

Bill No. 204
2020

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 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;

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 Boulevard Café Grant Program Guidelines attached hereto as Schedule 3 is hereby adopted.
2. This by-law shall come into force on the date it is passed.

PASSED in Open Council on June 29, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 29, 2020
Second Reading – June 29, 2020
Third Reading – June 29, 2020

Schedule 3

Downtown Community Improvement Plan – Boulevard Café Grant Program

Effective June 30, 2020

This program guideline package provides details on the new Boulevard Café Grant Program provided by the City of London (“City”) through the Downtown Community Improvement Plan (CIP).

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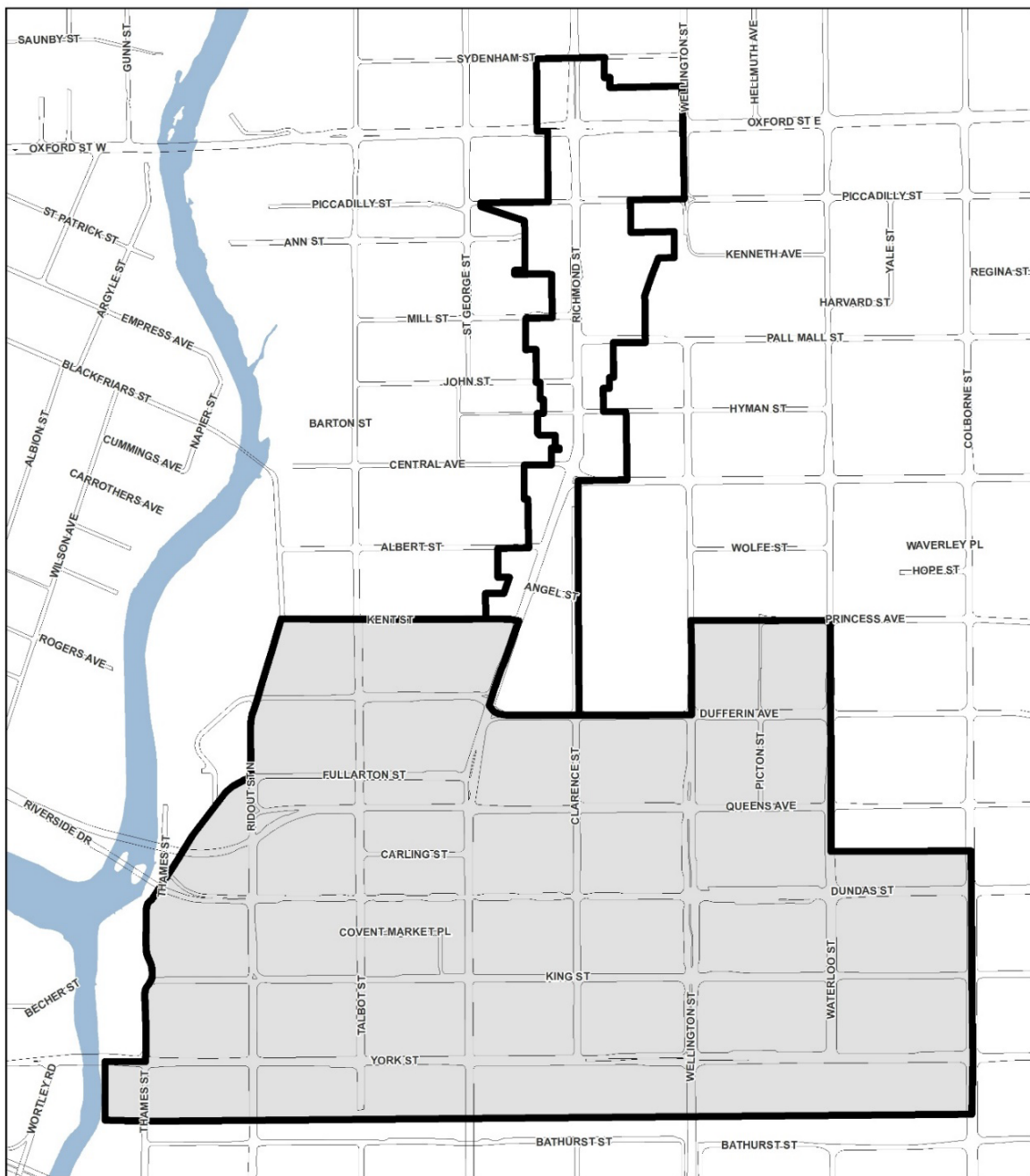
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How to Read this Document

This document helps to identify what the responsibility of each stakeholder is in the Boulevard Café Grant Program. The initials **PO** indicate the property owner, tenant, business owner (or agent acting on behalf of the property owner, tenant, or business owner) is responsible for completing that task or action. Schedule 1 and 2 (not attached) contains additional details on other Downtown CIP financial incentives.

PO – The Boulevard Café Grant Program is available to business owners who are eligible to install boulevard cafés and patios in the Downtown Community Improvement Project Areas including Richmond Row (Map 1).

Map 1 – Downtown Community Improvement Project Areas



Original Community Improvement Project Area

Expanded Richmond Row Community Improvement Project Area



1. Definitions

Applicant – The person who applies for a new or already has an existing valid Boulevard Café Permit Application or a Temporary Sound Permit for Amplified Sound on an Outdoor Patio Application, and as a result, will simultaneously apply for the Boulevard Café Grant Program.

Boulevard café – used interchangeable with sidewalk patio or boulevard patio, means an area set aside out of doors, covered or uncovered, for the use of patrons as a licensed restaurant in connection with, and in addition to, the operation of an adjacent restaurant and is located on the City right-of-way.

Complete Application – Includes a completed application form for the Boulevard Café Permit Application and a Temporary Sound Permit for Amplified Sound on an Outdoor Patio Application (if needed), and includes the following information:

- Name and address of the business owner;
- Confirmation that the address is within the Downtown Community Improvement Project Areas;
- A statement of fees from Realty Services indicating the total fees that apply to a new or existing boulevard café or patio;
- A statement of fees from Licencing and Municipal Law Enforcement indicating the total fees that apply to a temporary sound permit for the subject boulevard café;
- Acknowledgement of the receipt of patio fees grant funding and authorization to the City of London to transfer the amount of the grant to the applicable City accounts
- Any or other information that may be deemed necessary by the City Planner or City Treasurer (or designates).

PO – The property owner, tenant, business owner (or agent acting on behalf of the property owner, tenant, or business owner).

Sidewalk patio – See Boulevard café.

2. Purpose

In support of the Core Area Action Plan, the Boulevard Café Grant Program is intended to reduce the financial burden on business owners who operate sidewalk patios. This grant program eliminates the administrative and licence fees related to the operation of a patio on the public right-of-way and eliminates the application and permit fees for a temporary sound permit if amplified music on an outdoor patio is requested.

Sidewalk patios can activate the street and create a more vibrant urban environment. By providing opportunities for outdoor dining, the City, and businesses within it, can encourage the use and enjoyment of the downtown public realm.

3. Funding

- Total funding available through the Core Area Action Plan budget for patio and signage fees is \$30,000 per year for the 2020-2023 Multi-Year Budget;
- Funding under this program will cease on December 31, 2021, unless extended by the City of London or the Boulevard Café Grant Program is superseded by a similar program under the Core Area Community Improvement Plan;
- Should there not be adequate funding to meet demand for the grant program, the program funding may be topped up through the Downtown Small Scale Project budget or another source of financing as determined by the Director, Planning and City Planner (or designates). In the event that these additional sources of funding do not meet the demand of the grant program, grants will only be issued while funding is available in the order that they are received.

4. Eligible Fees

Eligible fees that will be granted through the Boulevard Café Grant Program include:

- The administrative fee for new or renewed applications and the annual licence fee related to a Boulevard Café Permit licence agreement.
- The application and permit fees for a Temporary Sound Permit for Amplified Sound on an Outdoor Patio when associated with a boulevard café.

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;
- AGCO Liquor Licence applications and fees;
- Any materials required for the application, licence, or Temporary Sound Permit. For example, costs related to completing a patio drawing showing location, size, and materials;
- Cost of construction and materials;
- Temporary Sound Permits for outdoor patios on private property and not considered boulevard cafés.

5. Eligibility Criteria

To be eligible for the Boulevard Café Grant Program, the business owner must apply for a Boulevard Café Permit Application or have a valid Boulevard Café Permit with licence agreement and be located within the Downtown Community Improvement Project Areas (including Richmond Row) as outlined in Map 1.

If needed, the business owner can also apply for a Temporary Sound Permit for Amplified Sound on an Outdoor Patio and have those fees granted.

6. General Grant Terms

While funding exists, applicants can apply as needed to this program.

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 of the approved grant.

All proposed works approved under the incentive programs shall conform to provincial laws and City guidelines, by-laws, policies, procedures and standards.

All works completed must comply with the description of the works as provided in the Boulevard Café Permit Application form with any amendments as approved by the City of London through the Sidewalk Patios Standards and Application Process.

If applied for and approved, all works completed must comply with the temporary noise permit and its required documentation.

The granting of fees does not imply that processes for permits are invalid or unnecessary.

The Boulevard Café Grant Program replaces the amount of patio fees an applicant would be required to pay in the absence of the grant program. Under no circumstances shall an applicant have their patio fees payable waived by this program and also receive grant funding related to patio fees disbursed by the City of London to the applicant.

7. Grant Amount

For a new Boulevard Café Permit Application, the grant amount will be calculated by Realty Services when processing the application and/or processing the annual fee of an executed licence agreement.

For a new Temporary Sound Permit for Amplified Sound on an Outdoor Patio Application, the grant amount will be calculated by Licencing and Municipal Law Enforcement when processing the application.

The grant amount will equal the administrative and licence fees for all eligible Boulevard Café Permits, as well as the application and permit fees for all eligible Temporary Sound Permit for Amplified Sound on an Outdoor Patio applications in the Downtown Community Improvement Project Areas.

8. Grant Distribution

The applicant will receive no funding from the City of London.

The applicant will not be charged any fees for a new Boulevard Café Permit Application or the annual fee of an executed licence agreement.

The applicant will not be charged any fees for a Temporary Sound Permit for Amplified Sound on an Outdoor Patio.

For patio fees related to the Boulevard Café Permit, the value of the calculated grant will be transferred directly to the Realty Operations account. This direct transfer is instead of staff collecting the administrative fees and licence fees related to a Boulevard Café Permit and then providing the applicant with a 100% grant to rebate the monies collected.

For the patio fees related to a Temporary Sound Permit for Amplified Sound on an Outdoor Patio, the value of the calculated grant will be transferred directly to a general Licencing account. This direct transfer is instead of staff collecting the application and permit fees related to a Temporary Sound Permit for Amplified Sound on an Outdoor Patio and then providing the applicant with a 100% grant to rebate the monies collected.

Grant recipients will be required to provide written authorization for the City to deposit the amount of the grant into the appropriate City account.

9. Grant Security

The grant is payable upon the completion of a new Boulevard Café Permit Application or the annual invoice of an executed licence agreement as outlined in Sections 7 and 8.

If applied for and approved, the grant is also payable upon completion of a Temporary Sound Permit for Amplified Sound on an Outdoor Patio as outlined in Sections 7 and 8.

10. Grant Agreement

Participating business owners are required to enter into a Grant Agreement with the City.

11. Grant Repayment Provisions

Not applicable.

12. Transferable Grant

Not applicable.

13. Application Process

- 1) For a new boulevard café or sidewalk patio, the applicant is required to complete a Boulevard Café Permit Application form. The application must be submitted to Realty Services for review. This review will follow the already developed Sidewalk Patio Standards and Application Process. Realty Services staff will determine the applicable administrative and licence fees to be granted.
- 2) If the applicant also requires a Temporary Sound Permit for Amplified Sound on an Outdoor Patio on the City boulevard, the applicant is required to complete the Amplified Sound Permit application form. The application must be submitted to

Licencing and Municipal Law Enforcement for review. This review will follow the already developed review process for temporary sound permits. Licencing and Municipal Law Enforcement staff will determine the applicable fees to be granted.

To be eligible for the Boulevard Café Grant Program, the applicant will be required to submit a complete application as defined in Section 1. Complete application information will be collected at the time of applying for 13 1) and/or 13 2) above.

An Agreement is executed between the City and the business owner outlining the terms and conditions of the approved grant. This Agreement is executed at the time of applying for 13 1) and/or 13 2).

For an existing patio licence agreement, the applicant's licence fee will not be invoiced to the applicant. Instead, an internal transfer of funding will occur as per Section 8.

Realty Services will compile a list of and acknowledge that all existing patio licence agreements were not invoiced.

14. Grant Approval

As a condition of approval, new applicants shall be required to enter into a Grant Agreement with the City.

15. 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 does not impose any specific restrictions on demolition.

16. Inspection of Completed Works

Not applicable.

17. Incentive Application Refusal and Appeal

If the Boulevard Café Permit Application is refused, the administrative fee will not be collected retroactively by the City of London.

If the Temporary Sound Permit for Amplified Sound on an Outdoor Patio Application is refused, the application fee will not be collected retroactively by the City of London.

Administration/application fees will not be collected. No internal transfer of funds will occur.

18. Relationship to other Financial Incentive Programs

Property owners may also qualify for financial assistance under the City of London's other financial incentives programs. Applicants are advised to check with City Planning.

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

19. Monitoring & Discontinuation

As part of the program administration, City Planning, Realty Services, and Licencing and Municipal Law Enforcement will monitor the Boulevard Café Grant Program. 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 1989 Official Plan, The London Plan, and the Downtown Community Improvement Plan.

The City may discontinue the Boulevard Café Grant Program at any time.

The 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.

20. Program Monitoring Data

The following information will be collected and serve as data to monitor the Boulevard Café 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 CIP have been met:

- Number of Boulevard Café Permit Applications (approved and denied);
- Number of Temporary Sound Permit Applications for Amplified Patio Sound for Boulevard Cafés (approved and denied);
- Total grant amount.

21. 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 Boulevard Café Permit Applications processed;
- Number of Temporary Sound Permit Applications for Amplified Patio Sound for Boulevard Cafés approved and denied);
- Total grant amount.