the owner, has not defaulted on any City-sponsored loan or grant programs in the past; and there are no City of London Building Division orders or deficiencies registered against the Property.

DOWNTOWN FAÇADE UPLIGHTING 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 terms and conditions of the Downtown Façade Uplighting 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 an 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 Façade Uplighting Grant.

I, _____ agree to the above conditions, and have the authority to bind the corporation named as property owner 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, City Planning