

Authority: Scarborough Community Council Report No. 9, Clause No. 15,
as adopted by City of Toronto Council on November 30, December 1 and 2, 2004
Enacted by Council: December 2, 2004

CITY OF TORONTO

BY-LAW No. 1051-2004

**To adopt a Community Improvement Plan for the Community Improvement Project Area
along Kingston Road from west of Danforth Avenue to Midland Avenue.**

WHEREAS the Council of the City of Toronto has by By-law No. 492-2004 passed on June 24, 2004, designated certain lands along Kingston Road from west of Danforth Avenue to Midland Avenue as a Community Improvement Project Area; and

WHEREAS Section 28 of the *Planning Act* authorizes Council to adopt a Community Improvement Plan, for a Community Improvement Project Area, once a by-law has been passed designating the area;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The Community Improvement Plan from west of Danforth Avenue to Midland Avenue along Kingston Road attached hereto as Schedule "A" is hereby adopted.
2. The appropriate City staff be authorized to make the necessary application to the Minister of Municipal Affairs and Housing for approval of the aforementioned Community Improvement Plan.

ENACTED AND PASSED this 2nd day of December, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE “A”**Kingston Road from west of Danforth Avenue to Midland Avenue
Community Improvement Plan****1. PREAMBLE**

With the completion of the Five-Year Strategic Plan, the Cliffside Village Revitalization Committee (CVRC) and City staff have been successful in creating a community vision for Cliffside Village and engaging the participation of residents and businesses in the project. The Strategic Plan identifies a set of initiatives that will work towards bringing new investment and employment to the Cliffside Village. A component of the Revitalization Plan is to implement the Façade Improvement Program. Funding for the Façade Improvement Program has been included in the 2004 budget process.

The Community Improvement Project Area is centred along Kingston Road within the Cliffside Community. There are a variety of land use designations within the former City of Scarborough Official Plan that apply to the subject lands. The Cliffside Community Secondary Plan designates both sides of Kingston Road between Cliffside Drive and Midland Avenue “Community Commercial” with the exception of the south-east corner of Cliffside Drive and Kingston Road which is designated as “Highway Commercial Uses”. There are a variety of land use designations that apply to the properties along Kingston Road just west of Danforth Avenue to Cliffside Drive, including Highway Commercial Uses, Low and Medium Density Residential, Residential Mixed Use and site specific numbered policies.

The new City of Toronto Official Plan designates most of the Community Improvement Project Area as a Mixed Use Area. This designation would encourage a wide range of commercial, residential and institutional uses. There is also a small portion of the Community Improvement Project Area designated as Neighbourhoods. This designation provides for a variety of low scale residential uses.

A Community Improvement Plan can identify provisions for a wide range of improvements. Streetscape façade improvements have been recommended by this plan but additional measures may be desirable such as street lighting, street furniture and other design elements. Amendments to this Community Improvement Plan can occur through prescribed statutory process should the need arise to further address community interests.

2. LEGISLATIVE AUTHORITY**2.1 Designation of a Community Improvement Project Area**

At its meeting on June 22-24, 2004, City Council passed the recommended by-law adopting the Community Improvement Project Area designation for Kingston Road from west of Danforth Avenue to Midland Avenue for the purpose of implementing public and private property improvement projects. The boundaries of the Community Improvement Project Area are set out in Attachment 1.

2.2 Section 28 of the *Planning Act*

The *Planning Act* authorizes Council to provide for the preparation of a plan, suitable for adoption as a Community Improvement Plan, for the Community Improvement Project Area, once a by-law has been passed designating the area.

Further, the *Planning Act* authorizes the City to make grants and loans to registered or assessed owners and tenants of lands and buildings within a Community Improvement Project Area for the cost of rehabilitating lands and buildings in conformity with a Community Improvement Plan.

3.0 CONTEXT

3.1 Official Plan Policies

Section 2.6.2 of the former City of Scarborough Official Plan contains provisions for community improvement. Consideration in designating areas as community improvement areas include; the existence of, or potential for, the creation of business improvement areas; the identification of the need to make improvements to the streetscapes of arterial roads and declining commercial areas; to undertake road, sidewalk, street lighting and other similar improvements. The south-western portion of the former City of Scarborough has been identified, through these criteria, as a “Community Improvement Area”, with the Cliffside Community being further identified as a first priority area.

Chapter 5 – Section 5.2.2 of the new Official Plan for the City of Toronto contains community improvement policies. In designating Community Improvement Project Areas, a Community Improvement Plan is prepared which provides the City with various powers to actively stimulate reinvestment and revitalization.

4.0 OBJECTIVES OF THE PLAN

The objective of the Community Improvement Plan for this area is the enhancement and revitalization of the commercial frontages on Kingston Road from west of Danforth Avenue to Midland Avenue. The implementation of a Community Improvement Plan would enable the disbursement of grants through the City’s Façade Improvement Program, which would support the policies regarding the promotion of strong viable mixed commercial areas and assist community stakeholders in their efforts to revitalize the area. This will assist in launching private investment directed to enhancing the aesthetics of the commercial area. New investment will strengthen the retail business sector and contribute to the area’s revitalization.

5.0 FAÇADE IMPROVEMENT PROGRAM

The City's Façade Improvement Program provides grants to commercial building owners whose properties are located in designated areas covered by community improvement plans. The objective of the Program is to improve the front of the commercial buildings through restoration, renovation and redesign. The Program has proven to be an effective tool for economic revitalization in targeted commercial districts. The Commercial Façade Improvement Program Grant Criteria, as approved by Toronto City Council, attached as Attachment 2, provides details of the grant process.

5.1 Program Administration and Implementation

Staff of Economic Development, Small Business and Local Partnerships will administer the Façade Improvement Program identified in this Plan, as outlined in Attachment 2.

5.2 Program Details

A review committee consisting of residents and business representatives from the Cliffside Community will be established. The committee will review the applications submitted to the City under the Program and will make recommendations to the City.

The applicant must be a registered property owner within the community improvement project area or a tenant with permission by the property owner.

The maximum grant is \$10,000 for a non-corner property and \$12,500 for a corner property. Approved grants will cover 50% of the total eligible improvements up to the grant maximum. Individual projects under \$5,000 are not eligible.

Once approved the applicant must enter into a Letter of Understanding with the City, which includes a schedule to complete the prescribed work. Upon completion of the agreed to works and submission of copies of paid invoices covering façade improvements and submission of photographs showing the new building façade, the City will issue a grant cheque. All taxes in arrears must be paid in full before the grant is issued. If the applicant receives a maximum grant for a property, the property will not be eligible for further façade improvement grants.

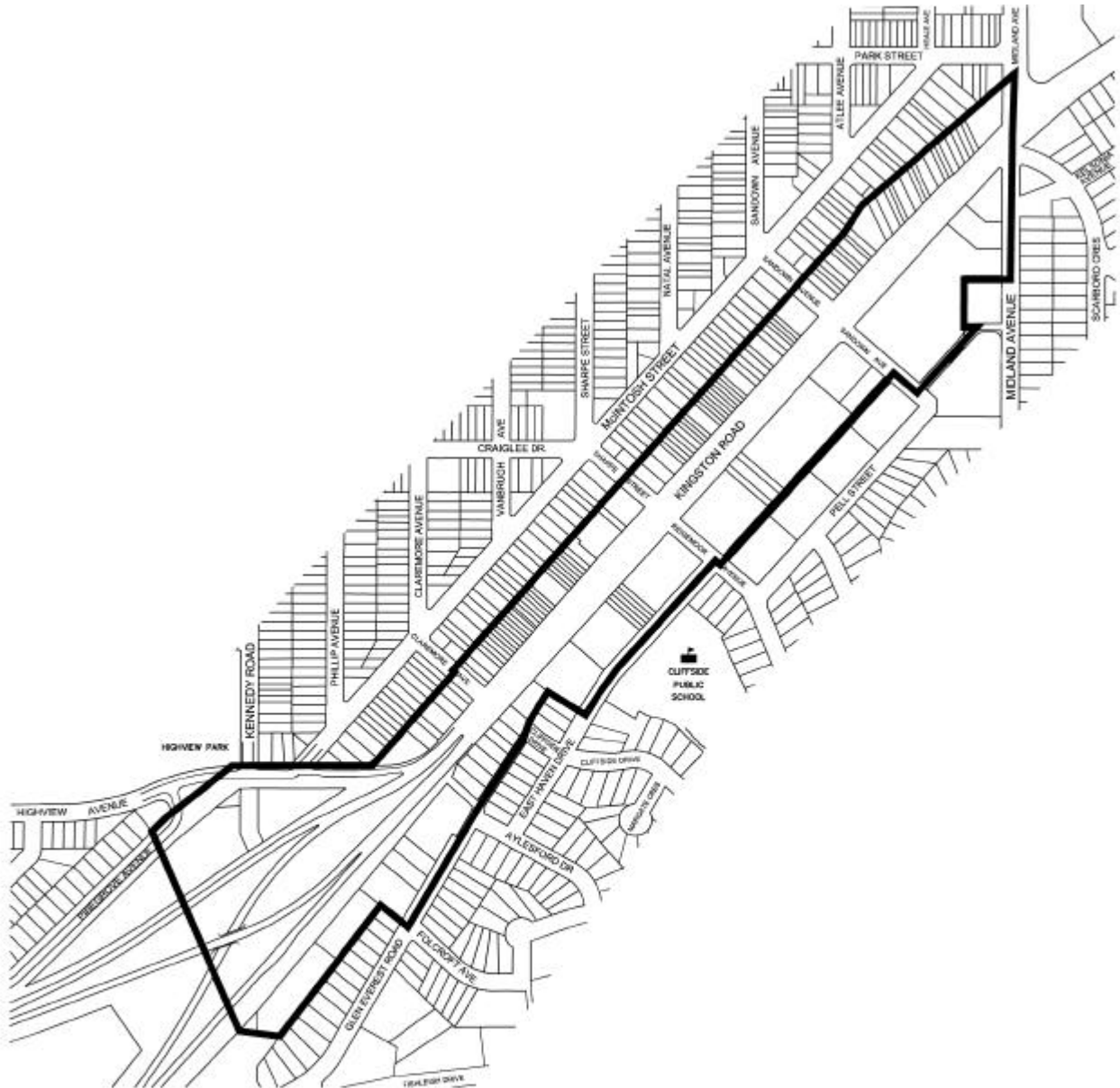
6.0 TIMEFRAME

The length of the Façade Improvement Program for the area is proposed for up to five years, subject to budget approval by City Council. Capital budgets may be impacted in future years should other streetscape or capital improvements be undertaken in the area.

Attachment 1: Community Improvement Project Area

Attachment 2: City of Toronto Commercial Façade Improvement Grants

Attachment 1



ATTACHMENT 2**Clause 38 of Report No. 9 of the Economic Development and Parks Committee****Commercial Facade
Improvement Grants (All Wards)**

(City Council at its regular meeting held on October 3, 4 and 5, 2000, and its Special Meetings held on October 6, 2000, October 10 and 11, 2000, and October 12, 2000, adopted this Clause, without amendment.)

The Economic Development and Parks Committee recommends the adoption of the following report (September 18, 2000) from the Commissioner of Economic Development, Culture and Tourism:

Purpose:

The purpose of this report is to request that the Commissioner of Economic Development, Culture and Tourism and/or his designate be delegated authority for approving Commercial Facade Improvement Grants according to the terms and conditions and criteria as set out in Attachments Nos. 1 and 2.

Financial Implications and Impact Statement:

Funding for the Commercial Facade Improvement Grant Program falls within the approved capital budget.

Recommendations:

It is recommended that:

- (1) Council approve a Commercial Facade Improvement Grants Program as described in this report;
- (2) the terms and conditions and the administrative grant criteria as described under Attachments Nos. 1 and 2 be approved with respect to all grants approved under the Commercial Facade Improvement Grant program;
- (3) the Commissioner of Economic Development, Culture and Tourism and/or his designate be delegated the administration of the Commercial Façade Improvement Grants on the basis of the terms and conditions and criteria described in Attachments Nos. 1 and 2;
- (4) the Commissioner of Economic Development, Culture and Tourism and/or his designate be authorized to sign Letters of Understanding with Commercial Facade Improvement Grant recipients, in the form or substantially in the form in Attachment No. 3;
- (5) Commercial Facade Improvement Grants be deemed to be in the interests of the municipality;

- (6) leave be granted for the introduction of any necessary bills in Council to give effect thereto; and
- (7) appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing.

Comments:

Improving the physical environment is one component of a successful revitalization strategy. The purpose of the Commercial Facade Improvement Grant Program has been to address vacancies, under-utilized commercial space and blight by improving the economic vitality within defined local business districts, thereby attracting new business, shoppers and reinvestment. The program accommodates this by providing grants covering up to 50 percent of the project cost for improving street facing and exteriors of commercial buildings. Currently, there are eight districts within the City that are defined as neighbourhood revitalization areas with approved Community Improvement Plans, which allow Council to give grants under this program pursuant to subsection 28(7) of the *Planning Act*. Other districts are currently under discussion and will be eligible for inclusion in the program once the community improvement plans for the areas are adopted.

With respect to the delegation of authority, Section 102.1 of the *Municipal Act* provides the Council of a municipality the authority by by-law, to delegate to a Committee of Council or to an employee of the municipality, any powers, duties or functions that are of an administrative nature. By way of this report, I am seeking Council's authority for a similar delegation of authority for approving grants with respect to the Commercial Facade Improvement Grant Program to the City's Commissioner of Economic Development, Culture and Tourism and/or his designate. The delegation of approval authority eliminates staff time required to prepare and process individual reports on each grant application and shortens the approval process by approximately six weeks. As part of this approval process and the City's harmonization of the grant process, Attachment No. 1 outlines the terms and conditions that have been prepared in consultation with the City Solicitor, and are being recommended for approval with respect to each commercial facade grant given by the City. Attachment No. 2 outlines the administrative criteria for the grant program and Attachment No. 3 is a Letter of Understanding that must be executed with each grant applicant.

Conclusions:

The Commercial Facade Improvement Grant Program is an innovative economic development tool that has had considerable success across the City. To date, the City has processed 220 applications valued at more than \$5,900,000.00 in new private investment. The City benefits from this program by having more viable shopping districts, increased private reinvestment, lower vacancy rates and business turnover, increased property values and tax assessment, and improved neighbourhood images for the media, tourists and residents.

In order to ensure the timely delivery of this program, it is, therefore, recommended that Council approve the delegation of authority to the Commissioner of Economic Development, Culture and Tourism and/or his designate and approve the terms and conditions and criteria as attached to this report.

Contact Name :

Ms. Brenda Librecz, Managing Director, Economic Development Division,
Telephone: (416) 397-4700, Fax: (416) 395-0388, blibrecz@city.toronto.on.ca.

Attachment No. 1

Commercial Façade Improvement Program
Terms and Condition of Grants

If funding is to be provided by the City of Toronto (“the City”) for the commercial façade improvements, by signing and submitting the grant application the owner acknowledges and agrees to the following terms and conditions:

1.0 Use and Purpose of Grant

- 1.1 This Grant must be used only for the purposes of the commercial façade improvements as described on the grant application.
- 1.2 The grant recipient (“Recipient”) must notify staff, Small Business and Local Partnerships, Economic Development, Culture and Tourism of any proposed material changes to the façade improvements from what is contained in the grant application. The grant can be used for such changes only with the prior written consent of the Managing Director of Economic Development.
- 1.3 The Recipient must not transfer or assign the grant or any part of it to another individual or corporation, without the prior written consent of the Managing Director of Economic Development.

2.0 Municipal Freedom of Information and Protection of Privacy Act

The information contained in the grant application is subject to the *Municipal Freedom of Information and Protection of Privacy Act*. All granting decisions are publicly available.

3.0 Anti-Racism, Access and Equity Guidelines

The Recipient must complete and file a Declaration of a Non-Discrimination Policy that indicates that the grant recipient has adopted and upholds a policy of access and non-discrimination based on the City’s Human Rights Policy. The Recipient will work actively to integrate anti-racism, access and equity, throughout their operations, in accordance with the City’s approved Anti-Racism, Access and Equity Policy as it relates to all grant recipients.

4.0 Grant Payments

If a grant is approved, the Recipient will be advised in writing as to the amount of the grant. The grant will be disbursed by cheque following:

- (a) completion of the façade improvements to the satisfaction of the Managing Director of Economic Development;
- (b) proof of payment of all invoices i.e., photocopies of all invoices stamped 'paid' relating to the façade improvements covered by the grant has been received by the Managing Director of Economic Development;
- (c) confirmation by the City that there are no outstanding taxes, water rates, or other sums owed to the City with respect to the property; and
- (d) submission of photographs of the building façade after the façade improvements have been completed.

5.0 Acknowledgement of Funding

The Recipient will acknowledge the support of the City of Toronto on any materials, reports, events, publicity or signage which are paid for in whole or in part with the funding.

6.0 Accounting

- 6.1 The Recipient must keep and maintain all records, invoices and other documents relating to the grant in a manner consistent with generally accepted accounting principles and clerical practices, and must maintain such records for a period of three (3) years from the date of approval of the grant.
- 6.2 The Recipient authorizes the City and its agents at all reasonable times to inspect and copy any and all records, invoices and documents in the custody or control of the Recipient which relate to the grant. The right of inspection includes the right to perform a full or partial audit of the aforementioned records, as considered appropriate by the City.

7.0 Project Completion Time

The façade improvements must be completed no later than *(date)* unless the Managing Director of Economic Development has provided prior written approval of an extension.

8.0 Consultation

- 8.1 The City may involve individuals with appropriate expertise in the grant review process, which may include a peer/citizen review mechanism.
- 8.2 The City reserves the right to consult with other funding agencies to determine the eligibility of the applicant to receive a grant.

9.0 Limitation of Liability and Indemnification

- 9.1 The City will not be liable for any damages, injury or any loss of use or profit of the Recipient arising out of, or in any way related to the grant or to the Recipient's operations.
- 9.2 The Recipient shall indemnify the City, its officers, employees and agents, against all costs, damages and expenses incurred as a result of a claim or proceeding related to the grant or to the Recipient's operations, unless such costs, damages or expenses arise from the negligence or willful act of an officer, employee or agent of the City.

10.0 Grant Repayment

- 10.1 The Recipient must, at the request of the Managing Director of Economic Development, repay to the City the whole or any portion of the grant, as determined by the City, if the Recipient:
- (a) ceases operating;
 - (b) winds up or dissolves;
 - (c) merges or amalgamates with any other party;
 - (d) commences or has commenced against her, him, it any proceedings in bankruptcy or is adjudged a bankrupt;
 - (e) has knowingly provided false information in its grant application;
 - (f) uses grant funds for purposes not approved;
 - (g) breaches any of the terms or conditions of the grant; or
 - (h) breaches any of the provisions of the Ontario Human Rights Code in its operations.
- 10.2 The Recipient must immediately notify the Managing Director of Economic Development of the occurrence of any of the events described in section 10.1.
- 10.3 The City may, in its sole discretion, require the Recipient to pay interest on any amount required to be repaid pursuant to this section at the prime rate of the Royal Bank of Canada from the date for the request for repayment to the date of repayment.

11.0 Unused Funds

Any unused portion of a grant remains the property of the City. If the City has already paid an unused portion of the grant to the Recipient, the Recipient must repay it to the City on request.

12.0 Further Conditions

The City shall be entitled, at any time, to impose such additional terms and conditions on the use of the grant which, in its sole discretion, it deems appropriate.

13.0 Report

The Recipient will provide to the Managing Director of Economic Development photographs of the building façade after the improvements to it have been completed and inspected.

14.0 Status of Applicant

The Recipient must be in good standing with the City of Toronto, having met the terms and conditions of any previous grant provided by the City.

15.0 Letter of Understanding

The Recipient must execute and return to the Managing Director of Economic Development an executed copy of a Letter of Understanding if a grant is approved.

Attachment No. 2

Commercial Facade Improvement Program Grant Criteria

The Commercial Facade Improvement Grant Program is administered subject to the following criteria:

- (1) The grants will be disbursed on a first come first served basis to those applicants who meet all of the Program's criteria and while funds last.
- (2) An official City Commercial Facade Improvement Grant application form must be completed and submitted to the Economic Development Division.
- (3) Two independent contractor estimates for each aspect of the proposed commercial facade improvement must be submitted with the application.
- (4) An Owner's Declaration must be completed and filed with the application.

- (5) The City's Declaration of Non-Discrimination form must be completed and filed with the application.
- (6) The grant recipient must be in good standing with the City in regard to taxes, conditions of any previous grant provided by the City, and other amounts owed to the City.
- (7) The grant recipient has agreed to the terms and conditions of the Commercial Façade Improvement Grant attached to the application form.
- (8) The grant recipient has executed and returned to the Managing Director of Economic Development a Letter of Understanding if a grant is approved.
- (9) Proposed improvements must be in conformity with the community improvement plan.
- (10) Proof of payment of all invoices relating to the façade improvements.
- (11) Submission of photographs of the building façade after the façade improvements has been completed.

Attachment No. 3

Commercial Façade Improvement Program
Sample Letter of Understanding

(Date)

(Applicant name,
Applicant address, etc.)

Re: 2000 Commercial Façade Grant Program
Address
File No.:

Dear (contact person):

Your application for a grant under the City of Toronto's Commercial Façade Improvement Program has been approved in the amount of \$__ for commercial façade improvements at (property address). This represents the total amount of the grant, including any applicable taxes and disbursements. The grant must be used only for the façade improvements to the property at ____.

The grant will be payable in one instalment upon completion and inspection of the façade improvements.

The façade improvements must be completed no later than (*date*).

Release of grant funds is conditional on:

- (a) completion of the façade improvements to the satisfaction of the Managing Director of Economic Development;
- (b) proof of payment of all invoices relating to the façade improvements has been received by the Managing Director of Economic Development;
- (c) confirmation by the City that there are no outstanding taxes, water rates, or other sums owed to the City with respect to the property; and
- (d) submission of photographs of the building façade after the façade improvements have been completed.

Any proposed material changes to the façade improvements for which the grant has been made must receive prior written consent of the Managing Director of Economic Development.

The support of the City of Toronto (Commercial Façade Improvement Grant Program) must be acknowledged by the grant recipient on any materials, reports, events, signage or publicity that are paid for, in whole or in part with the funding.

Any unused portion of the grant remains the property of the City of Toronto and must be returned to the City on request.

If you breach any of the terms and conditions of the grant as set out in Attachment 1 of the grant application, if you cease operating, wind up or dissolve, merge or amalgamate with any other party; commence or have commenced against you any proceedings in bankruptcy, or are adjudged a bankrupt, knowingly provide false information in the grant application, use grant funds for purposes not approved, or breach any of the provisions of the Ontario Human Rights Code in your operation, the grant must, at the request of the City be repaid in whole or in part.

The City will not be liable for any damages, injury or any loss of use or profit of the grant recipient arising out of, or in any way related to, the grant recipient's operations. The grant recipient shall indemnify the City, its officers, employees and agents, against all costs, damages and expenses incurred as a result of a claim or proceedings related to the grant recipient's operations, unless such costs, damages or expenses arise from the negligence or willful act of an officer, employee or agent of the City.

Two copies of the Letter of Understanding are provided. Please retain one copy for your files. Sign and return the second copy to your City contact person for the grant at the address below:

(Program contact name and address)

When this office receives a signed copy of the Letter of Understanding and you have completed all grant requirements, arrangements will be made for you to receive your cheque (or tax credit).

Yours truly,

(Authorized City Official)

I/We have read, understand and agree to comply with the terms and conditions in Attachment 1 and in this Letter of Understanding.

Name: _____

Title: _____

Signature: _____

Date: _____

Name: _____

Title: _____

Signature: _____

Date: _____

Apply company seal, if a corporation.

If a corporation:

Name of Corporation

I/We have authority to bind the Corporation