

Bill No. 188
2021

By-Law No. C.P.-1481(__)-__

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.

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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). For *Emergency Repairs*, only one paid receipt/invoice is 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.

Emergency Repairs – Means repairs completed on or after May 4, 2021, to immediately secure discrete building damage caused by vandalism, until the identified permanent solution indicated in the grant application is executed.

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)
- *Emergency repairs* to secure a discrete building to damage resulting from vandalism when a permanent solution has also been identified
- 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 (1) for *emergency repairs* as defined, or (2) 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.

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 SoHo 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 SoHo 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 SoHo 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 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:

- 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

SoHo 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	

SoHo Recovery Grant Program Grant Agreement

THIS AGREEMENT CONSISTS OF THREE PAGES

Conditions:

1. The applicant(s) for a SoHo 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 SoHo 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.

SoHo 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 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

