



Authority: Item 5, Planning Committee
Report 16-008 (PED16050(a))
CM: May 11, 2016

Bill No. 126

CITY OF HAMILTON

BY-LAW NO. 16-126

To Adopt The Downtown and Community Renewal Community Improvement Plan (2016)

WHEREAS By-law No. 16-125 passed on the 11th day of May 2016, designated the Downtown and Community Renewal Community Improvement Project Area;

AND WHEREAS Section 28 of the *Planning Act* states that where a by-law has been passed to designate a community improvement project area, the Council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area;

AND WHEREAS under the *Planning Act* (Section 28) “community improvement” means “the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, reconstruction and rehabilitation, improvement or energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefore, as may be appropriate or necessary”;

AND WHEREAS the Council of the City of Hamilton considers it appropriate to adopt a community improvement plan for the Downtown and Community Renewal Community Improvement Project Area in accordance with the said Act, for the purposes of the community improvement of the designated Downtown and Community Renewal Community Improvement Project Areas, through various municipal initiatives as set out in the community improvement plan;

AND WHEREAS the Section F.1.15 of the Urban Hamilton Official Plan contains provisions relating to community improvement;

AND WHEREAS Council, by its Planning Committee, held a public meeting on May 3, 2016 to discuss and receive public input regarding adoption of the Downtown and Community Renewal Community Improvement Plan, and has taken other required steps, prior to the enactment of this by-law, to adopt a

community improvement plan for the Downtown and Community Renewal Community Improvement Project Area, as required by the Planning Act; and Chapter F – Implementation, Section 1.17.2 of the Urban Hamilton Official Plan,

AND WHEREAS the City has prepared a plan entitled “Downtown and Community Renewal Community Improvement Plan” attached hereto as Schedule ‘A’ and forming part of this By-law;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 11-273 is repealed.
2. The Downtown and Community Renewal Community Improvement Plan annexed hereto as Schedule ‘A’ and forming part of this By-law is hereby adopted as the Community Improvement Plan for the Downtown and Community Renewal Community Improvement Project Area designated by By-law No. 16-125.

PASSED this 11th day of May, 2016.

F. Eisenberger
Mayor

R. Caterini
City Clerk

City of Hamilton

Downtown and Community Renewal Community Improvement Plan

Planning and Economic Development Department
Economic Development Division
Urban Renewal Section

May 2016

This May 2016 Plan repeals and replaces the Downtown and Community Renewal Community Improvement Plan, originally adopted and approved by Hamilton City Council on November 16, 2011 (By-law 11-273), as amended.

1. INTRODUCTION

The Downtown and Community Renewal Community Improvement Plan (the Plan) provides the basis for community improvement programs and initiatives within designated Community Improvement Project Areas in the City of Hamilton. It focuses on Hamilton's various downtowns, commercial business districts, mixed use corridors and neighbourhoods targeted for community improvement, including parts of the west harbour area, as designated in the Downtown and Community Renewal Community Improvement Project Area By-law. Community improvement plans, programs and initiatives support and facilitate the planning and financing of development activities that effectively use, reuse and rehabilitate lands, buildings and infrastructure. They prioritize municipal investment and are intended to stimulate private sector investment, property maintenance and revitalization within the project areas.

In addition and complementary to this Plan, the City of Hamilton's Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan provides a comprehensive set of programs designed to encourage and promote brownfield redevelopment. As its name suggests, the ERASE Plan is designed to "erase" brownfields by providing financial incentives to rehabilitate them and replace them with productive economic land uses, thereby improving both economic opportunities and environmental stewardship in the City. These two Community Improvement Plans help to implement the City's vision and goals expressed in approved policies and strategies, such as VISION 2020, the Urban Hamilton Official Plan, the Economic Development Strategy, and the Corporate Strategic Plan.

The Downtown and Community Renewal Community Improvement Plan is organized in the following sections:

1. Introduction
2. Purpose
3. Legislative Authority
4. Previous Plans, Programs and Initiatives
5. Supporting Policy and Strategies
6. Community Improvement Project Areas
7. Goals and Objectives
8. Programs and Initiatives
9. Monitoring
10. Approval and Amendment Process

2. PURPOSE

Community improvement programs and initiatives are intended to facilitate development and redevelopment in targeted locations in need of revitalization, improved public benefits / amenities, and stimulation of private sector investment.

While community improvement primarily deals with land and buildings, it in turn can affect social, economic and environmental matters by supporting physical changes that can result in more socially cohesive, economically sound and environmentally friendly communities.

The purpose of the Downtown and Community Renewal Community Improvement Plan (2016) is:

- to provide the structured framework for City programs and initiatives within the Downtown and Community Renewal Community Improvement Project Area, in a manner that meets the legislative requirements of the *Planning Act’s* Community Improvement provisions, including those that permit a municipality to provide financial assistance to private enterprise (see Section 3 of this Plan);
- to outline a set of financial incentive programs designed to encourage and stimulate private sector investment and redevelopment; and,
- to focus and co-ordinate municipal action and investment that promotes and enhances the physical, social and economic environments in Hamilton’s various downtowns, commercial business districts, mixed use corridors and neighbourhoods targeted for community improvement and renewal, as designated in the Downtown and Community Renewal Community Improvement Project Area By-law.

This Plan functions as an implementation tool. It builds upon the City’s past community improvement efforts in Hamilton’s downtowns, commercial business districts and mixed use corridors, as noted in Section 4. The programs and initiatives provided in Section 8 are meant to encourage development activities that complement and implement the vision and policies established in related plans and strategies, such as VISION 2020, the Urban Hamilton Official Plan, the Economic Development Strategy, and the Corporate Strategic Plan. These and other supporting documents are reviewed in Section 5 to provide rationale for the Community Improvement Project Areas described in Section 6, as well as the context for this Plan’s goals and objectives stated in Section 7.

Monitoring the Plan’s implementation is undertaken through the City’s performance measurement reporting as noted in Section 9. This Plan may be amended from time to time in accordance with Section 10.

3. LEGISLATIVE AUTHORITY

The primary legislative framework for community improvement planning in Ontario is established in the *Planning Act* and the *Municipal Act*. This legislation sets the parameters which govern how municipalities may prepare community improvement plans and programs, including financial incentives that would otherwise be prohibited.

3.1 Provincial Legislation

Section 106(1) of the *Municipal Act* states: “a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose.” Providing financial or other assistance, often referred to as bonusing, is normally prohibited, including the following actions:

- giving or lending money or municipal property;
- guaranteeing borrowing;
- leasing or selling municipal property below fair market value; or,
- giving a total or partial exemption from any levy, charge or fee.

There are exceptions to the rule against bonusing. For community improvement initiatives, an exception is made in Section 106(3) of the *Municipal Act* for municipalities exercising powers under Section 28(6), (7) or (7.2) of the *Planning Act* or under Section 365.1 of the *Municipal Act*. This exception provides the legislative basis for the financial incentive programs described in Section 8.1 of this Plan.

The *Planning Act* (Section 28) allows municipalities that have provisions in their Official Plan relating to community improvement to designate by by-law a community improvement project area. As per Section 28(1) of the *Planning Act*:

- a *community improvement project area* is defined as “a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason;”
- *community improvement* is defined as “the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement or energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefore, as may be appropriate or necessary.”

A municipality may engage in the following actions within a designated community improvement project area:

- acquire, hold, clear, grade or otherwise prepare land for community improvement (Section 28(3));
- prepare a community improvement plan for the project area (Section 28(4));

- construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the approved community improvement plan (Section 28(6));
- sell, lease or otherwise dispose of any land and buildings acquired or held by it in conformity with the approved community improvement plan (Section 28(6)); and,
- make grants or loans, in conformity with the approved community improvement plan, to the registered owners, assessed owners and tenants of lands and buildings, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or part of the eligible costs of the community improvement plan (Section 28(7)).

Section 28(7.1) defines *eligible costs* as “costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.”

In addition, Section 365.1 of the *Municipal Act* allows a municipality to provide property tax assistance to properties within a designated community improvement project area for environmental remediation purposes, where a community improvement plan is in effect containing provisions respecting such tax assistance. The City of Hamilton exercises this power through the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan and the ERASE Tax Assistance Program.

The maximum amount of financial assistance that a municipality may offer is limited by Section 28(7.3) of the *Planning Act*. The total of the grants, loans and tax assistance provided to particular lands and buildings under the *Planning Act* (Section 28) and the *Municipal Act* (Section 365.1) shall not exceed the eligible cost of the community improvement plan with respect to those lands and buildings. The financial incentive programs provided in Section 8.1 of this Plan therefore contain eligibility criteria and financial assistance maximum limits to ensure that the total assistance offered to a property does not exceed eligible costs.

3.2 Municipal Authorization

Community improvement policy is contained in the Urban Hamilton Official Plan. As noted in Section 3.1 of this Community Improvement Plan, municipalities must have provisions in their Official Plan relating to community improvement in order to designate a community improvement project area and prepare a community improvement plan. This is discussed further in Section 5.1 of this Plan.

4. PREVIOUS PLANS, PROGRAMS AND INITIATIVES

This Plan (2016) replaces the Downtown and Community Renewal Community Improvement Plan (2014), as subsequently amended and formerly known as the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan. The 2016 update ensures that the Plan remains relevant to current policy direction, including the City's Corporate Strategic Plan and the Urban Hamilton Official Plan.

Various community improvement plans have been in place within Hamilton prior to the amalgamation of Hamilton-Wentworth Region and its local area municipalities in 2001. The 2007 Plan combined twelve plans into one new plan. Those individual plans and associated project areas were focused on Downtown Hamilton, the community downtowns of Dundas, Stoney Creek and Waterdown, as well as the Business Improvement Areas (BIAs). The 2007 Plan also introduced additional community improvement project areas in the Ancaster Village Core, Binbrook Community Core, and the Locke Street BIA. It was then amended to extend programs to various commercial corridors within the City. The Plan was subsequently amended in 2014 to include the Mount Hope / Airport Gateway.

Past community improvement initiatives included the Downtown Convert / Renovate to Residential Loan Program, the Gore Heritage Program, and the Commercial Façade Program, which was established in 1986 to provide loans for the rehabilitation of commercial property façades in BIAs. This program has evolved over time into the present BIA Commercial Property Improvement Grant Program.

Programs and initiatives introduced over the past decade have laid the foundation for continued revitalization that this Plan builds upon. They include the following six programs, described in more detail in Section 8.1:

1. *The Hamilton Downtown Multi-Residential Property Investment Program* – From 2002 to year end 2015, the City loaned over \$34 M to support the creation / renovation of 1,319 dwelling units, at an interest cost to the City of approximately \$3 M. The building permit construction cost of participating projects was over \$205 M.
2. *The Hamilton Tax Increment Grant Program* – From 2004 to year end 2015, over \$5.4 M in combined grants were issued to 24 projects with a collective building permit construction value of \$145 M.
3. *The BIA Commercial Property Improvement Grant Program* – From 2002 to year end 2015, over \$3.8 M in combined grants were issued to over 375 projects with a collective construction value of over \$9.6 M in various Business Improvement Areas across the City.
4. *The Commercial Corridor Housing Loan and Grant Program* – This program introduced in 2007 has supported the conversion of vacant commercial and

institutional space to residential use and the renovation of existing residential units.

5. *The Hamilton Heritage Property Grant Program* – Since 2008, this program has provided grants to support the restoration and maintenance of twenty-nine heritage properties.
6. *The Hamilton Office Tenancy Assistance Program* – This program introduced in 2010 has provided loans to support leasehold improvements for new/expanding office use.

As suggested above, the various programs contained within Section 8.1 of this Community Improvement Plan may be reviewed and amended from time to time, and new programs added, in accordance with Section 9.

Over the past several years there have been other notable strategic initiatives and investments in the Community Improvement Project Areas where this Plan applies. They facilitate the creation of an investment-friendly environment and demonstrate the City’s commitment to the revitalization of our communities and neighbourhoods:

- The partial waiving of development charges in the Downtown Hamilton Community Improvement Project Area;
- The waiving of development charges, planning and building fees for the Barton-Kenilworth Corridors (2016);
- The comprehensive review of the Downtown Hamilton Secondary Plan and Zoning By-law, as well as, the Transportation Master Plan, to guide development within the area bounded by Queen, Cannon, Wellington and Hunter streets and the James Street spine, known as the City’s Urban Growth Centre (UGC);
- The approval of the new Urban Hamilton Official Plan, provides the foundation for robust urban design policies, which in turn assists in completing the new Zoning By-law for the rest of the urban areas of the City;
- The approval of Downtown Heritage Character Zone Design Guidelines, Site Plan Guidelines, Transit-Oriented Development Guidelines, Binbrook Village Community Core Urban Design Guidelines, to provide further direction for implementing land use policies and zoning;
- The conversion of one-way streets to two-way streets along with streetscape improvement projects that enhance the pedestrian environment and urban street life, in accordance with the Transportation Master Plan and Downtown Mobility Streets Master Plan, streetscape master plans for York Boulevard, King Street West, Hughson Street and King William Street, the Urban Braille System Guidelines, the Barton-Tiffany Design Guidelines, the James Street Mobility Hub and the West Harbour Redevelopment;
- The 10-year Downtown Capital Budget Plan, which establishes priorities in relation to infrastructure and public space improvements within the Downtown core;

- Downtown Hamilton capital projects, including the renovation of City Hall, the Hamilton Farmers Market and Public Library, Lister Block revitalization, and MacNab Street Transit Terminal development, Gore Park improvements;
- Capital projects in the community downtowns including Ancaster Square, Dundas Memorial Square, and new parks in Stoney Creek and Binbrook;
- The completion and updating of Commercial Market Analysis and Action Plans for various Business Improvement Areas, as well as the design and installation of BIA gateway features; and,
- The completion of the Barton-Kenilworth Commercial Corridors Study, and subsequent Council acceptance of the recommendations in September 2014.

5. SUPPORTING POLICY AND STRATEGY

The documents reviewed in this Section provide the direction and policy basis for this Plan’s goals, objectives (see Section 7) and programs (see Section 8). It also provides rationale for the community improvement projects areas in which the programs may apply (see Section 6).

5.1 Provincial Policy Statement

The Provincial Policy Statement (2014) sets the policy foundation for regulating the development and use of land in Ontario, for the purpose of establishing and maintaining strong communities, a clean and healthy environment, and economic growth. It recognizes that the wise management of development may involve directing, promoting or sustaining growth, and encourages efficient development patterns that optimize the use of land, resources and public investment in infrastructure and public service facilities. It promotes intensification and redevelopment that takes into account existing building stock or areas, including brownfields that promote cost-effective development patterns and minimizes land consumption and servicing costs.

The Downtown and Community Renewal Community Improvement Plan (2016) addresses the following particular Provincial interests:

- promote opportunities for intensification and redevelopment (PPS 1.1.3.3)
- establish and implement minimum targets for intensification and redevelopment within built-up areas (PPS1.1.3.5)
- accommodate residential growth through residential intensification and redevelopment (PPS 1.4.1)
- establish and implement minimum targets for the provision of housing which is affordable to low and moderate income households (PPS 1.4.3);
- optimizing the use of existing infrastructure and public service facilities and long-term economic prosperity (PPS Policy 1.6.3 and 1.7.1(a));
- maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets (PPS 1.7.1(c));
- promoting the redevelopment of brownfield sites (PPS 1.7.1(e)); and,

- conservation of significant building heritage resources and significant cultural heritage landscapes (PPS 2.6.1).

This Plan has been developed to address these policies, among others, and consistent with the PPS.

5.2 The Growth Plan for the Greater Golden Horseshoe (Places To Grow) and Hamilton's Density Targets

Places to Grow (2006) provides growth management policy direction from the Province to municipalities within the Greater Golden Horseshoe, including Hamilton. It envisions increasing intensification of existing built-up areas, with a focus on urban growth centres, intensification corridors, major transit station areas, brownfield sites and greyfields. To this end, the Downtown and Community Renewal Community Improvement Project Area is included within the built up area designation, and Downtown Hamilton has been identified as an urban growth centre (UGC) in both the Growth Plan and the Urban Hamilton Official Plan (UHOP).

The Growth Plan encourages intensification and transit-supportive, mixed use development to make better use of existing, underutilized infrastructure. It directs growth to specific intensification areas by establishing minimum density targets that municipalities must identify in their Official Plans. Hamilton's density targets are as follows:

- By the year 2015 and each year thereafter, a minimum of 40 percent of all residential development occurring annually within Hamilton will be within the built-up area;
- The Downtown Hamilton Urban Growth Centre (UGC) will be planned to achieve, by 2031 or earlier, a minimum gross density target of 250 residents and jobs per hectare. (The Growth Plan identifies a target of 200 residents and jobs per hectare in the Downtown Hamilton Urban Growth Centre; however, it also permits municipalities to establish higher targets, which the City has done in the Urban Hamilton Official Plan);
- For employment lands, the City shall plan to meet a density target of 37 people and jobs per hectare;
- On non-employment lands, densities will need to achieve a minimum average density of 70 persons and jobs per hectare to meet the overall density target; and,
- Additional density targets are identified in the UHOP for the following intensification areas, each subject to adjustment through future secondary plans:
 - 100 to 150 residents and jobs per hectare in the sub-regional service nodes at Limeridge Mall and Eastgate Square;

- 100 residents and jobs per hectare in the community downtown nodes of Dundas, Stoney Creek and Waterdown; and
- 50 people and jobs per hectare in the community downtown node of Ancaster.

The UHOP provides policy clarification with respect to the residential intensification targets noted above, which states that intensification shall be generally distributed as follows:

- Downtown UGC 20%
- Urban Nodes and Corridors – 40%
- Neighbourhoods – 40%

In regards to these intensification targets, the CIP will generally focus on the Downtown UGC and the Urban Nodes and Corridors, wherein it is anticipated that 60% of the intensification will occur.

The UHOP also provides housing targets which looks at both ownership and rental housing needs. The intent is to meet the housing targets for affordable, low and moderate income households with sustainable and predictable funding from senior levels of government. The Plan provides the following annual housing targets:

- New ownership (not affordable) – 42.3%
- New ownership (affordable to low and moderate income households) – 57.7%
- New rental (not affordable) – 40%
- New rental (affordable to moderate income households) – 20%
- New rental (affordable to low income households) – 20%

The Downtown and Community Renewal Community Improvement Plan (2016) would continue to assist the City in meeting these City-wide intensification and housing targets through its incentives and programs designed to stimulate development and redevelopment for residential uses including the opportunities for affordable housing, as well as, the rehabilitation of residential and commercial lands and buildings in specific project areas and corridors.

5.3 Vision 2020

VISION 2020 is a vision of a strong healthy, sustainable Hamilton shared by citizens, Council, businesses and organizations. First developed and adopted in 1992, VISION 2020 was renewed by the community in 1997 and 2003 and re-adopted by Council in 2003. In addition to a vision statement, VISION 2020 provides a set of goals to guide planning and decision-making that considers social / health, economic and environmental impacts. It has been integrated into the City’s primary decision-making processes, including the Growth Related

Integrated Development Strategy (GRIDS), the Master Plans for Transportation, Stormwater, Water and Wastewater, the new Urban and Rural Official Plans, the Corporate Strategic Plan and the Social Development Strategy.

The existing VISION 2020 document is currently under review and formerly known as *Our Future Hamilton*. This review has been coordinated in phases. Phase 1 involved community engagement “share the vision”, which gathered ideas from the community at large. Phase 2 looked at best practices which “shaped the vision” and also involved a public education component. Phase 3, is the final phase and on target for completion for spring 2016. This phase will involve “confirmation of the vision” which will provide the opportunity for residents to review the draft and final reports, thereby developing and shaping an implementation strategy. The key themes and trends reviewed through the engagement process included:

- Advance environmental responsibility and stewardship
- Maintain community assets and critical infrastructure
- Increase economic prosperity and opportunities
- Foster an active and healthy society
- Promote connected communities and safe neighbourhoods
- Embrace culture and social diversity
- Create a city of engaged and empowered residents

Since the *Our Future Hamilton* document is not completed, the CIP will continue to focus on the VISION 2020 document which identifies the following goals:

- To encourage development which makes efficient and economical use of infrastructure and services
- To preserve our natural and historical heritage
- To redevelop Hamilton’s central core as the regional centre
- To promote Hamilton’s environment as a desirable place to live and work
- To reduce the consumption of non-renewable energy and eliminate the excessive and wasteful use of energy
- To identify and virtually eliminate sources of potential chemical contamination (This goal is addressed primarily by the ERASE Community Improvement Plan.)

5.4 Urban Hamilton Official Plan (UHOP)

The Official Plan implements the vision and principles expressed by VISION 2020, the Growth Related Integrated Development Strategy (GRIDS), and the Corporate Strategic Plan. It also implements Provincial land use policy at the municipal level. The UHOP includes land use policy that would establish an urban structure based on nodes and corridors, overlaying land use designations guiding the development and redevelopment of commercial and mixed use areas, neighbourhoods, open spaces, institutional and employment lands.

The UHOP is now in force and effect (August 2013), the previous municipal planning policy documents are no longer applicable as it pertains to community improvement policies. The area municipalities include Ancaster, Dundas, Flamborough, Glanbrook, Hamilton and Stoney Creek.

Implementation Section F.1 of the UHOP provides the following policy direction as it relates to legal non-conforming uses, the policy is as follows:

“1.12 Existing, Non-Complying and Non-Conforming Uses

It is recognized there are some previously existing land uses that do not presently comply with the goals and objectives set out in this Plan. This Plan, while endeavouring to achieve a high degree of land use compatibility for new development, recognizes there is a degree of diversity in land use for existing areas where time and custom have achieved an acceptable level of tolerance. Many of these uses have been established for a considerable number of years. In some cases, it is recognized such situations exist and they can be continued in the interim. In other cases, there are some existing uses that not only do not comply with the Official Plan or conform to the Zoning By-law, and are incompatible with surrounding land uses.”

With respect to this policy, all proposed developments participating in programs and initiatives contained within the Community Improvement Plan (2016) shall conform with the policies in the Official Plan and / or conform to the Zoning By-law, and more importantly, shall be compatible with surrounding land uses. This is further highlighted below in Section 1.15.4 of the UHOP. Legally non-complying or non-conforming uses shall not qualify for the CIP programs.

Implementation Section F.1 also provides policy on community improvement within the City of Hamilton, they are as follows:

“1.15 Community Improvement

It is the intent of Council through Community Improvement to promote and maintain a high quality living and working environment throughout the City. Community Improvement shall be accomplished through (1) the upgrading and ongoing maintenance of communities or areas characterized by obsolete buildings, and / or conflicting land uses and / or inadequate physical infrastructure and community services, and, (2) the establishment of policies and programs to address identified economic, land development and housing supply issues or needs throughout the Urban Area.

1.15.1 Community Improvement shall be carried out through the designation, by Council, of Community Improvement Project

Areas and through the preparation and implementation of Community Improvement Plans pursuant to the Planning Act. It is the intent of Council that the entire urban area or any part of the urban area as defined in this Plan, and as subsequently amended, may by by-law be designated as a Community Improvement Project Area.

1.15.2 When designating Community Improvement Project Areas, one or more of the following characteristics may be present:

- a) building stock or property in need of rehabilitation;
- b) buildings and structures of heritage or architectural significance;
- c) encroachment of incompatible land uses or activities;
- d) deteriorated or insufficient physical infrastructure such as, but not limited to, sanitary and storm sewers and water mains, public transit, roads / streets, curbs, sidewalks, street lighting and utilities;
- e) deteriorated or insufficient community facilities / services such as, but not limited to public indoor / outdoor recreational facilities, public open space and public social facilities;
- f) inadequate mix of housing types;
- g) inadequate affordable housing;
- h) known or perceived environmental contamination;
- i) deteriorated or insufficient parking facilities;
- j) poor overall visual amenity of the area, including, but not limited to streetscapes and urban design;
- k) existing Business Improvement Areas or potential for inclusion in a Business Improvement Area designation, provided such designation is in conformity with the Niagara Escarpment Plan;
- l) inappropriate road access and traffic circulation;
- m) shortage of land to accommodate building expansion and / or parking and loading facilities;
- n) other barriers to the improvement or redevelopment of underutilized land or buildings; or,
- o) any other environmental, social, or community economic development reasons for designation.

1.15.3 Community Improvement Plans shall provide direction regarding the application of one or more of the following:

- a) allocation of public funds such as grants, loans or other financial instruments for the physical rehabilitation, redevelopment or improvement of land and / or buildings;

- b) municipal acquisition of land or buildings and subsequent land clearance, rehabilitation, redevelopment or resale of these properties or other preparation of land or buildings for community improvement;
- c) encouragement of infill and rehabilitation where feasible;
- d) promotion of historic preservation through the appropriate local, provincial and federal legislation;
- e) promotion of the viability of Commercial areas through the establishment and support of Business Improvement Areas; and,
- f) other municipal actions, programs or investments for the purpose of strengthening and enhancing neighbourhood stability, stimulating production of a variety of housing types, facilitating local economic growth, improving social or environmental conditions, or promoting cultural development.
- g) Identification of cultural heritage resources which shall be, wherever possible, conserved through appropriate adaptive reuse and alterations. Demolition of heritage structures shall be discouraged.

1.15.4 All developments participating in programs and initiatives contained within Community Improvement Plans shall:

- a) conform to the policies contained in this Plan,
- b) comply with all municipal by-laws and regulations of the City;
- c) comply with the Niagara Escarpment Plan, in accordance with Section C.1.0 – Provincial Plans with Designations ; and, d) obtain a Niagara Escarpment Development Permit where applicable.

1.15.5 Council shall determine the priorities and sequences in which designated Community Improvement Project Areas shall have individual Community Improvement Plans prepared.

1.15.6 Any Community Improvement Plan shall endeavor to co-ordinate individual initiatives to improve properties with municipal actions to upgrade physical infrastructure and community services, and promote new types of housing.

1.15.7 Council shall be satisfied that community improvements are within the financial capability of the City.”

Community Improvement is an important tool in generating economic prosperity as well as assisting in meeting the City’s growth and intensification targets. This Plan has been prepared to provide the tools necessary to ensure that the policies

of the UHOP are met and that strong communities continue to be complete, healthy, diverse and vibrant.

5.5 Hamilton Economic Development Strategy 2010-2015

This Community Improvement Plan is supported by the Community Development component of the 2010-2015 Economic Development Strategy. The Community Development component is focused on downtowns, brownfields and the waterfront area, all three of which are traditional centres of economic activity. The primary objectives in the Strategy’s community redevelopment component include:

- improving the image of Hamilton and stimulating investment;
- utilizing existing infrastructure;
- increasing residential and non-residential assessment; and,
- creating high-quality jobs.

The Strategy advocates partnerships/collaboration between the public sector, local businesses, residents and the broader community. It notes that local government needs to assume a leadership role in creating an investment-friendly environment through the application of innovative planning practices, investment in physical infrastructure (hard services and facilities), and establishing special purpose programs/policies that encourage redevelopment and attract investment to strategic areas of the city. They include delivery of targeted financial incentive programs to assist and encourage residential and non-residential assessment growth, as well as physical and social investments that will address real and perceived issues like safety and cleanliness.

Specific deliverables include: continued implementation of the Downtown Office Strategy, which has led to this Plan’s Office Tenancy Assistance Program; partnerships to attract higher education establishments and post-secondary graduates to Downtown Hamilton; creating continued linkages between Downtown and the West Harbour; development of a creative corridor on King William Street through Art Crawl and support for a creative / cultural precinct by encouraging the adaptive reuse of older underutilized buildings.

The City is currently drafting a new Hamilton Economic Development Strategy 2016-2020, this new strategy will continue to focus on some of those objectives noted above, among others.

5.6 City of Hamilton Corporate Strategic Plan

The Corporate Strategic Plan developed by Council identifies strategic priorities for the City’s future, including the following themes and focus areas:

Themes

- Image – changing the perception of Hamilton and promoting the City as a great place to live, work and play
- Job Creation – ensuring the City has a thriving and diverse business economy with sustainable jobs and employment for its residents

Focus Areas

- Skilled, Innovative and Respectful Organization;
- Financial Stability;
- Effective Inter-governmental Relations;
- Growing Our Economy;
- Social Development;
- Environmental Stewardship; and,
- Healthy Community.

To help implement the Corporate Strategic Plan, a series of desired end results and related key activities have been identified for the various City departments, which are centered on being the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities. This Community Improvement Plan’s contribution toward achieving desired end results is outlined in Section 9, Monitoring, linking the performance measures to be monitored with the Corporate Strategic Plan.

5.7 Transit-related Development Initiatives

5.7.1 Transit-Oriented Design (TOD)

The City has prepared *Transit-oriented Design Guidelines* for Hamilton to assist with the design of development / redevelopment along transit corridors. The document recognizes that “transit alone is unlikely to create a market demand, but it can act as a catalyst and direct the demand” to appropriate areas. It recommends “[establishing] partnerships when developing TOD areas to leverage the strengths of different groups (private, public, community)” and suggests that incentives such as tax increment financing programs can help to implement TOD development.

5.7.2 Rapid Transit (Light Rail Transit)

In collaboration with the City’s planning, engineering and design studies for rapid transit, a secondary planning process was launched for lands along the B-Line Corridor (Main-King-Queenston). In 2015, this collaborative initiative resulted in

a major funding announcement by the Province of Ontario to ensure LRT is developed.

The City recognizes that investment in intensification along the corridor is an important economic driver and meets the City’s Official Plan goals and objectives. To facilitate the long term success of LRT, the current commercial corridor program in effect also includes the LRT corridor, which is efficient in addressing future development and redevelopment. The existing incentive program has been modified to address all the commercial corridors, including the LRT corridor. This is defined in Section 6 below.

6. COMMUNITY IMPROVEMENT PROJECT AREAS

This Community Improvement Plan applies to the Downtown and Community Renewal Community Improvement Project Area. The Project Area is designated in a By-law approved by City Council. The Project Area includes sub-areas in which various programs and initiatives may be offered, as detailed in Section 8 and the program descriptions provided in the appendices to this Plan.

The sub-areas that collectively comprise the Downtown and Community Renewal Community Improvement Project Area are described below. For specific property reference, the Downtown and Community Renewal Community Improvement Project Area By-law should be consulted. The Project Area may include abutting properties provided they are part of the comprehensive redevelopment of an eligible property.

6.1 Downtown Hamilton

The Downtown Hamilton Community Improvement Project Area includes the historic core of the City of Hamilton and has been the traditional centre of commercial and cultural activity, institutional uses and government for the broader region. As such, the Downtown Hamilton Urban Growth Centre, contained within the Downtown Hamilton Community Improvement Project Area, is recognized in the Urban Hamilton Official Plan as the City’s pre-eminent node for commercial and office development that will also accommodate a large and diverse population, major cultural facilities and entertainment uses, and function as a major transit hub. The area includes the central hub of the City’s transit system at the MacNab Transit Terminal, the Hunter Street GO Transit station, as well as the new West Harbour GO Station. Key civic features include Gore Park, City Hall, the Central Public Library, Hamilton Farmers Market, the Art Gallery of Hamilton, Dofasco Centre for the Arts, First Ontario Place, Hamilton Place, Molson Canadian Studio (CORE Entertainment), the Jackson Square / City Centre complex, and commercial districts including James Street North and South and Hess Village. The limits of the Downtown Hamilton BIA, International Village BIA, King West BIA and Main West Esplanade BIA are each contained within the Downtown Hamilton Community Improvement Project Area boundary.

The Downtown Hamilton UGC includes properties within and abutting the area bound by Cannon Street, Victoria Avenue, Hunter Street and Queen Street, and also includes the properties fronting onto James Street north to the CN railway and south to Charlton Avenue. The Urban Growth Centre (UGC) has defined the past limits of the Downtown Hamilton Community Improvement Project Area; however, in addition to the UGC, the Downtown Hamilton Community Improvement Project Area boundary was expanded in 2013, to include precincts to the north, east, south and west.

The strength and vitality of Hamilton’s downtown is a clear signal of the strength and vitality of the City as a whole. The area has been influenced by broad economic, social and physical change and continues to represent an important area where municipal financial resources, planning initiatives and City Council support have been and will be continually dedicated. As noted in the Downtown Hamilton Secondary Plan, vibrant parks, streets and public spaces enhance the value of properties in their vicinity. Investment in the public realm is a key priority in the Downtown and benefits the many underutilized or undeveloped properties. The Secondary Plan also notes the ring of parking lots and vacant land that isolate the central core from the adjacent neighbourhoods, and recognizes that strengthening and providing more residential development is a key to Downtown revitalization. It promotes the use of municipal incentive programs to encourage the retention, conservation, rehabilitation, restoration or adaptive reuse of the Downtown’s many heritage properties. The Secondary Plan is currently under review and will look at these policies further.

The UGC is planned to function as a major employment centre for the City, with the potential in attracting major business, professional and government offices. The UGC is the pre-eminent node in Hamilton due to its scale, density, range of uses, function and identity by residents across the City.

The conversion of former industrial and warehouse buildings to residential and / or commercial use is also promoted by the Downtown Hamilton Secondary Plan, as well as the West Harbour (Setting Sail) Secondary Plan which would apply to land now within the Downtown Hamilton Community Improvement Project Area to the north of Cannon Street. Although this Plan’s programs have supported notable improvements to numerous properties in the Downtown core, it remains evident that there is a continued need to support the upgrading and improved maintenance and appearance of underutilized commercial buildings. However, this continued need has lessened in recent years, and in the next number of years, a slow transition outside of the Downtown may result, however, for the time being, continued support is recommended.

6.2 Community Downtowns and BIAs

Hamilton is a city of many communities. In addition to Downtown Hamilton, it features a variety of commercial areas (Community Nodes) and civic centres

reflective of the past development and history of the former Hamilton-Wentworth Region. They include the downtown areas of the former municipalities of Ancaster, Dundas, Flamborough (Waterdown), Glanbrook (Binbrook) and Stoney Creek and commercial corridors between them. Certain parts of these community downtowns and corridors have established Business Improvement Areas (BIAs) to co-ordinate promotion and beautification. To varying degrees, the Community Downtowns and BIAs face many of the same issues as Downtown Hamilton that can be addressed through community improvement, such as the conservation / adaptive reuse of heritage buildings, making better use of underutilized land and buildings through infill and redevelopment, and increasing the number of residents to support local business in mixed-use, transit-oriented environments.

The Community Improvement Project Areas for the community downtowns of Ancaster, Binbrook, Dundas, Stoney Creek and Waterdown are described below. Each area is identified as a Community Node in the Urban Hamilton Official Plan’s urban structure, except Binbrook which is identified as part of the Neighbourhoods element of the urban structure. However, Binbrook is also designated as the Community Core in the Binbrook Village Secondary Plan, and has historically served much of the surrounding area in the former Glanbrook Township as a downtown. In 2013 the CIP was further amended to include the community of Mount Hope as a Gateway for investment opportunity and discussed further in Section 6.5 of the Plan. A BIA is contained within part or all of each downtown area except Binbrook and Mount Hope.

- The Ancaster Village Community Improvement Project Area – This area is defined by the limits of the Ancaster BIA. Within it is the area designated as “Community Node” in the the Urban Hamilton Official Plan, generally consisting of the properties fronting on Wilson Street from the Old Mill Restaurant, westerly to Reding Road.
- The Binbrook Community Improvement Project Area – This area is designated as “Mixed Use Medium Density – Pedestrian Predominant” in the Binbrook Village Secondary Plan of the Urban Hamilton Official Plan.
- The Dundas Community Improvement Project Area – This area is designated as “Community Node” , as indicated on Schedule E, Urban Structure, Urban Hamilton Official Plan, and also includes the area defined by the limits of the Dundas BIA.
- The Downtown Stoney Creek Community Improvement Project Area – This area is designated as “Community Node” in the Urban Hamilton Official Plan, as indicated on Schedule E, Urban Structure; and as “Mixed Use Medium Density – Pedestrian Predominant”, Land Use Plan Map B.7.2-1, in the Old Town Secondary Plan. The Stoney Creek BIA is contained within the Downtown Stoney Creek Community Improvement Project Area boundary.
- The Waterdown Community Improvement Project Area – This area is designated as “Community Node” in the Urban Hamilton Official Plan, as indicated on Schedule E, Urban Structure; and a portion of the area is also

designated as “Mixed Use Medium Density”, Land Use Plan Map B.4.1-1 in the West Waterdown Secondary Plan, and also includes the area defined by the limits of the Waterdown BIA.

The following Community Improvement Project Areas are located outside of a designated downtown area and are defined by the boundaries of the corresponding BIA:

- The Barton Village Community Improvement Project Area – This area is defined by the limits of the Barton Village BIA (to the east of the Downtown Hamilton Community Improvement Project Area).
- The Concession Street Community Improvement Project Area – This area is defined by the limits of the Concession Street BIA.
- The Locke Street Community Improvement Project Area – This area is defined by the limits of the Locke Street BIA.
- The Ottawa Street Community Improvement Project Area – This area is defined by the limits of the Ottawa Street BIA.
- The Westdale Community Improvement Project Area – This area is defined by the limits of the Westdale BIA.

6.3 Commercial Corridors

In addition to the Downtowns and BIAs, commercial corridors with “main street” characteristics are also designated in the Downtown and Community Renewal Community Improvement Project Area By-law. Although they are not located within a designated downtown area or organized in a BIA, these corridors exhibit similar characteristics and may face similar challenges. They generally have a mix of land uses predominated by ground-floor commercial uses, in buildings situated close to the street upon relatively small properties. The identified areas are primarily located within the lower, inner City, as well as, two above the Escarpment, where the population has been declining and buildings are underutilized, and in areas close to McMaster University and Mohawk College where there is a need to provide student housing alternatives along the corridors outside of interior, established residential neighbourhoods. There is opportunity for community improvement initiatives to address these issues, and make use of existing infrastructure and transit routes along the corridors.

The corridors comprising the Commercial Corridors Community Improvement Project Area are identified more precisely in the Downtown and Community Renewal Community Improvement Project Area By-law, and are generally described as residential and commercial properties along the following streets:

- Barton Street East, between Sherman Avenue and Walter Avenue;
- Dundurn Street South, from Aberdeen Avenue to the southerly CNR right-of-way;
- James Street North, from Strachan Street to just north of Burlington Street;

- Kenilworth Avenue, between Main Street and Barton Street;
- King Street East, between Main Street at the Delta and Wentworth Street;
- King Street West, between Highway 403 and the Westdale BIA;
- Main Street East, between Wentworth Street and Rosewood Road;
- Main Street West, between Highway 403 and Osler Drive, also including abutting properties designated 'Mixed Use' on the Ainslie Wood Westdale Secondary Plan Land Use Plan;
- Parkdale Avenue, between Queenston Road and Barton Street;
- Queenston Road, between the Main Street traffic circle and Reid Avenue;
- Upper James Street, between Duff Street and Richwill Road (as proposed for westerly side of Upper James Street and a portion of the east side);
- Upper Wellington Street, from just south of Brucedale Avenue to just north of Inverness Avenue; and,
- York Boulevard, between the Downtown Hamilton Community Improvement Project Area and, Dundurn Street on the south side or Inchbury Street on the north side.

Properties abutting those listed above may also be included in the Commercial Corridors Community Improvement Project Area provided that they are situated between the "main street" and a parallel, public alleyway.

Barton / Kenilworth Commercial Corridors Study

On September 10, 2014, Council accepted the final recommendations of the Barton-Kenilworth Commercial Corridors Study. The Study provided rationale on priority actions which includes updating the package of financial incentives with new opportunities to waive or reduce development charges, parkland dedications requirements, planning and development fees and to modify existing programs or extend the programs available in the Downtown CIPA to both Barton Street East and Kenilworth Avenue North. Details of the programs are provided in Section 8.1 of the Plan.

6.4 Designated Heritage Properties

A heritage property that is not otherwise included in the Downtown and Community Renewal Community Improvement Project Area as described in Section 6.1, 6.2 or 6.3 above, is designated as part of said Project Area by the Downtown and Community Renewal Community Improvement Project Area By-law, provided that the property is:

- a) located within the older City, below the Niagara Escarpment and between Highway 403 and the Red Hill Valley Parkway, and now also includes all designated heritage properties within the City boundary;
- b) designated under Part IV or Part V of the Ontario Heritage Act; and,
- c) used or to be used for commercial, institutional, industrial and / or multi-residential purposes.

The objective is to assist in developing and re-using heritage properties. City Council values heritage properties as important to the urban revitalization and regeneration. Conservation and restorative initiatives must be consistent with the policies, principles and design themes contained within the Downtown Hamilton Secondary Plan, relevant Urban Design Guidelines, regulations contained within applicable Zoning By-laws as well as any other applicable City Council approved policies / regulations.

6.5 Mount Hope Airport Gateway

The Mount Hope Airport Gateway Community Improvement Project Area includes a portion of the lands designated District Commercial in the Mount Hope Secondary Plan, as identified in the Downtown and Community Renewal Community Improvement Project Area By-law. The area’s current characteristics, cultural heritage as the seat of the former Glanford Township, and unique location adjacent to the Hamilton International Airport, make it a fit with the redevelopment objectives of this Plan. The area possesses building stock and property in need of rehabilitation; buildings and structures of heritage or architectural significance; deteriorated or insufficient physical infrastructure; and encroachment of incompatible land uses or activities affecting development opportunities.

The Mount Hope Airport Gateway Community Improvement Project Area is focused on the existing and historic built up commercial and mixed use area of Mount Hope at the intersection of Airport Road and Homestead Drive and north to Upper James Street (former Highway 6 South), where community improvement programs and initiatives may help facilitate the transition from residential to other permitted uses for properties abutting the airport, address long standing vacancies and poor building conditions, and promote infill of vacant lots within that area.

7. GOALS AND OBJECTIVES

With consideration to the broader policy and geographic context outlined in Sections 5 and 6 of this Plan, the goals of the Downtown and Community Renewal Community Improvement Plan (2016) are:

- To create safe, clean, socially, economically and environmentally healthy areas where people want to live, work, shop, play and learn;
- To ensure a viable population of residents, jobs and visitors to the project areas that provide local business support, employment and economic prosperity;
- To make more efficient use of existing infrastructure;
- To encourage the preservation and enhancement of cultural heritage resources;

- To encourage affordable, low and moderate housing throughout the community improvement project areas;
- To increase the value of land and buildings within the community improvement project areas.

To help realize those goals, the following objectives of the Downtown and Community Renewal Community Improvement Plan (2016) will guide the development of its programs and related initiatives:

- To increase and improve the supply of residential units and commercial business in the project areas;
- To address and facilitate opportunity for affordable , low and moderate housing units;
- To facilitate the redevelopment of underutilized buildings, vacant sites, brownfield and surface parking lots;
- To promote the intensification and infill of appropriate and compatible development and redevelopment within the project areas;
- To improve the accessibility, functionality and marketability of the built environment, including the rehabilitation, maintenance and adaptive re-use of built heritage resources;
- To improve the aesthetics and design of streetscapes and public and private building façades;
- To support streetscape improvements and pedestrian amenities that encourage walking, cycling and transit use;
- To support the upgrading of social, physical services, including recreational and cultural facilities;
- To encourage the provision of unique or specialized attractions and community events;
- To identify and address regulatory, social, environmental and economic barriers and / or restrictions to development and investment opportunities;
- To provide loans, grants and other economic incentives to stimulate private property reinvestment activity;
- To encourage the co-ordination of municipal expenditures and planning and development activity;
- To promote the continued development of Downtown Hamilton as the primary business, administrative, cultural and creative centre of the City; and,
- To promote and enhance the unique environments established in the community downtowns of Ancaster, Binbrook, Dundas, Stoney Creek and Waterdown, Business Improvement Areas, and other mixed-use corridors.

8. PROGRAMS AND INITIATIVES

Section 8 outlines programs and initiatives that may foster and support revitalization and renewal within the associated Community Improvement Project Areas.

8.1 Provision of Loans and Grants

Through its financial incentive programs, the City of Hamilton will provide grants and / or loans to registered / assessed owners and tenants of land and buildings, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or part of the eligible costs of a project as described in this Community Improvement Plan.

Approval of all loan or grant program applications is at the absolute discretion of the City and subject to the availability of funds.

Depending on the specific program, project costs that may be eligible for financial assistance relate to:

- the creation of new dwelling units and / or commercial space upon vacant land and parking lots or within building additions;
- the renovation of existing dwelling units and / or commercial space;
- the conversion of existing but underutilized space to accommodate another permitted use;
- interior and / or exterior building improvements, including commercial façades and signage; and,
- the conservation and restoration of heritage features of designated heritage properties.

Projects will contribute to the achievement of this Plan's goals and objectives by:

- providing new residential and / or employment opportunities that support intensification and the efficient use of existing infrastructure;
- assisting the rehabilitation, maintenance and adaptive re-use of built heritage resources; and,
- increasing the value, utility and aesthetic appeal of land and buildings.

In addition to the following program summaries, Council shall adopt by resolution detailed implementation measures to allow for the efficient administration of each financial incentive program. These administration procedures are contained in the appendices to this Plan, providing detailed program descriptions, terms and administration process.

8.1.1 Hamilton Downtown, Barton and Kenilworth Multi-Residential Property Investment Program

The Hamilton Downtown, Barton and Kenilworth Multi-Residential Property Investment Program supports residential development within Downtown Hamilton, the Barton Village BIA and the commercial corridors along Barton Street, east of the Barton Village BIA and along Kenilworth Avenue North as identified in the Downtown and Community Renewal Community Improvement

Project Area By-law. The Program offers financial assistance to projects that result in predominantly residential development, including:

- the creation of a new multiple dwelling upon vacant land or parking areas; and / or
- a building addition containing at least three new dwelling units; and / or
- the conversion of existing commercial, industrial, institutional space into a multiple dwelling; and / or
- renovations to existing multiple dwellings.

A multiple dwelling must contain at least three dwelling units. Projects involving fewer than three dwelling units may be eligible for the Commercial Corridor Housing Loan and Grant Program (see Section 8.1.4).

The maximum loan is \$4 M per development. The loan is based on 25% of the project's Cost to Construct Budget including uses accessory to the dwelling units (e.g. parking, laundry, gym / pool used by residents); for mixed use projects, only the residential component of the project's Cost to Construct Budget, together with uses accessory to the dwelling units, is factored into the loan amount.

The maximum loan term is five years and six months from the date of the final advance exclusive of holdback. The loan interest rate will be 0% for the first five years. For the last six months of the loan, interest shall be payable on the principle outstanding at the then prevailing rate established by Council for interest on tax arrears.

The detailed program description, terms and administrative procedure for the Hamilton Downtown, Barton and Kenilworth Multi-Residential Property Investment Program, as adopted by City Council resolution, are provided in Appendix "A" to this Community Improvement Plan.

8.1.2 Hamilton Tax Increment Grant Program

The Hamilton Tax Increment Grant Program provides an economic incentive for developing, redeveloping or renovating residential and / or commercial land and buildings located within Downtown Hamilton, the community downtowns, active and dormant Business Improvement Areas (BIAs), the Mount Hope / Airport Gateway and those properties within the City boundary designated under the *Ontario Heritage Act*.

The Program offers a five year grant, subject to City Council approval, in an amount related to the increase in municipal realty taxes realized by a completed project. The grant shall not exceed 100% of the municipal realty tax increase during year one, 80% in year two, 60% in year three, 40% in year four, and 20% in year five. For purposes of determining the eligible amount of the increase in municipal realty taxes, special charges including BIA levies shall be excluded

from the calculation. The grant would reduce the effect of an increase in municipal (City portion only) realty taxes attributable to the differential between the pre-development assessment and the post-development assessment.

A limited assignment of the grant under the terms of the Program may be made from a registered or assessed owner of the property to the initial purchaser of a new condominium unit. An applicant may assign the grant to the City of Hamilton as payment of their loan under the Hamilton Downtown / West Harbourfront Remediation Loan Program or its successor program, provided though the City’s Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan.

Before any grant is provided to the applicant for a property for which a satisfactory grant application has been received and approved, realty taxes are required to have been paid as billed each year.

The detailed program description, terms and administrative procedure for the Hamilton Tax Increment Grant Program, as adopted by City Council resolution, are provided in Appendix “B” to this Community Improvement Plan.

8.1.3 BIA Commercial Property Improvement Grant Program

The BIA Commercial Property Improvement Grant Program (CPIG) provides financial assistance to commercial property owners / authorized tenants within all active Business Improvement Areas in the City of Hamilton. An active BIA is not considered dormant as defined by the Dormant Business Improvement Area Status Procedure.

The Program aims to improve upon the appearance and accessibility of numerous BIA commercial properties, recognizing their visibility and contribution to Hamilton’s image, for both residents and visitors. It is understood that smaller scale commercial activities contribute greatly to the economic vitality and health of the commercial sector within the City. The Program seeks to build upon these successes, to result in long lasting physical improvements to the assets of commercial property owners / authorized tenants, and to bring about aesthetic and accessible improvements to the commercial areas as defined by the Business Improvement Areas.

For buildings that have a linear foot street frontage greater than 25 feet, grants will be paid on a matching basis of \$400 per linear foot of street frontage up to a maximum of \$20 K for eligible work under the Program. For buildings that have a linear foot street frontage of twenty-five feet or less, grants will be paid on a matching basis to a maximum of \$10 K for eligible work under the Program. As a further incentive for corner properties, regardless of the measurement of the street frontage, the City may increase the maximum grant amount to \$25 K, on a similar matching basis for eligible work under the Program to recognize the

importance of flankage facades. The grant amount will be determined by the measurement of the street frontage and the measurement of the corner / exposed wall multiplied by \$400 per linear foot.

In addition to the grant amounts noted above, artfully designed façade improvements and art pieces placed on private property that are openly accessible to public view may be eligible for a supplemental grant through the Program's art component. The grant will be paid on a matching basis up to a maximum of \$10 K per property for eligible art works, and may be provided in addition to other CPIG program grants for other eligible improvements. These applications will be evaluated and recommended through a juried review process prior to approval, as per the terms of the CPIG Program.

Restoration/conservation of heritage features on commercial properties designated under the *Ontario Heritage Act* are not eligible for this program; however, improvements other than those to designated heritage features are eligible subject to the approval of a City heritage permit.

The detailed program description, terms and administrative procedure for the BIA Commercial Property Improvement Grant Program, as adopted by City Council resolution, are provided in Appendix "C" to this Community Improvement Plan.

8.1.4 Commercial Corridor Housing Loan and Grant Program

The Commercial Corridor Housing Loan and Grant Program is designed to stimulate residential development within Downtown Hamilton, the community downtowns, active and dormant Business Improvement Areas (BIAs), Mount Hope / Airport Gateway, other commercial corridors as identified in the Downtown and Community Renewal Community Improvement Project Area By-law and those properties within the City boundary designated under the *Ontario Heritage Act*.

The program provides financial assistance for converting existing built commercial space into residential units or renovations to existing residential units. It also provides assistance for the costs of creating new residential units via building additions and new construction on vacant land and parking lots. Preference will be given to buildings with direct frontage on a main street.

The maximum loan amount is \$20 K per dwelling unit to a maximum of \$600 K per property. A minimum of 50% of the loan per unit must be spent on developing / renovating the unit. The remaining 50% can cover the cost of common elements of the property, such as roofing, HVAC, central air conditioning, fire escapes, foundations, furnaces and entranceways.

The maximum loan term is five years and six months from the date of the final advance exclusive of holdback. The loan interest rate will be at 0 % interest for

the first five years. For the last six months of the loan, interest shall be payable on the principal outstanding at the then prevailing rate established by Council for interest on tax arrears. In addition to the loan, the program has a grant portion of \$5 K per application, for professional fees and some City of Hamilton fees. The grant portion is allocated to professional and City of Hamilton fees only upon presentation of paid receipts to the City's satisfaction.

The detailed program description, terms and administrative procedure for the Commercial Corridor Housing Loan and Grant Program, as adopted by City Council resolution, are provided in Appendix "D" to this Community Improvement Plan.

8.1.5 Hamilton Heritage Property Grant Program

The Hamilton Heritage Property Grant Program provides financial assistance for structural/stability work required to conserve and restore heritage features, the conservation and restoration of heritage features, and for heritage reports/assessments/studies, for designated heritage properties.

The Program offers a grant contingent on the property being designated under Parts IV or V of the *Ontario Heritage Act*, or the property being eligible for designation pursuant to Ontario Regulation 9/06. A condition of the grant will be that the property is designated under Parts IV or V of the *Ontario Heritage Act* prior to grant monies flowing to the applicant. Eligible properties must be located within Downtown Hamilton, a community downtown, an active Business Improvement Area, the Mount Hope/ Airport Gateway, a commercial corridor as identified in the Downtown and Community Renewal Community Improvement Project Area By-law or be a designated heritage property used or to be used for commercial, institutional, industrial or multi-residential purposes and situated within the older, lower City between the Niagara Escarpment and Lake Ontario, between Highway 403 and the Red Hill Valley Parkway Parkway.

For projects valued at \$40 K or less, the grant will be based on 50% of the total project cost to a maximum grant of \$20 K for eligible work under the program. For projects valued over \$40 K, the grant will include \$20 K (i.e. 50% of \$40 K), plus an additional grant based on 25% of the total project cost over \$40 K, to a maximum additional grant of \$130 K. In total, no more than \$150 K will be granted for eligible work under the program. The heritage related reports / assessments / studies component provides an additional grant that will fund 100% of the cost of the document(s) to a maximum of \$20 K per application. The applicant must be the property owner or any person to whom the owner has assigned the right to receive the grant.

Grants will be based on municipal addresses, identifying multiple and separate units with ground floor street frontages and entranceways.

The detailed program description, terms and administrative procedure for the Hamilton Heritage Property Grant Program, as adopted by City Council resolution, are provided in Appendix "E" to this Community Improvement Plan.

8.1.6 Office Tenancy Assistance Program

The Office Tenancy Assistance Program provides financial assistance to either building owners or tenants for eligible leasehold improvements to office buildings located within Downtown Hamilton, the community downtowns, active and dormant Business Improvement Areas (BIAs), Mount Hope / Airport Gateway, and the commercial corridors along Barton Street east of the Barton Village BIA and along Kenilworth Avenue North, as identified in the Downtown and Community Renewal Community Improvement Project Area By-law. The intent of the program is to facilitate the increased attractiveness and marketability of the office buildings in downtowns and other commercial areas. It aims to reduce the office vacancy rate by attracting new office tenants and owner-occupied office uses from outside the City, and to assist existing office uses to expand.

The maximum loan amount offered through this program will not exceed \$450 K per application. The loan amount will be based the lesser of either:

- a) 90% of invoiced eligible leasehold improvement costs; or
- b) i) in the case of applications by an owner or tenant involving a lease, the square foot area multiplied by up to \$25 per square foot depending on the term of the lease, or
ii) in the case of applications by an owner not involving a lease (i.e. owner-occupied office space), the square foot area multiplied by \$25.

City Council at its sole discretion has the option, at the time of initially approving a loan commitment, of increasing the maximum loan amount.

The maximum loan term is the term of the lease and shall not exceed five years from the date of the final loan advance. In the case of applications for owner-occupied office space, the maximum loan term shall not exceed five years from the date of the final loan advance. The interest rate is zero.

City Council at its sole discretion may, when initially approving a loan commitment, provide a grant or forgivable loan when an applicant is a not-for-profit publicly-funded educational establishment establishing its presence in Downtown Hamilton, as defined in the program.

The detailed program description, terms and administrative procedure for the Office Tenancy Assistance Program, as adopted by City Council resolution, are provided in Appendix "F" to this Community Improvement Plan.

8.1.7 Commercial Property Improvement Grant Program

The Commercial Property Improvement Grant Program provides financial assistance to improve upon the physical appearance of properties, assist with creating barrier-free and accessible environments and assistance with limited interior improvements. Commercial properties in Downtown Hamilton, the community downtowns,, the Mount Hope/ Airport Gateway, and the commercial corridors as identified in the Downtown and Community Renewal Community Improvement Project Area By-law.

The grant will be paid on a matching basis to a maximum of \$10 K for eligible work under the Program. As a further incentive for corner properties, the City will increase the maximum grant amount to \$12.5 K on a similar matching basis for eligible work under the Program to recognize the importance of flankage facades. Restoration / conservation of heritage features on commercial properties designated under the *Ontario Heritage Act* are not eligible for this program; however, improvements other than those to designated heritage features are eligible subject to the approval of a City heritage permit.

The detailed program description, terms and administrative procedure for the Commercial Property Improvement Grant Program, as adopted by City Council resolution, are provided in Appendix "G" to this Community Improvement Plan.

8.1.8 Barton / Kenilworth Tax Increment Grant Program

The Barton / Kenilworth Tax Increment Grant Program provides an economic catalyst for developing, redeveloping or renovating residential / commercial lands and buildings located within the boundaries of the Barton Village BIA, the Barton and Kenilworth commercial corridors and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law.

The Program authorizes for each approved grant application, a nine year grant, the amount of which is subject to Council approval, in an amount not exceeding the increase in municipal realty taxes. The increase in municipal realty taxes (City portion only) will be based on either the year in which the building permit that initiated the development / redevelopment was issued or, for properties where the proposed development / redevelopment does not require a building permit, the year in which City Council approved the grant amount, and, the first full year in which the property is reassessed. The grant shall be an amount which does not exceed 100% of the municipal realty tax increase during the first, second, third, fourth and five year, 80% in year six, 60% in year seven, 40% in year eight, and 20% in year nine. For purposes of determining the eligible amount of the increase in municipal realty taxes, special charges including B.I.A. levies shall be excluded from the calculation. The grant would reduce the effect

of an increase in municipal realty taxes attributable to the differential between the pre-renovation assessment and the post-renovation assessment.

The detailed program description, terms and administrative procedure for the Barton / Kenilworth Tax Increment Grant Program, as adopted by City Council resolution, are provided in Appendix “H” to this Community Improvement Plan.

8.1.9 Barton / Kenilworth Commercial Corridor Building Improvement Grant Program

The Barton / Kenilworth Commercial Corridor Building Improvement Grant Program supports the development of property and the maintenance, functionality, viability, accessibility and aesthetics of existing building stock used for commercial, multi-residential or institutional uses within the boundaries of the Barton Village BIA, the Barton and Kenilworth commercial corridors and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law.

Grants will be matching to a maximum of \$50 K per deeded property.

The detailed program description, terms and administrative procedure for the Barton / Kenilworth Commercial Corridor Building Improvement Grant Program, as adopted by City Council resolution, are provided in Appendix “I” to this Community Improvement Plan.

8.1.10 Gore Building Improvement Grant Program

The Program supports the maintenance, attractiveness, functionality and viability of the historic building stock that fronts on King Street East between James Street and Catharine Street, known as the “Gore”. The Program provides a 50% grant to a maximum of \$50,000 per application towards bringing existing properties to present-day Property Standards and Sign By-law requirements and, to improve their accessibility.

The detailed program description, terms and administrative procedure for the Gore Building Improvement Grant Program, as adopted by City Council resolution, are provided in Appendix “J” to this Community Improvement Plan.

8.2 Municipal Property Acquisition and Disposition

The City of Hamilton may acquire and prepare property, including land and buildings, for the purposes of redevelopment within any Community Improvement Project Area. The City may also dispose, including sale, lease, or otherwise, of municipal land and buildings within any Community Improvement Project Area for the purpose of achieving the goals and objectives of this Plan.

8.3 Other Strategies

The following programs and initiatives are not provided under the authority of the community improvement provisions of the *Planning Act*, Section 28, but are intended to augment and support the goals, objectives and financial incentive programs contained in this Community Improvement Plan (2016).

8.3.1 Relief from fees and charges

The City of Hamilton may offer relief from fees, levies and charges associated with redevelopment. For example, all or part of a development charge may be waived within a community improvement project area via the City’s Development Charge By-law under the authority of the *Development Charges Act*.

8.3.2 Co-operation / Participation with Private Sector Entities

The City of Hamilton may participate financially or otherwise with private sector entities for the objective of furthering the goals and objectives of this Plan. For example, the City may enter into public / private partnerships with developers where appropriate to achieve a desired public good such as the development and operation of a parking structure within Downtown Hamilton.

8.3.3 Capital Improvements

The City of Hamilton will undertake capital improvements in order to enhance the attractiveness of the pedestrian environment along streets and public spaces within the Downtown and Community Renewal Community Improvement Project Areas. These improvements may include but are not limited to expanding the Urban Braille system and providing street furniture, street lighting and pole upgrades, and wayfinding signage, among other public realm improvements. The entrances to the downtown areas and BIAs will be identified by appropriately designed and located gateway features.

8.3.4 Arts and Culture

Downtown Hamilton is seen as the arts and cultural centre of the City, and numerous cultural events are also held within the various community downtowns and commercial districts. The City will continue to encourage cultural and recreational activities as well as festivals and other events in these areas. The City may partner with arts and culture groups to promote and support such events through initiatives such as services in kind.

The City’s Public Art Master Plan identifies and prioritizes potential sites and opportunities for new public art projects, including locations within this Community Improvement Plan’s Project Areas. The Public Art Master Plan also recommends the use of partnerships with the other public institutions, local

cultural organizations and the private sector to facilitate the development of public art. To this end, community improvement initiatives such as the arts component of the BIA Commercial Property Improvement Grant Program will promote partnerships with the private sector for the purpose of implementing exterior art works on privately owned land accessible to the public.

To increase the opportunity of public art, Urban Renewal has also established the Hamilton Downtown Public Art Reserve. Wherein Public art projects funded from the reserve will be focused on downtown to improve the quality of public space, animate street life and contribute to the evolving image of downtown as a place for the arts and innovation benefiting both newcomers and the existing community.

8.3.5 Marketing and Promotion

In accordance with the Economic Development Division's Marketing Plan, the City of Hamilton may promote and advertise or contribute to the promotion or advertisement of programs, initiatives and events in Downtown Hamilton, the Community Downtowns, BIAs and other commercial corridors for the purpose of achieving the goals and objectives of this Plan.

8.3.6 Neighbourhood Action Strategy

The Neighbourhood Action Strategy approved by Council in 2011 takes a holistic approach to neighbourhood planning and how best to maximize investments and deliver services in areas exhibiting poor health, social and economic outcomes. Neighbourhood / Community strategies may address issues such as access and equity, access to housing and services, health inequalities, property maintenance, environmental issues, community appearance, economic stability, and crime. Such issues are often complex and require a multi-agency and community-based approach for their resolution. The core elements are:

1. Enhancing community development work;
2. Developing resident-led Neighbourhood Plans;
3. Increasing investments in neighbourhoods; and,
4. Building new partnerships to support healthy neighbourhoods.

As part of the integrated team of City and community staff and resources, Urban Renewal staff will work with the Neighbourhood Action Strategy Office to ensure that existing and future opportunities related to community improvement are considered where appropriate.

8.3.6 Affordable Housing

The need for low to moderate and affordable housing is of paramount importance in many North American cities. This issue is at the forefront in many

communities, including the City of Hamilton. The concerns of homelessness and gentrification are often tied to how we address the housing needs throughout the City. The need to address these concerns is reflective of the current housing market, and the potential for displacement as a result of the demand of housing in Hamilton. To assist in addressing this, Urban Renewal is working with Hamilton Housing Services Division to formulate a cooperative approach to addressing an affordability component within the existing financial incentives that could be funded and monitored through Housing Services and administered through Urban Renewal. A placeholder has been inserted into the program descriptions for the Hamilton Downtown, Barton and Kenilworth Multi-Residential Property Investment Program and Commercial Corridor Housing Loan and Grant Program. Housing Services.

In 2015, Urban Renewal and Housing Services staff prepared a brochure titled "Building Housing in Hamilton". The brochure provides an opportunity to market the City's existing programs and incentives available to facilitate the development of new residential rental and ownership units that are affordable for low-to-moderate income households.

9. MONITORING

Monitoring the Plan's implementation is undertaken through the City's performance measurement reporting, and the annual report prepared by the Economic Development Division of the Planning and Economic Development Department.

Performance measures are based on the desired end results and key activities set out in the Department's business plan, in alignment with the City's Corporate Strategic Plan. They address the following desired end results:

- improve non-residential assessment ratio;
- increase the number of brownfield sites redeveloped;
- increase the number of housing units for affordable, and low to moderate income households;
- increase the number of new businesses;
- increase taxable assessment growth;
- increase the value of non-residential building permits (to improve the non-residential assessment ratio);
- increase the number of visitors, conventions and events;
- meet growth targets (population and employment);
- decrease office vacancy rates in the Downtown core;
- support waterfront redevelopment;
- newly created or revitalized employment sites (to increase the employment rate);
- increase the number of residential units with the Downtown core; and,

- increase alternative transportation usage in areas such as transit, walking and cycling.

10. APPROVAL AND AMENDMENT PROCESS

This Community Improvement Plan will be reviewed from time to time to ensure that it is current and adequately reflects existing City policies and priorities, as well as Provincial policies. Monitoring and applicant feedback regarding the Community Improvement Plan and its programs may also lead to amendments and / or minor revisions to the financial incentive program descriptions and terms.

10.1 Formal Amendments

A formal amendment to this Community Improvement Plan is required in the following instances:

- to introduce any new financial incentive programs, to be added to Section 8;
- to increase the amount of financial assistance that may be provided to registered owners, assessed owners, and tenants, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, as described in Section 8; or,
- a change to the Community Improvement Project Area as it is described in Section 6.

Formal amendments will require approval by City Council, and shall be undertaken in accordance with Section 28 of the *Planning Act* and the City's Public Participation and Notification Policies contained in Chapter F – Implementation, Section 1.17.2 of the Urban Hamilton Official Plan. As per the Urban Hamilton Official Plan, notification of the required public meeting for Community Improvement Plan amendments shall be given at least 17 days prior to the date of the meeting. The notice shall be given in accordance with the applicable requirements of the *Planning Act* regulations. Council decisions shall take place no sooner than a minimum of 17 days from the time the first notification is given. Proposed amendments will be circulated to the Ministry of Municipal Affairs and Housing prior to approval for consultation purposes. In addition, the City may undertake other communication methods to provide information and seek input, such as public information open houses, workshops, public meetings, the City's web site and direct or electronic mail outs and surveys.

10.2 Other Changes

Council has adopted by resolution detailed implementation measures to allow for the efficient administration of each financial incentive program. These administration procedures are contained in the various program description and terms provided in the appendices to this Community Improvement Plan. Changes to the

appendices not requiring a formal amendment will be adopted by City Council by resolution. In addition, Council may discontinue any of the programs contained in this Plan, without amendment to the Plan. Formal amendments, including public meetings under the *Planning Act*, shall not be required for minor administrative amendments to this Plan such as format changes, typographical errors, grammatical errors and policy number changes.

10.3 Transition

Program applications will be processed under the terms of the program in effect at the time the application was submitted. When program terms are revised, applications submitted and approved under the former terms of the program will be processed under the former terms unless the City receives a formal cancellation of the application.



Hamilton

Planning and Economic Development Department
Urban Renewal Section
71 Main Street West, 7th Floor
Hamilton, Ontario L8P 4Y5
Phone: (905) 546-2424 Ext. 2755
Fax: (905) 546-2693

**HAMILTON DOWNTOWN, BARTON AND KENILWORTH
MULTI RESIDENTIAL PROPERTY INVESTMENT PROGRAM**

PROGRAM DESCRIPTION

The Hamilton Downtown, Barton and Kenilworth Multi Residential Property Investment Program (the “Program”) was developed as a catalyst for stimulating residential development within Downtown Hamilton, the Barton Village Business Improvement Area (BIA) and the commercial corridors along Barton Street, east of the Barton Village BIA and along Kenilworth Avenue North as identified in the Downtown and Community Renewal Community Renewal Community Improvement Project Area. The Program is intended to provide financial assistance for projects that result in predominantly residential development including converting existing commercial space into multiple dwelling units; renovations to existing multiple dwelling units; the creation of a new multiple dwelling on vacant land; together with uses accessory to the residential development.

The Program may also qualify the applicant for additional incentives for the development of new rental units that meet affordability needs, subject to availability. Additional incentives may include any combination of development charge and parkland dedication exemptions, capital funding contributions and any other incentive as may be available from time to time for the purposes of encouraging the development of new affordable rental housing. In order to be eligible for additional affordable housing incentives, rental units must meet the definition and criteria established in the City of Hamilton By-law 03-148 to Adopt a Municipal Housing Facility By-law. When affordable housing is developed in conjunction with this Program, this Program constitutes an affordable housing program for the purposes of the City of Hamilton’s Development Charges By-law 14-153.

Acting as a lender, the City provides financial support for the Program and ensures that development arising from the Program is consistent with the policies, principles and design themes contained within the Urban Hamilton Office Plan, applicable Zoning By-laws, relevant Urban Design Guidelines, the Downtown Hamilton Secondary Plan as well as any other City Council approved policy / regulation.

TERMS OF THE PROGRAM

Hotels including all-suite hotels are not eligible under the Program. Student housing is eligible as long as it meets the definition of a dwelling unit: “a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from outside the building or from a common interior hallway, vestibule or stairway.

1. The maximum Loan term is five years and six months (subject to prior termination on default) from the date of the final advance exclusive of holdback. No extension or renewal shall be granted.
2. The Loan interest rate will be at 0 % interest for the first five years. For the last six months of the Loan, interest shall be payable on the principal outstanding at the then prevailing rate established by Council for interest on tax arrears, such interest to be calculated and payable monthly, not in advance.
3. The Loan will be secured by a second mortgage upon the lands to be developed (the “Property”) upon first advance of funds. In addition, the Applicant will enter into a Loan Agreement which includes (but is not limited to) the terms and conditions of this program description. All other security required by the applicant will be in place prior to advancing funds i.e. personal / corporate guarantees.
4. Interest on arrears will be 15% per annum or such tax arrears interest rate as may be established by Council from time to time.
5. Principal is repayable in annual amounts of ten percent, in 12 equal monthly payments, of the principal loan amount. Payments will commence one year following the substantial completion advance, exclusive of any required holdback. The balance outstanding will be paid by a balloon payment at the end of the five year and six month term. Monthly principal payments will continue during the last six months of the repayment term with interest calculated and payable monthly, not in advance, if not paid earlier.
6. If the development is a condominium, the repayment regime is as follows: upon sale of individual condominium units, the City will be repaid upon closing 25% of the sale price of the unit until the total loan amount has been paid in full. In addition to repayment upon sale of individual condominium units, commencing in the second year following the substantial completion advance, ten percent of the principal loan amount is repayable annually in the second, third, fourth and fifth years following substantial completion unless payments made upon sale of the individual condominium units are equal to or greater than ten percent of the principal loan amount in each of the second, third, fourth and fifth years. On the

last day of the fifth year, a single payment of the balance outstanding will be required.

7. The loan may be prepaid at any time without notice, bonus or penalty.
8. The maximum loan amount is 25% of the Cost to Construct Budget prepared by an architect / engineer and addressed to the City of Hamilton and dated within 6 months of the date of application. For loans \$1 M or over, a letter addressed to the City from a third-party quantity surveyor approving the Cost to Construct Budget must accompany the application. For all loans the appraisal submitted at time of application is to be addressed to the City of Hamilton and include replacement cost. All of the aforementioned documents are at the expense of the applicant.

The maximum loan amount per development is \$4 M.

The maximum loan amount outstanding under the program to a single developer or related group will not exceed \$10 M at one time.

9. Approval of the loan application is at the absolute discretion of the City and subject to the availability of funds.
10. The City will periodically review the terms and the duration of the Program and make appropriate revisions as per the direction of City Council.
11. The City will request security required to secure a commercial loan, that may include the following: loan agreement; and / or personal property security; and / or personal guarantees; and / or corporate guarantees; and / or lien on the property to be improved; and / or collateral mortgage / charge registered on the property to be improved; and / or letter of credit in lieu of a second mortgage charge on the property (subject to City's minimum equity requirements); and / or such other security which may be appropriate or available in the circumstance. In the instance where a personal guarantee is required a personal net-worth statement will also be required.
12. Redevelopment/development will commence no longer than two years following City Council's approval of the loan commitment. The two-year period may be extended by City Council at its absolute discretion.
13. The City's funding will be advanced in three stages, upon completion of 60%, 80% and substantial completion of the project. Upon proof satisfactory to the City that the proposed development is 60% complete based upon the cost of construction and that equity and / or financing required to that stage of completion has been injected into the development then the approved City funds will be made available and released proportionately based upon the approved source of funds (equity / financing / City funds).

The calculation of the proportion to be advanced will reflect that the first 60% of funding is from non-City sources. Advances will be made in conjunction with first mortgage financing advances or after proof of equity injections.

14. Owner applicants shall have no less than 25% equity based upon the appraised value of the property upon completion. The appraisal must be addressed to the City of Hamilton, dated within six months of the date of the application, include replacement cost, be prepared by an accredited member of the Appraisal Institute of Canada (AIC) and, must accompany the application. The cost of the appraisal is at the total expense of the owner.
15. An application fee of \$285 plus HST must accompany the application. An administration fee of \$500 plus HST per unit for developments under 50 units; \$400 plus HST per unit for developments between 50 and 100 units and \$300 plus HST per unit for projects over 100 units is charged to the borrower and is eligible to be paid out of the loan proceeds. The administration fees will be paid out of the first loan advance that flows from the City of Hamilton. All fees will be authorized through a user-fee by-law passed by City Council. The rate of the fees may be changed from time to time as approved by City Council.
16. All taxes as billed must be paid current and in good standing throughout the development process.
17. Eligible existing buildings / vacant properties must be located in Downtown Hamilton, the Barton Village BIA or Barton Street, east of the Barton Village BIA and along Kenilworth Avenue North, as identified in the Downtown and Community Renewal Community Improvement Project Area By-law. Vacant lands include properties developed as parking lots.
18. Site Concept Plan drawings in a form acceptable to the City must accompany the application.
19. Advances are made by the City, upon proof by a third-party quantity surveyor for loans \$1 M or above confirming the value of the work completed. Loans under \$1 M require an architect / engineer to confirm the value of the work completed.
20. All costs associated with the conversion or renovations are to be borne by the applicant including construction, design, application and administration fees, appraisals, professional services, inspections, legal and registration fees. The City retains the right to assess the reasonableness of costs and which costs are eligible under the terms of the Program.
21. In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property all monies outstanding on the loan shall forthwith become due and payable.

22. Change of Corporate Control

Where the Owner is a corporation the Owner covenants and agrees that in the event that:

- a) the Owner fails to supply the City, in a form satisfactory to the City such information relating to the ownership of its shares as the City may from time to time require: or
- b) without the written consent of the City first had and obtained:
 - i) the Owner issues or redeems any of its shares or transfers any of its shares;
 - ii) there is a sale or sales of the shares of the Owner which result in the transfer of the legal or beneficial interest of any of the shares of the Owner; or
 - iii) the Owner amalgamates, merges or consolidates with any other corporation

and the result of any of the foregoing is a change in the effective control of the majority of the voting shares of the Owner, or the requested information is not provided, then all monies secured by the mortgage together with accrued interest thereon shall forthwith become due and payable at the option of the City and the City's powers of sale hereby given and all other remedies for enforcement shall be exercisable.

- 23. The proposed development must conform to applicable Urban Hamilton Official Plan policies, the Downtown Hamilton Secondary Plan, Urban Design Guidelines and applicable Zoning By-laws, as well as any other City Council approved policy/regulation.
- 24. The City of Hamilton will require specific insurance terms to be met to protect the City's interest.
- 25. Deadlines for the submission and approval of building permits and construction start dates are established following a report to Council for approved applications.
- 26. Without limiting the discretion as set out in paragraph 9, herein, the City Council, may reject any application received from an applicant, whether or not an Applicant satisfies the requirements of the Program, where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants are individuals; corporate entities and individuals behind the corporation (Officers / Directors / Shareholders).
- 27. Without limiting the discretion as set out in paragraph 9 herein, City Council, whether or not an Applicant satisfies the requirements of the

Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or other properties owned by the Applicant within the City of Hamilton.

28. Works commenced prior to submitting an application are ineligible. Works commenced after submitting an application but prior to application approval do so at the applicant's risk.
29. Please refer to the Application Form for the documentation required to be submitted as part of an application under this Program.



Planning and Economic Development Department
Urban Renewal Section
71 Main Street West, 7th Floor
Hamilton, Ontario, L8P 4Y5
Phone: (905) 546-2424 Ext. 2755
Fax: (905) 546-2693

HAMILTON TAX INCREMENT GRANT PROGRAM

PROGRAM DESCRIPTION

The intent of the Hamilton Tax Increment Grant Program (the “Program”) is to provide an economic catalyst for developing, redeveloping or renovating residential / commercial lands and buildings located within Downtown Hamilton, Community Downtowns, the Mount Hope / Airport Gateway, Business Improvement Areas (BIAs), and those properties within the City boundary designated under the *Ontario Heritage Act*.

This Program authorizes for each approved grant application, a five year grant, the amount of which is subject to Council approval, in an amount not exceeding the increase in municipal realty taxes. The increase in municipal realty taxes (City portion only) will be based on either the year in which the building permit that initiated the development / redevelopment was issued or, for properties where the proposed development / redevelopment does not require a building permit, the year in which City Council approved the grant amount, and, the first full year in which the property is reassessed. The grant shall be an amount which does not exceed 100% of the municipal realty tax increase during year one, 80% in year two, 60% in year three, 40% in year four, and 20% in year five. For purposes of determining the eligible amount of the increase in municipal realty taxes, special charges, including BIA levies, shall be excluded from the calculation. The grant would reduce the effect of an increase in municipal realty taxes attributable to the differential between the pre-renovation assessment and the post-renovation assessment.

1. Before any grant is provided to the applicant for a property for which a satisfactory grant application has been received and approved, realty taxes are required to have been paid as billed each year and, the property shall be in compliance with the program’s requirements and conditions as set-out in the Grant Payment Agreement the applicant will be required to enter into with the City. Conditions in the Agreement include but are not limited to:
 - a) The total value of the eligible grant provided under the Program will be reduced by: (a) the amount by which property taxes have been cancelled or reduced for the subject property pursuant to any other City programs (i.e. vacancy rebates) or tax appeals under Sections

357 and 358 of the *Municipal Act*; and (b) the amount by which property taxes have been reduced or cancelled for the property pursuant to any relief or reduction permitted under any legislation or order of any court or the Assessment Review Board;

- b) The Owner or the municipality has not appealed the increased assessed value and there exists no other pending appeal which has not been settled completely in respect of the assessed value as of a date which is either in advance of or as of a date, which follows the said redevelopment.
2. The first year of the grant is payable at the end of the calendar year in the first full year of reassessment, post completion, of the redevelopment/development (subject to taxes being paid in full and no pending appeal or confirmation that the assessment will not be appealed). An applicant has the option of receiving the grant at the end of the first year of reassessment, however they will forfeit the grant for the months of the year the reassessment does not apply i.e. if reassessment occurs on the 1st of^t March of a year, the first year of the grant will be based on March-December (ten months) of the year only.
 3. For commercial projects, the first year of the grant is payable at the end of the first full year of reassessment, post completion, of the redevelopment / development regardless of the number of commercial units occupied.
 4. For residential condominium projects, first year of the grant is payable by the end of the calendar year in which 75% of the residential condominium units within the project are fully assessed, and is calculated on a ratable per unit basis.
 5. The grants may be received by an owner in conjunction with any other available municipal program (with the exception of the Barton / Kenilworth Tax Increment Grant Program and the ERASE Redevelopment Grant) in support of redevelopment / development, including the municipality's loan and heritage programs. The approved grants are not assignable by the owner to anyone, except to the initial purchaser of any condominium unit or to the City of Hamilton. The total of each property's five years of approved grants shall not exceed the costs of the property's development/redevelopment.
 6. A limited assignment of the grant under the terms of the Program may be made from a registered or assessed owner of the property to the initial purchaser of each new condominium unit. The assignment of the grant shall not apply to any subsequent re-sale of any such unit. The assigned grant shall be restricted to the balance of the five year term running from the re-assessment date following the date of the registration of the condominium. The first year of the grant is payable at the end of the

calendar year in which 75% of the condominium units within the project are fully assessed, and is calculated on a ratable per unit basis. In addition to the one-time \$755 plus HST application fee for grants greater than \$12.5 K or \$220 plus HST for grants \$12.5 K or less, a one-time administration fee of \$395 plus HST per unit shall be deducted from the initial grant payment. Fees will be authorized through a by-law passed by City Council. The rate of the fees may be changed from time to time as approved by City Council.

7. For applicants who choose not to assign the grant to the initial purchasers of each condominium unit, the grant will be earned by the applicant if they have met all terms and conditions of the Program including payment of taxes until the development has past Final Building Inspection by Building Services. The annual grant to the applicant will be pro-rated if an appeal has been filed with the Municipal Property Assessment Corporation by any of the condominium unit owners. The grant for condominium units that are under appeal will not be released until the appeals are settled through the Assessment Review Board. The first year of the grant is payable during the calendar year in which 75% of the condominium units within the project are fully assessed, and is calculated on a ratable per unit basis.
8. An applicant and any assignees, can assign the grant to the City of Hamilton as payment of their loan under the Hamilton Downtown / West Harbourfront Remediation Loan Program.
9. The applicant will be required to enter into an Agreement with the City of Hamilton that sets out the conditions of the annual grant.
10. Redevelopment / development will commence no longer than 2 years following City Council's approval of the grant or the grant will be cancelled. The 2 year period may be extended by City Council at its absolute discretion.
11. In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property (for projects other than residential condominiums), any future grants will be terminated.
12. Change of Corporate Control:

Where the Owner is a corporation the Owner covenants and agrees that in the event that:
 - a) the Owner fails to supply the City, in a form satisfactory to the City such information relating to the ownership of its shares as the City may from time to time require or;

- b) without the written consent of the City first had and obtained:
- i) the Owner issues or redeems any of its shares or transfers any of its shares;
 - ii) there is a sale or sales of the shares of the Owner which result in the transfer of the legal or beneficial interest of any of the shares of the Owner or;
 - iii) the Owner amalgamates, merges or consolidates with any other corporation.

and the result of any of the foregoing is a change in the effective control of the majority of the voting shares of the Owner, or the requested information is not provided, then future grant payments under the Program shall cease at the absolute discretion of the City.

13. Approval of the grant application is at the absolute discretion of the City and subject to the availability of funds.
14. Without limiting the discretion as set out in paragraph 13 herein, the City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and if a corporation any person or entity with an interest in the corporation as determined by the City in its sole, absolute and unfettered discretion.
15. Without limiting the discretion as set out in paragraph 13 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or other properties owned by the Applicant within the City of Hamilton.
16. Works commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program and eligibility will be determined by the GM in his sole, absolute and unfettered discretion. An applicant shall assume the risk of paying for work commenced after an application has been submitted but prior to approval.

GRANT CRITERIA

Projects that include developing, redeveloping or renovating residential/commercial lands and buildings within Downtown Hamilton, Community

Downtowns, the Mount Hope / Airport Gateway, Business Improvement Areas (BIAs), or, designated under the *Ontario Heritage Act* and located within the City boundary are eligible under the Program.

Approval of the application and estimated grant amount is subject to City Council approval. Such application shall be submitted and only received if it is prior to the owner's commencement of improvements / rehabilitation to their property and shall include plans, estimates, contracts and other details as may be required to satisfy the City as to the cost of the project and as to the conformity of the project with the objectives of the Downtown and Community Renewal Community Improvement Plan.

Such project is also required to be in compliance with the City's Official Plan policies, other by-laws and policies, including but not limited to zoning, site plan approval, design guidelines, heritage matters including preservation of historical buildings. The compliance of each application with the criteria of this Program and the estimated amount of the Property's grants (within the permitted terms of this Program) is at the discretion of and subject to Council approval.

All parking lots and vacant sites are eligible. Properties upon which commercial, residential or industrial buildings are cleared and demolished are eligible, with the exception of designated heritage buildings.

This program shall not apply to an existing or proposed Adult Entertainment Parlour, Body Rub Establishment, Correction Facility, Corrections Residence, Emergency Shelter, Lodging House or Residential Care Facility as defined in the Zoning By-law.



Hamilton

Planning and Economic Development Department
Urban Renewal Section
71 Main Street West, 7th Floor
Hamilton, Ontario L8P 4Y5
Phone: (905) 546-2424 Ext. 2755
Fax: (905) 546-2693

BUSINESS IMPROVEMENT AREA COMMERCIAL PROPERTY IMPROVEMENT GRANT PROGRAM

PROGRAM DESCRIPTION

The Business Improvement Area Commercial Property Improvement Grant Program is intended to provide financial assistance for commercial property owners / authorized tenants within active* City-wide Business Improvement Areas as identified within the Downtown and Community Renewal Community Improvement Project Area By-law. The Program aims to improve upon the appearance of commercial properties, support commercial property / business owners with limited rehabilitation of interior space and assist in creating a barrier free and accessible environment. It is understood that smaller scale commercial activities contribute greatly to the economic vitality and health of the commercial sector within the City of Hamilton. This Program seeks to build upon these successes, resulting in long lasting physical improvements to the assets of commercial property owners / authorized tenants, to assist business development within the commercial areas as defined by the Business Improvement Areas, and to broadly improve commerce within the entire City.

*An active BIA is not considered dormant as defined by the Dormant Business Improvement Area Status Procedure as approved by City Council at its meeting held November 11, 2009.

PROGRAM TERMS

1. Commercial property owners / authorized tenants are eligible for a maximum grant per property during a five year period (i.e. multiple applications or one application could be submitted however the sum of the grant amounts approved will be no more than the maximum amount allowed for each property). Exceptions may be made at the sole discretion of the General Manager of Planning and Economic Development if a new tenant / owner is occupying the property and applies for new signage only. Note: grants are subject to the availability of funding.

2. Buildings that have a linear foot street frontage greater than twenty-five feet (25'), grants will be paid on a matching basis of \$400 per linear foot of street frontage up to a maximum of \$20 K for eligible work under the Program.
3. Buildings that have a linear foot street frontage of 25 feet or less, grant amounts will be paid on a matching basis to a maximum of \$10 K for eligible work under the Program.
4. As a further incentive for corner properties the City will increase the maximum grant amount to \$25 K, on a similar matching basis for eligible work under the Program to recognize the importance of flankage facades. The grant amount will be determined by the measurement of the street frontage and the measurement of the corner / exposed wall multiplied by \$400 per linear foot.
5. Commercial properties are to be identified by municipal address to identify multiple and separate commercial units with separate ground floor street entrances.
6. Commercial uses must be in conformity with applicable policy documents of the City including but not limited to Official Plans, the provisions of the applicable Zoning By-law and any other applicable City by-laws.
7. Performance measures are to be applied to the payment of grants.
8. Eligibility requirements for the Program relating to the work to be funded will be specifically identified. Two separate cost estimates for the work are to be provided. Please note a contractor licensed with the City of Hamilton may be required to undertake the work. For more information on work that requires a licensed contractor please refer to the Application Form or contact Building Department at (905) 546-2424 Ext. 2720.

An owner who is proposing to undertake the work and not hire a contractor may present an estimate based on material only.

Grants will be calculated based upon lowest cost estimate.

In the case where the applicant is the owner of a contracting company and wishes to utilize their company to undertake the improvements, one (1) cost estimate from an arms-length contractor will also be required.

A Building Inspector will review all estimates provided for the purpose of ensuring competitiveness.

9. Restoration / conservation of heritage features on commercial properties designated under the *Ontario Heritage Act* are not eligible under this grant program, however, improvements other than those on heritage features are eligible subject to the approval of a City heritage permit. Urban Renewal staff will work closely with Development Planning staff on all applications received that are designated under the *Ontario Heritage Act*.
10. Relative to the proposed improvements, a building inspector will perform an initial and final inspection / investigation to confirm compliance with various Acts, Regulations and City Bylaws including the Ontario Building Code, Property Standards By-Law, Trade Licencing By-Law, Sign By-law etc.
11. Approval of the grant is at the sole discretion of the General Manager of Planning and Economic Development and subject to the availability of funds.
12. Proposed improvements to be completed within one year to be eligible for payment. A one year extension can be authorized by the Manager of Urban Renewal if an applicant has extenuating circumstances which would warrant an extension.
13. Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Urban Renewal Section.
14. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.
15. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.
16. An application fee of \$350 plus HST for grants greater than \$12.5 K , or \$220 plus HST for grants less than or equal to \$12.5 K must be submitted at the time of application. The fee will be authorized through a by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council.
17. Approval of the grant application is at the absolute discretion of the City and subject to the availability of funds.
18. Without limiting the discretion as set out in paragraph 17 herein, the City, Council, may reject any application received from an applicant, whether or not an Applicant satisfies the requirements of the Program, where, in the

- opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and if a corporation any person or entity with an interest in the corporation as determined by the City in its sole, absolute and unfettered discretion.
19. Without limiting the discretion as set out in paragraph 17 herein, the City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.
 20. Works commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program and eligibility will be determined by the GM in his sole, absolute and unfettered discretion. An applicant shall assume the risk of paying for work commenced after an application has been submitted but prior to approval.
 21. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.

ARTS COMPONENT:

An additional matching grant to a maximum of \$10 K may be available for artfully designed façade improvements or art pieces placed on private property that can be viewed by the public.

The applicant will provide an adequate brief and rendering of the proposed art piece.

A jury will be established and may comprise a selection of the following: Urban Renewal Section, urban designer, Business Improvement Area member. The Director of Culture or representative will be on the jury.

The selection jury will review, evaluate and approve all proposed art projects. The jury will reserve the right to deem what is eligible for funding under the arts component.

ELIGIBILITY REQUIREMENTS

- Property owners and authorized tenants are eligible;
- Property taxes must be paid current;

- The proposed work to be pre-inspected by the City Building Inspector;
- The improvements shall be in accordance with Property Standards and the Ontario Building Code and in compliance with all applicable City by-laws, official plans, zoning regulations, design guidelines and site plan approvals;
- Commercial properties must be located within one of the City's active Business Improvement Areas and be within the corresponding Community Improvement Project Area; and,
- Existing use must be in conformity with the applicable Zoning By-law regulations, and other relevant planning controls.

ELIGIBLE IMPROVEMENTS

Exterior Improvements:

- Replacement or repairing of storefronts;
- Improvements / replacement to doors, cornices, parapets, soffit, fascia;
- Addition of new lighting and upgrading of existing fixtures, on exterior of the façade and within the storefront area normally associated with the display area;
- Awning replacements and / or additions;
- Brick repairs and / or pointing;
- Painting and façade treatments;
- Installation or improvement of signage (Signage must comply with Sign By-law 10-197);
- Barrier free entrance to property (ramps, doors and automatic door openers);
- Permanent landscape features only such as flagstone and natural stones / rocks, statuary, irrigation, containers ;
- Permanent Fencing;
- Front-yard decks / patios or side yard decks / patios that abut a street;
- Surveillance cameras affixed to the exterior of the property (must comply to the Fortification By-law 10-122); and,

Interior Improvements:

Note: The maximum grant for interior improvements is 50% of the maximum grant per property

- Barrier-free washrooms;
- Ramps to access barrier-free washrooms;
- Interior signage to meet *Accessibility for Ontarians with Disabilities Act (AODA)* requirements;
- Commercial kitchen cooking exhaust / ventilation systems;
- Sprinkler systems; and,
- Widening of doors to meet *AODA* requirements.

Fees:

- Architectural, engineering, lawyer's, BCIN designer, building permit, site plan application, road occupancy permit, street occupancy permit and encroachment agreement application fees may be eligible for up to 100% of the cost to a maximum of \$3 K per application as part of the total grant awarded for completed construction.

Other improvements deemed health, safety and accessible issues eligible at the sole discretion of the General Manager of Planning and Economic Development.

In-Eligible: (this list is not intended to be exclusive)

- Trees, shrubbery, perennials, annuals, soil, mulch, grass;
- Roofing (apart from mansard roofs above the eligible frontage);
- Sandblasting;
- Paving of parking lots;
- Interior furniture, display cases, equipment;
- Outdoor patio furniture; and
- Tools.



Planning and Economic Development Department
Urban Renewal Section
71 Main Street West, 7th Floor
Hamilton, Ontario L8P 4Y5
Phone: (905) 546-2424 Ext. 2755
Fax: (905) 546-2693

COMMERCIAL CORRIDOR HOUSING LOAN AND GRANT PROGRAM

PROGRAM DESCRIPTION

The Commercial Corridor Housing Loan and Grant Program (the “Program”) is designed to stimulate residential development within Downtown Hamilton, Hamilton’s Community Downtowns, the Mount Hope / Airport Gateway, active and dormant Business Improvement Areas and “commercial corridors”, as identified in the Downtown and Community Renewal Community Improvement Project Area By-law, and those properties within the City boundaries designated under the *Ontario Heritage Act*.

The Program is intended to provide financial assistance for converting existing built commercial space into residential units, renovations to existing residential units or construction of new units via building additions. The Program is also intended to provide assistance for the costs of creating new residential units on vacant land.

The Program may also qualify the applicant for additional incentives for the development of new rental units that meet affordability needs, subject to availability. Additional incentives may include any combination of development charge and parkland dedication exemptions, capital funding contributions and any other incentive as may be available from time to time for the purposes of encouraging the development of new affordable rental housing. In order to be eligible for additional affordable housing incentives, rental units must meet the definition and criteria established in the City of Hamilton By-law 03-148 to Adopt a Municipal Housing Facility By-law. When affordable housing is developed in conjunction with this Program, this Program constitutes an affordable housing program for the purposes of the City of Hamilton’s Development Charges By-law 14-153.

Acting as a lender, the City provides financial support for the Program and ensures that development arising from the Program is consistent with the principles and design themes contained within the Downtown and Community Renewal Community Improvement Plan, the applicable Official Plan and Zoning By-law, and the provisions of relevant Urban Design Plans.

PROGRAM TERMS

Note: A Pre-Application Form must be completed and forwarded to the Urban Renewal Section prior to completing a Final Application Form. The Pre-Application Form is required in order that staff can review property details and determine appropriate next steps.

1. Subject to meeting all other Program terms, the Commercial Corridor Housing Loan and Grant Program is available to property owners within:
 - a) the Downtown Hamilton Community Improvement Project Area;
 - b) the City of Hamilton's Community Downtowns;
 - c) the Mount Hope / Airport Gateway;
 - c) the active and dormant Business Improvement Areas;
 - d) the "commercial corridors" as identified in the Downtown and Community Renewal Community Improvement Project Area By-law; and,
 - e) Properties within the City boundary designated under the *Ontario Heritage Act*.
2. The maximum loan amount is \$20 K per dwelling unit to a maximum of \$600 K per property (30 units). A dwelling unit is a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from outside the building or from a common interior hallway, vestibule or stairway. A minimum of 50% of the loan per unit must be spent on developing / renovating the unit. The remaining 50% can cover the cost of common elements of the property e.g. roofing, HVAC, central air conditioning, fire escapes, foundations, furnaces, entranceways or other improvements deemed eligible by the General Manager of the Planning and Economic Development Department.
3. In addition to the loan, the Program has a grant portion of \$5 K per application allocated to professional fees and City of Hamilton fees only. The grant portion is paid upon presentation of paid receipts to the City's satisfaction. Professional fees will include: architects; BCIN designers; lawyers; engineers; surveyors' fees, title insurance, etc. City of Hamilton fees will include: building permit, site plan application, road occupancy permit, street occupancy permit and encroachment agreement fees. Eligible fees will be determined at the absolute discretion of the General Manager of Planning and Economic Development.
4. The Program does not apply to single-detached dwelling units or "individual" street townhouse dwelling units. However, the Program does apply to the creation of "accessory units" also known as basement apartments within existing dwellings including single-detached and "individual" street townhouses. Accessory units must be self-contained with kitchen and bathroom facilities. Accessory units must comply with the applicable Urban Hamilton Official Plan designation, Zoning By-law provisions and the Ontario Building Code.
5. The Program will not fund improvements including roofing, electrical, fascia, and eavestrough, in isolation of internal work on dwelling units.
6. Approval of the loan application is at the absolute discretion of the General Manager of the Planning and Economic Development Department (for loans / grants to a maximum of \$200 K) and, City Council for loans/grants above \$200 K and, subject to the availability of funds.

7. The maximum Loan term is five years and six months (subject to prior termination on default) from the date of the final advance exclusive of holdback. No extension or renewal shall be granted.
8. The Loan interest rate will be at 0% interest for the first five years. For the last six months of the Loan, interest shall be payable on the principal outstanding at the then prevailing rate established by Council for interest on tax arrears, such interest to be calculated and payable monthly, not in advance.
9. The Loan will be registered as a second mortgage upon the lands to be developed (the "Property") prior to the first advance of funds. In addition, the Applicant will enter into a Loan Agreement which includes (but is not limited to) the terms and conditions of this program description.
10. The City will request security required to secure a commercial loan, which may include the following: loan agreement; and / or promissory note; and / or personal property security; and / or personal guarantees; and / or corporate guarantees; and / or lien on the property to be improved; and / or collateral mortgage charge registered on the property to be improved; and / or letter of credit in lieu of a second mortgage charge on the property (subject to City's minimum equity requirements); and / or such other security which may be appropriate or available in the circumstance. The City will request net worth statements or variations thereof as the City may determine.
11. Interest on arrears will be 15% per annum or such tax arrears interest rate as may be established by Council from time to time.
12. Applicants shall have no less than 25% equity based upon the appraised value of the property offered as security, including cost of improvements being financed. The City at its discretion will determine whether an appraisal is required or whether it will accept a drive-by appraisal, tax assessment or other proof of value, depending on the amount of the Loan and the extent of construction or renovation.
13. Advances are made by the City, upon proof satisfactory to the City confirming the value of the work completed.
14. The City's funding will be advanced in three stages, upon completion of 60%, 80% and substantial completion of the project. Upon proof satisfactory to the City that the proposed development is 60% complete based upon the value of the construction and that equity and / or financing required to that stage of completion has been injected into the development, then the approved City funds will be made available and released proportionately based upon the approved source of funds (equity / financing / City funds). The calculation of the proportion to be advanced will reflect that the first 60% of funding is from non-City sources. Advances will be made in conjunction with financing advances or after proof of equity injections.

15. Principal is repayable in annual amounts of ten percent (10%), in 12 equal monthly payments, of the original loan amount. Payments will commence one year following the substantial completion advance, exclusive of any required holdback. The balance outstanding will be paid by a balloon payment at the end of the Five Year and Six Month Term. Monthly principal payments will continue during the last six months of the repayment term with interest calculated and payable monthly, not in advance, if not paid earlier.
16. If the development is a condominium, the repayment regime is as follows: upon sale of individual condominium units, the City will be repaid \$25 K per unit, until the loan is paid in full. In addition to repayment upon sale of individual condominium units, commencing in the second year following the substantial completion advance, ten percent of the principal loan amount is repayable annually in the second, third, fourth and fifth years following substantial completion, unless repayments made upon sale of the individual condominium units are equal to or greater than ten percent of the principal loan amount in each of the second, third, fourth and fifth years. On the last day of the fifth year, a single payment of the balance outstanding will be required.
17. The loan may be prepaid at any time without notice, bonus or penalty.
18. An application fee of \$285 plus HST must accompany the final application. An administration fee of \$260 plus HST per unit is charged to the borrower. The administration fees will be paid out of the first advance of funds that flow from the City of Hamilton. The fee amount may be changed from time to time as approved by City Council.
19. Realty taxes must be paid as billed throughout the development process.
20. All costs associated with the conversion or renovations are to be borne by the applicant including construction, design, administration fees, appraisals, inspections, legal and registration fees. The City retains the right to assess the reasonableness of costs and which costs are eligible under the terms of the Program.
21. In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property all monies secured by the mortgage to the City shall forthwith become due and payable.
22. Change of Corporate Control:
Where the Owner is a corporation the Owner covenants and agrees that in the event that:
 - a) the Owner fails to supply the City, in a form satisfactory to the City such information relating to the ownership of its shares as the City may from

time to time require: orb) without the written consent of the City first had and obtained:

- i) the Owner issues or redeems any of its shares or transfers any of its shares;
- ii) there is a sale or sales of the shares of the Owner which result in the transfer of the legal or beneficial interest of any of the shares of the Owner; or,
- iii) the Owner amalgamates, merges or consolidates with any other corporation.

and the result of any of the foregoing is a change in the effective control of the majority of the voting shares of the Owner, or the requested information is not provided, then all monies secured by the mortgage together with accrued interest thereon shall forthwith become due and payable at the option of the City and the City's powers of sale hereby given and all other remedies for enforcement shall be exercisable.

23. The proposed development must conform to the relevant Official Plan and Zoning By-law and such other approved municipal policies as are applicable, e.g. urban design guidelines / built form guidelines.
24. The proposed development must conform to an Urban Design Plan where same is in effect. The applicant must demonstrate to staff that the Urban Design Plan is being implemented.
25. The City of Hamilton will require specific insurance terms to be met to protect the City's interest.
26. Redevelopment / development will commence no longer than one-year following the date the loan is approved by the General Manager of Planning and Economic Development or City Council, or the loan / grant will be cancelled. The one-year period may be extended at the absolute discretion of the General Manager of Planning and Economic Development.
27. The deadline for 60% completion of the proposed redevelopment / development will be subject to a date established through consultation with the applicant and approved by the General Manager of Planning and Economic Development Department.
28. The City will periodically review the terms and the duration of the Program and make appropriate revisions as per the direction of City Council.
29. The Commercial Corridor Housing Loan and Grant may be received by an owner in conjunction with any other available City programs (excluding the Hamilton Downtown Barton / Kenilworth Multi-Residential Property Investment Program) in support of the redevelopment / development of the property.

30. Without limiting the discretion as set out in paragraph six, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and if a corporation any person or entity with an interest in the corporation as determined by the City in its sole, absolute and unfettered discretion.
31. Without limiting the discretion as set out in paragraph six, herein, City Council may reject application received from an applicant, whether or not an Applicant satisfies the requirements of the Program, anywhere there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.
32. Works commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program and eligibility will be determined by the General Manager of Planning and Economic Development in his sole, absolute and unfettered discretion. An applicant shall assume the risk of paying for work commenced after an application has been submitted but prior to approval.
33. Please refer to the Application Form for the documentation required to be submitted as part of an application under this Program.



Hamilton

Planning and Economic Development Department
Urban Renewal Section
71 Main Street West, 7th Floor
Hamilton, Ontario L8P 4Y5
Phone: (905) 546-2424 Ext. 2755
Fax: (905) 546-2693

HAMILTON HERITAGE PROPERTY GRANT PROGRAM

PROGRAM DESCRIPTION

The Hamilton Heritage Property Grant Program (HHPGP) is intended to provide financial assistance in the form of a grant for structural / stability work required to conserve and restore heritage features of properties; the conservation and restoration of heritage features of properties; and for heritage studies / reports / assessments for properties that are designated under Parts IV or V of the *Ontario Heritage Act*. Eligible properties must be located within: Downtown Hamilton; a Community Downtown; the Mount Hope/Airport Gateway, an active* Business Improvement Area within the City of Hamilton; Commercial Corridors as identified in the Downtown and Community Renewal Community Improvement Project Area; or, be designated under Parts IV or V of the *Ontario Heritage Act* and located within the lower city between Highway 403 and the Red Hill Valley Parkway and used for commercial, institutional, industrial or multi-residential purposes.

The objective of the Program is to assist in developing and re-using heritage properties. City Council values heritage properties as important to the urban revitalization and regeneration. Conservation and restorative initiatives must be consistent with the policies, principles and design themes contained within the Downtown Hamilton Secondary Plan, relevant Urban Design Guidelines, regulations contained within applicable Zoning By-laws as well as any other applicable City Council approved policies / regulations.

*An active B.I.A. is not considered dormant as defined in the Dormant Business Improvement Area Status Procedure as approved by City Council at its meeting held November 11, 2009.

Terms of the Program:

1. The applicant must be the property owner of a historically designated property or, any person whom the owner of such property has assigned the right to receive the grant, to be eligible to apply for the program.
2. Grants will be based on municipal addresses, identifying multiple and separate units with ground floor street frontages and entranceways and will be up to a

maximum of \$150 K (*not including \$20 K for heritage reports / studies / assessments*) per municipal address for eligible work.

3. The grant is contingent on properties being designated under Parts IV or V of the *Ontario Heritage Act*.
4. An application fee of \$345 plus HST for grants greater than \$12.5 K, or \$220 plus HST for grants less than or equal to \$12.5 K must be submitted at the time of application.
5. The grant is conditional upon a Heritage Permit; or easement approval; or other City approval, being issued for the heritage component.
6. The grant is conditional upon all planning and building code approvals required for structural / stability works.
7. Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application but prior to application approval do so at the applicant's risk.
8. The Urban Renewal Section reserves the right to recommend works that are integral to the preservation of the building required to preserve / conserve the heritage features.
9. Proposed work is to be completed within two calendar years of the date of approval of the General Manager of Planning and Economic Development to be eligible for payment. A one year extension can be authorized by the Manager of Urban Renewal if there are extenuating circumstances that warrant an extension.
10. Payment will be made by the City upon proof by an architect or engineer confirming the value of the work completed and the compliance with all applicable regulations / legislation or, upon proof satisfactory to the City confirming the value of the work completed.
11. Realty taxes must be paid current and in good standing.
12. Notwithstanding the above, upon completion of the improvements on condominium properties, the Urban Renewal Section will set a deadline to the condominium corporation as to when all taxes on the property are to have been paid as billed and, if on that date 100% of the taxes are not paid, the grant will be advanced proportionately based upon the percentage of paid taxes. The remainder of the grant will be cancelled.
13. For projects valued at \$40 K or less, the grant will be based on 50% of the total project cost to a maximum grant of \$20 K for eligible work under the program. For projects valued over \$40 K, the grant will include \$20 K (i.e. 50% of \$40 K), plus an additional grant based on 25% of the total project cost over \$40 K, to a

maximum additional grant of \$130 K. In total, no more than \$150 K will be granted for eligible work under the program.

14. Work completed must comply with estimates, and work proposed and identified within the application unless previously approved by the Urban Renewal Section.
15. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.
16. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.
17. The grant is not transferable upon sale of the property.
18. The heritage grants may be received by an owner in conjunction with any other City heritage program available including the Community Heritage Trust Program. Funding under these programs will not fund the same work *and* will be contingent on total financing under all heritage programs not exceeding 50% of the total cost of the restoration / conservation work. Exceptions to the 50% maximum for total funding under all heritage programs can be made at the sole discretion of the General Manager of Planning and Economic Development.
19. The heritage grant may also be received by an owner in conjunction with any other available City program in support of the redevelopment / development of the property. Funding under other programs will not fund the same work.
20. Approval of the grant application is at the absolute discretion of the City and subject to the availability of funds.
21. Without limiting the discretion as set out in paragraph 20, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and if a corporation any person or entity with an interest in the corporation as determined by the City in its sole, absolute and unfettered discretion.
22. Without limiting the discretion as set out in paragraph 20, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.

23. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.
24. Works commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program and eligibility will be determined by the GM in his sole, absolute and unfettered discretion. An applicant shall assume the risk of paying for work commenced after an application has been submitted but prior to approval.

Heritage Related Reports / Assessments / Studies Component:

- The heritage related reports / assessments / studies component provides an additional grant that will fund 100% of the cost of the document(s) to a maximum of \$20,000 per application;
- The applicant shall retain a qualified consultant to complete the heritage related reports / assessments / studies, who is acceptable to the City (Urban Renewal Section and Development Planning);
- The final document is to meet the satisfaction of the City (Urban Renewal Section and Development Planning); and,
- Copies of the final document shall be provided to the City (Urban Renewal Section and Development Planning) and may be used as the basis for future work on the property by a future owner should the ownership of the property change.

Eligible structural / stability work:

- Work necessary to restore the building to structural soundness e.g., the correction of serious structural faults that threaten the building's survival; stabilization works to retain portions of the property; underpinning of building structures; repair / new roofs etc.

Eligible conservation work:

- Any work that conserves or enhances elements specified in the *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes* accompanying the designating by-law under the *Ontario Heritage Act* (“OHA”).
- The **conservation** of significant architectural features is eligible. This may include the conservation or restoration of: doors, windows, verandahs, cupolas, chimneys, bargeboard or other decorative trim, parapets, cornices, hood mouldings and any other features important to the overall composition of the structure as specified in the *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes* accompanying the designating by-law under the OHA.
- The **conservation** of fences and outbuildings if specifically referred to in *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes* accompanying the designating by-law under the OHA.

- The **conservation** or renewal of original siding and roofing materials including repair and replacement where necessary of wood clapboard or board-and-batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.). Eligible work also includes removal of a modern material (synthetic siding, asphalt shingles, etc.) and replacement with documented original materials.
- The **reconstruction** of former and significant architectural features for which the appearance can be clearly determined from documentary sources (photographs, drawings, etc.) is eligible.
- The **reconstruction** of store fronts which have been altered or replaced. The documentation should be in the form of historic photographs or drawings clearly showing the feature(s) to be reconstructed.
- Cleaning of masonry buildings may be eligible if it is necessary for the building's preservation. **Under no circumstances will grants be paid for any form of abrasive cleaning, (e.g., sandblasting or sodablasting) or high-pressure water cleaning. Heritage Staff approval is required as to cleaning method to be employed before work is undertaken.**
- Exterior painting in documented original colours. Colours must be documented for the individual building or be proved to have been a common contemporary colour in the area. Painting of unpainted masonry is not eligible.

Non-eligible works:

The following works, including repair, maintenance, reconstruction or improvements to the following are ineligible for grant assistance:

- Short-term, routine *maintenance*. This includes minor repairs (such as repairing a broken step or a broken window); repair of non-original siding or roofing materials (aluminum siding, asphalt shingles, etc.);
- Landscaping;
- Work on modern additions;
- Work on sheds or outbuildings not specifically referred to in the *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes*;
- Installation of modern doors and windows unless replicas of the original
- Installation of new storm or screen doors and windows;
- Chimney repairs other than restoration of a significant chimney
- Repair of eavestrough unless its nature is such that it is significant to the heritage of the structure;
- Repairs to or renewal of modern materials;
- Painting previously unpainted masonry;
- Interior Work (unless required to stabilize / preserve the property e.g. furnaces); and,
- Abrasive cleaning (e.g. sandblasting or sodablasting) or high-pressure water cleaning.



Hamilton

Planning and Economic Development Department
Urban Renewal Section
71 Main Street West, 7th Floor
Hamilton, Ontario L8P 4Y5
Phone: (905) 546-2424 Ext. 2755
Fax: (905) 546-2693

OFFICE TENANCY ASSISTANCE PROGRAM

PROGRAM DESCRIPTION

The Office Tenancy Assistance Program (the “Program”) provides financial assistance to either building owners or tenants for eligible leasehold improvements to office buildings located within Downtown Hamilton, Community Downtowns, the Mount Hope/Airport Gateway, Business Improvement Areas (BIAs) and the commercial corridors along Barton Street, east of the Barton Village BIA and along Kenilworth Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law. The intent of the Program is to facilitate the increased attractiveness and marketability of the office stock and reduce the office vacancy rate by attracting new office tenants and owner-occupied office uses from outside the City, and to assist existing businesses to expand.

Acting as a lender, the City provides financial support for the Program in the form of a zero interest loan. Development arising from the Program must be consistent with the Downtown and Community Renewal Community Improvement Plan and other policies and regulations as may be applicable, such as the Downtown Hamilton Secondary Plan, Zoning By-laws, Urban Design Guidelines, and building permit requirements.

ELIGIBILITY REQUIREMENTS

1. Buildings must be located within Downtown Hamilton, Community Downtowns, the Mount Hope / Airport Gateway, Business Improvement Areas (BIAs) or, the commercial corridors along Barton Street, east of the Barton Village BIA and along Kenilworth Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law.
2. Either owners of eligible buildings, or authorized tenants within eligible buildings, may apply to the Program.
3. Leasehold improvements made for a tenant establishing a new office location in the City of Hamilton are eligible for the Program. Each application must involve leasehold improvements by a minimum of 1,000 square feet of gross leasable office space. The minimum square foot requirement may be subdivided within a larger building.

4. Leasehold improvements made for a tenant expanding / relocating from a location already within the City of Hamilton must be increasing their current leasehold area by a minimum of 1,000 square feet of gross leasable office space to be eligible for the Program. For the purpose of calculating the loan amount, the total eligible leasehold improvement costs will account for the expansion area only.
5. Eligible leasehold improvements include leasehold improvements required by the tenant in order to lease the space, but that will become the property of the landlord upon termination of the lease. They include alterations or improvements to the building that cannot be removed upon termination of the lease because they are attached to or form part of the leased premises. They may include:
 - alterations to a building such as interior walls, ceilings and doors;
 - paint, wallpaper, window coverings and flooring;
 - phone and data cabling; and,
 - fixed lighting, HVAC, electrical or plumbing upgrades.

Ineligible leasehold improvements would include items that can be moved or taken out of the building, such as mobile partitions, furniture and equipment, appliances, pictures and carpeting / rugs that are not attached to the floor. Capital improvements to a property are not eligible e.g. additions, roofing.

6. For the purpose of this Program, eligible leasehold improvements are to be made to space within eligible buildings that is devoted to office uses, commercial schools, communications establishments, financial establishments, medical offices, and medical clinics (excluding methadone clinics), educational establishments and call centres, where permitted by the zoning by-law. City Council at its sole discretion may deem other uses eligible for the program that are not listed above. In addition to the foregoing Eligible Leasehold Improvements can only be made to space within buildings in which management, clerical, administrative, consulting, advisory, training or teaching services are offered or performed.

Leasehold improvements to space within eligible buildings that are devoted to non-office or more commercially-oriented uses are ineligible, such as but not limited to retail, restaurant, personal services, commercial entertainment, commercial recreation, hotel, conference or convention centre uses.

7. The improvements made to buildings shall be in accordance with the Ontario Building Code and in compliance with all applicable City by-laws, official plans, zoning regulations, design guidelines and site plan approvals.

8. Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application but prior to application approval do so at the applicant's risk of the application not being approved.
9. Prior to a loan being approved and during the term of the loan, property taxes are required to be paid in full as billed.
10. Approval of the loan application is at the absolute discretion of the City and subject to the availability of funds.
11. Without limiting the discretion as set out in paragraph ten, herein, the City Council, whether or not an applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between City and the applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and if a corporation any person or entity with an interest in the corporation as determined by the City in its sole, absolute and unfettered discretion.
12. Without limiting the discretion as set out in paragraph ten, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.
13. Works commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program and eligibility will be determined by the General Manager of Planning and Economic Development, in his sole, absolute and unfettered discretion. An applicant shall assume the risk of paying for work commenced after an application has been submitted but prior to approval.

TERMS OF THE PROGRAM

14. The maximum loan amount will not exceed \$450 K per application. City Council at its sole discretion has the option, at the time of initially approving a loan commitment, of increasing the maximum loan amount.
15. The loan amount will be based on the lesser of either a) or b):
 - a) 90% of estimated eligible leasehold improvement costs;

- b) i) in the case of applications by an owner or tenant involving a lease, the square foot area multiplied by the appropriate \$ amount based on the term of the lease, as indicated in the table below;

<i>Term of Lease</i>	<i>\$ amount</i>
12 to 35 months	\$10
36 to 47 months	\$15
48 to 59 months	\$20
60 months or longer	\$25

The lease must be for a minimum of one year.

- ii) in the case of applications by an owner not involving a lease (i.e. owner-occupied office space), the square foot area multiplied by \$25.

16. City Council at its sole discretion has the option, at the time of initially approving a loan commitment, of providing a grant or forgivable loan versus a loan when an applicant is a not-for-profit publicly-funded educational establishment establishing its presence in the Downtown Hamilton. Approval of a grant would be contingent on an appropriate funding source being identified as part of the approval process. If the applicant is not otherwise in default of the Loan Agreement a Forgivable Loan will be forgiven at the end of the term of the Loan. Forgiveness shall not be prorated if the applicant vacates the space to which the Loan was used for leasehold improvements prior to the end of the Loan term. In order to earn the forgiveness the applicant must occupy the space to which the Loan was used for leasehold improvements for the entire term of the Loan. The maximum term of the Loan shall be as set out in paragraph 17 below. However, if the applicable lease provides for early termination the minimum term of the Loan shall be one year.

Applications being processed under Section 16 must meet the definition of an *educational establishment* to the satisfaction of the General Manager of Planning and Economic Development prior to being forwarded to City Council for approval. An application processed under Section 16 must meet the definition of an *educational establishment*, for the purposes of this program, the definition is as follows:

“shall mean a publicly funded university or college for academic instruction and shall include a hospital or institution, including the associated offices of such uses”.

17. The maximum loan term is the term of the lease and shall not exceed five years (subject to prior termination on default) from the date of the final loan advance. In the case of applications for owner-occupied office space, the maximum loan term shall not exceed five years (subject to prior termination on default) from the date of the final loan advance.
18. The loan interest will be at 0% for the repayment term.
19. All applicants will submit a completed Program application form, financial statements, a business plan in a format acceptable to the City in its absolute discretion, and any other documentation or evidence the City may require to evaluate the loan application.
20. All applicants receiving approval for a City loan under this Program shall be required to enter into a Loan Agreement with the City with provisions including but not limited to the terms and conditions set out herein, and execute a General Security Agreement.
21. Loans are conditional upon the City being provided with a copy of the executed lease, in a format acceptable to the City in its absolute discretion. This Program term does not apply in the case of applications for owner-occupied office space.
22. The loan under this Program, once approved, may be advanced in up to three stages, upon completion of 50%, 75% and 100% of the leasehold improvements eligible to be funded by the program. Copies of paid invoices will be required to be provided to the City for advances to be made. In addition to invoices the City may require, in the sole determination of the General Manager of Planning and Economic Development additional information in order that advances can be made. Advances will be made based on work completed. If the amount of the loan is less than the cost of the eligible leasehold improvements advances will be made as follows:
 - (i) at the 50% completion stage the amount advanced shall equal the amounts invoiced for eligible improvements less 10% up to a maximum amount of 50% of the Loan amount;
 - (ii) at the 75% completion stage the amount advanced shall equal the amounts invoiced for eligible improvements less 10% up to a maximum of 25% of the Loan amount; and
 - (iii) at the 100% completion stage the amount advanced shall equal the amounts invoiced for eligible improvements less 10% up to a maximum of 25% of the Loan amount.

If the amount of the Loan equals 90% of the estimated costs of the eligible improvements advances will be made as follows:

(i) at the 50% completion stage the amount advanced shall equal 90% of the invoiced amounts for eligible improvements;

(ii) at the 75% completion stage the amount advanced shall equal 90% of the amounts invoiced for eligible improvements less any amounts previously advanced; and,

(iii) at the 100% completion stage the amount advanced shall equal 90% of the amounts invoiced for eligible improvements less any amounts previously advanced.

If the total of the invoiced cost of eligible improvements exceeds the estimated cost, the total of all advances cannot exceed the approved amount of the loan and the final advance shall be reduced in order to conform to this requirement.

23. Prior to each loan advance, realty taxes are required to be paid in full as billed.
24. Prior to the final advance, final inspection will be completed for all building permits required in relation to the leasehold improvements.
25. Loan repayments will commence one month following the final advance.
26. Leasehold improvements to be completed within four months from the First Advance. The four-month period can be extended at the sole discretion of the General Manager of Planning and Economic Development.
27. Interest on arrears will be such tax arrears interest rate as may be established by Council from time to time.
28. If the applicant is the owner, in the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the property by the owner, the City shall have absolute discretion to request the full repayment of any outstanding loan under this Program together with the interest accrued to date.
29. In cases where the applicant is a corporation, the applicant covenants and agrees that in the event that there is a change in the effective control of the majority of the voting shares of the corporation, the City shall have absolute discretion to request the full repayment of any outstanding loan under this Program together with the interest accrued to date.

30. If the applicant is a tenant, in the event that the tenant vacates the office space prior to the end of the loan term (i.e. the end term of the lease or five years from the date of the final loan advance, whichever is less), or if the tenant's lease is terminated, the City shall have absolute discretion to request the full repayment of any outstanding loan under this Program.
31. An Office Tenancy Assistance Program loan may be received by an applicant in conjunction with other available City incentive programs in support of the redevelopment / development of the property.
32. Approval of the loan application is at the absolute discretion of the City and subject to the availability of funds.
33. An application fee of \$460.00 plus HST must accompany the application. All fees will be authorized through a user-fee by-law passed by City Council, and may be changed from time to time as approved by City Council.
34. Leasehold improvements to commence one year following Council's approval of the loan. The one-year period can be extended at the sole discretion of the General Manager of the Planning and Economic Development Department.



Hamilton

Planning and Economic Development Department
Urban Renewal Section
71 Main Street West, 7th Floor
Hamilton, Ontario L8P 4Y5
Phone: (905) 546-2424 Ext. 2755
Fax: (905) 546-2693

COMMERCIAL PROPERTY IMPROVEMENT GRANT PROGRAM

PROGRAM DESCRIPTION

The Commercial Property Improvement Grant Program (CPIGP) is intended to provide financial assistance for commercial property owners authorized tenants within Downtown Hamilton, Community Downtowns, the Mount Hope/Airport Gateway and the commercial corridors as identified in the Downtown and Community Renewal Community Improvement Project Area. The Program aims to improve upon the physical appearance of properties within the areas, achieve quality façade improvements, support commercial property / business owners with limited rehabilitation of interior space and assist in creating a barrier-free and accessible environment. Spurring the preservation, revitalization and reinvestment of commercial properties within these areas will assist in creating a welcoming environment for people to live, work, play and learn.

PROGRAM TERMS

1. Commercial property owners / authorized tenants are eligible for a maximum grant per property during a five year period (i.e. multiple applications or one application could be submitted however the sum of the grant amounts approved will be no more than the maximum amount allowed for each property). Exceptions may be made at the sole discretion of the General Manager of Planning and Economic Development if a new tenant / owner is occupying the property and applies for new signage only. Note: grants are subject to the availability of funding.
2. Maximum grant amount will be paid on a matching basis (50%-50%) to a maximum of \$10 K per property for eligible work under the Program. As a further incentive for corner properties, the City will increase the maximum grant amount to \$12.5 K on a similar matching basis for eligible work under the Program to recognize the importance of flankage facades.

3. Commercial property owners and tenants authorized in writing by the owner, are eligible to apply for a grant under the Program.
4. Commercial properties are to be identified by municipal address to identify multiple and separate commercial units with separate ground floor street entrances.
5. Commercial uses must be in conformity with: all policy documents of the City including but not limited to official plans; the provisions of the Zoning By-laws; and any other City by-laws.
6. Performance measures are to be applied to the payment of grants.
7. Eligibility requirements for the Program relating to the work to be funded will be specifically identified. Two separate cost estimates for the work are to be provided. Please note a contractor licensed with the City of Hamilton may be required to undertake the work. For more information on work that requires a licensed contractor please refer to the Application Form or contact Building Department at (905) 546-2424 Ext. 2720.

An owner may present an estimate based on material only.

In the case where the applicant is the owner of a contracting company and wishes to utilize their company to undertake the improvements, one cost estimate from an arms-length contractor will also be required.

Grants will be calculated based upon lowest cost estimate.

A Building Inspector will review all estimates provided for the purpose of ensuring competitiveness.

8. Restoration / conservation of heritage features on commercial properties designated under the *Ontario Heritage Act* are not eligible under this grant program, however, improvements other than those on heritage features are eligible subject to the approval of a City heritage permit. Urban Renewal staff will work closely with Development Planning staff on all applications received that are designated under the *Ontario Heritage Act*.
9. Relative to the proposed improvements, a building inspector will perform an initial and final inspection / investigation to confirm compliance with various Acts, Regulations and City By-laws, but not limited to including the Ontario Building Code, Property Standards By-Law, Trade Licencing By-Law and Sign By-law.

10. Approval of the grant is at the sole discretion of the General Manager of Planning and Economic Development Department and subject to the availability of funds.
11. Proposed improvements to be completed within one year to be eligible for payment. A one-year extension can be authorized by the Manager of Urban Renewal if an applicant has extenuating circumstances which would warrant an extension.
12. Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Urban Renewal Section.
13. The Applicant shall provide to the City's Urban Renewal Section copies of paid invoices for all work undertaken on the property for which the grant is applicable. This documentation is to be provided prior to the final inspection.
14. A City Building Inspector's final inspection report confirming all works have been carried out satisfactorily must be provided prior to release of any grant monies.
15. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.
16. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.
17. An application fee of \$220 plus HST is payable upon submission of application. The fee will be authorized through a by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council.
18. The grant may also be received by an owner in conjunction with any other available City program in support of the redevelopment / development of the property with the exception of the BIA Commercial Property Improvement Grant Program available within Business Improvement Areas.
19. Without limiting the discretion as set out in paragraph 10 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being

involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and if a corporation any person or entity with an interest in the corporation as determined by the City in its sole, absolute and unfettered discretion.

20. Without limiting the discretion as set out in paragraph 10 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.
21. Works commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program and eligibility will be determined by the GM in his sole, absolute and unfettered discretion. An applicant shall assume the risk of paying for work commenced after an application has been submitted but prior to approval.
22. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.

ELIGIBILITY REQUIREMENTS

- Property owners and authorized tenants are eligible;
- Property taxes must be paid current;
- Pre-inspection by the City Building Inspector;
- Commercial properties must be located within Downtown Hamilton, Community Downtowns, the Mount Hope/Airport Gateway or, a commercial corridor as identified in the Downtown and Community Renewal Community Improvement Project Area By-law; and,
- The improvements shall be in accordance with Property Standards and the Ontario Building Code and in compliance with all applicable City by-laws, official plans, zoning regulations, design guidelines and site plan approvals.

ELIGIBLE IMPROVEMENTS

- Replacement or repairing of storefronts;
- Improvements and or upgrades to windows, doors, cornices and parapets;
- Barrier-free entrances to property (ramps, doors and automatic door openers);
- Addition of new lighting and upgrading of existing fixtures, on exterior of the façade;
- Awning replacements and / or additions;
- Brick repairs and / or pointing;

- Painting and façade treatments;
- Installation or improvement of signage (signage must comply to Sign By-law 10-197, as amended or replaced);
- Paving of parking lots;
- Permanent landscape features such as flagstone and natural stones/rocks, statuary, irrigation, containers;
- Fencing;
- Front-yard decks / patios or side-yard decks/patios that abut a street; and,
- Surveillance cameras affixed to the exterior of the property (must comply to the Fortification By-law 10-122).

ELIGIBLE INTERIOR IMPROVEMENTS:

Note: The maximum grant for interior improvements is \$5 K

- Barrier-free washrooms;
- Ramps to access barrier-free washrooms;
- Widening of doors to meet *Accessibility for Ontarians with Disabilities Act (AODA)* requirements;
- Interior signage to meet *AODA* requirements;
- Commercial kitchen cooking exhaust / ventilation systems; and,
- Sprinkler systems.

Fees:

- Architectural, engineering, lawyer's, BCIN designer, building permit, site plan application, road occupancy permit, street occupancy permit and encroachment agreement application fees may be eligible for up to 100% of the cost to a maximum of \$3 K per application as part of the total grant awarded for completed construction.

Other improvements deemed health, safety and accessible issues eligible at the sole discretion of the General Manager of Planning and Economic Development.

IN-ELIGIBLE IMPROVEMENTS:

- Trees, shrubbery, perennials, annuals, soil, mulch, grass;
- Roofing (apart from mansard roofs above the eligible frontage);
- Sandblasting;
- Interior furniture, display cases equipment;
- Outdoor patio furniture; and,
- Tools.



Planning and Economic Development Department
Urban Renewal Section
71 Main Street West, 7th Floor
Hamilton, Ontario, L8P 4Y5
Phone: (905) 546-2424 Ext. 2755
Fax: (905) 546-2693

BARTON / KENILWORTH TAX INCREMENT GRANT PROGRAM

PROGRAM DESCRIPTION

The intent of the Barton / Kenilworth Tax Increment Grant Program (the “Program”) is to provide an economic catalyst for developing, redeveloping or renovating residential / commercial lands and buildings located within the boundaries of the Barton Village Business Improvement Area (BIA), the Barton and Kenilworth commercial corridors and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law.

This Program authorizes for each approved grant application, a nine year grant, the amount of which is subject to Council approval, in an amount not exceeding the increase in municipal realty taxes. The increase in municipal realty taxes (City portion only) will be based on either the year in which the building permit that initiated the development / redevelopment was issued or, for properties where the proposed development / redevelopment does not require a building permit, the year in which City Council approved the grant amount, and, the first full year in which the property is reassessed. The grant shall be an amount which does not exceed 100% of the municipal realty tax increase during the first, second, third, fourth and fifth year, 80% in year six, 60% in year seven, 40% in year eight, and 20% in year nine. For purposes of determining the eligible amount of the increase in municipal realty taxes, special charges including B.I.A. levies shall be excluded from the calculation. The grant would reduce the effect of an increase in municipal realty taxes attributable to the differential between the pre-renovation assessment and the post-renovation assessment.

1. Before any grant is provided to the applicant for a property for which a satisfactory grant application has been received and approved, realty taxes are required to have been paid as billed each year and, the property shall be in compliance with the program’s requirements and conditions.

Conditions in the Agreement include but are not limited to:

- a) The total value of the eligible grant provided under the Program will be reduced by: (a) the amount by which property taxes have been

cancelled or reduced for the subject property pursuant to any other City programs (i.e. vacancy rebates) or tax appeals under Sections 357 and 358 of the Municipal Act; and (b) the amount by which property taxes have been reduced or cancelled for the property pursuant to any relief or reduction permitted under any legislation or order of any court or the Assessment Review Board;

- b) The Owner or the municipality has not appealed the increased assessed value and there exists no other pending appeal which has not been settled completely in respect of the assessed value as of a date which is either in advance of or as of a date, which follows the said redevelopment.
2. The first-year of the grant is payable at the end of the calendar year in the first full-year of reassessment, post completion, of the redevelopment/development. An applicant has the option of receiving the grant at the end of the first year of reassessment however they will forfeit the grant for the months of the year the reassessment does not apply i.e. if reassessment occurs on the 1st of March of a year, the first year of the grant will be based on March-December (ten months) of the year only.
3. For commercial projects, the first year of the grant is payable at the end of the first full year of reassessment, post completion, of the redevelopment / development regardless of the number of commercial units occupied.
4. For residential condominium projects, the first year of the grant is payable by the end of the calendar year in which 75% of the residential condominium units within the project are fully assessed, and is calculated on a ratable per unit basis.
5. The grants may be received by an owner in conjunction with any other available municipal program with the exception of the Hamilton Tax Increment Grant Program and the ERASE Redevelopment Grant in support of redevelopment / development, including the municipality's loan and heritage programs. The approved grants are not assignable by the owner to anyone, except to the initial purchaser of any condominium unit or to the City of Hamilton. The total of each property's nine years of approved grants shall not exceed the costs of the property's development / redevelopment.
6. A limited assignment of the grant under the terms of the Program may be made from a registered or assessed owner of the property to the initial purchaser of each new condominium unit. The assignment of the grant shall not apply to any subsequent re-sale of any such unit. The assigned grant shall be restricted to the balance of the Five-Year Term running from the re-assessment date following the date of the registration of the

- condominium. The first year of the grant is payable at the end of the calendar year in which 75% of the condominium units within the project are fully assessed, and is calculated on a ratable per unit basis. In addition to the one-time \$755 plus HST application fee for grants greater than \$12.5 K or \$220 plus HST for grants \$12.5 K or less, a one-time administration fee of \$395 plus HST per unit shall be deducted from the initial grant payment. Fees will be authorized through a by-law passed by City Council. The rate of the fees may be changed from time to time as approved by City Council.
7. For applicants who choose not to assign the grant to the initial purchasers of each condominium unit, the grant will be earned by the applicant if they have met all terms and conditions of the Program including payment of taxes until the development has past Final Building Inspection by Building Services. The annual grant to the applicant will be pro-rated if an appeal has been filed with the Municipal Property Assessment Corporation by any of the condominium unit owners. The grant for condominium units that are under appeal will not be released until the appeals are settled through the Assessment Review Board. The first year grant is payable during the calendar year in which 75% of the condominium units within the project are fully assessed, and is calculated on a ratable per unit basis.
 8. An applicant and any assignees, can assign the grant to the City of Hamilton as payment of their loan under the Hamilton Downtown / West Harbourfront Remediation Loan Program if applicable.
 9. The applicant will be required to enter into an Agreement with the City of Hamilton that sets out the conditions of the annual grant.
 10. Redevelopment / development will commence no longer than 2 years following City Council's approval of the grant or the grant will be cancelled. The 2 year period may be extended by City Council at its absolute discretion.
 11. In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property (for projects other than residential condominiums), any future grants will be terminated.
 12. Change of Corporate Control.
Where the Owner is a corporation the Owner covenants and agrees that in the event that:
 - a) the Owner fails to supply the City, in a form satisfactory to the City such information relating to the ownership of its shares as the City may from time to time require: or,

- b) without the written consent of the City first had and obtained:
- i) the Owner issues or redeems any of its shares or transfers any of its shares;
 - ii) there is a sale or sales of the shares of the Owner which result in the transfer of the legal or beneficial interest of any of the shares of the Owner; or,
 - iii) the Owner amalgamates, merges or consolidates with any other corporation.

and the result of any of the foregoing is a change in the effective control of the majority of the voting shares of the Owner, or the requested information is not provided, then future grant payments under the Program shall cease at the absolute discretion of the City.

13. Approval of the grant application is at the absolute discretion of the City and subject to the availability of funds.
14. Without limiting the discretion as set out in paragraph 13, herein, the City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals; corporate entities and individuals behind the corporation (Officers / Directors / Shareholders).
15. Without limiting the discretion as set out in paragraph 13, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or other properties owned by the Applicant within the City of Hamilton.
16. Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application but prior to application approval do so at the applicant's risk.

GRANT CRITERIA

Projects that include developing, redeveloping or renovating residential / commercial lands and buildings within the boundaries of the Barton Village BIA, the Barton and Kenilworth commercial corridors and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law.

Approval of the application and estimated grant amount is subject to City Council approval. Such application shall be submitted and only received if it is prior to the owner's commencement of improvements / rehabilitation to their property and shall include plans, estimates, contracts and other details as may be required to satisfy the City as to the cost of the project and as to the conformity of the project with the objectives of the Downtown and Community Renewal Community Improvement Plan.

Such project is also required to be in compliance with the City's Official Plan policies, other by-laws and policies, including but not limited to zoning, site plan approval, design guidelines, heritage matters including preservation of historical buildings. The compliance of each application with the criteria of this Program and the estimated amount of the Property's grants (within the permitted terms of this Program) is at the discretion of and subject to Council approval.

All parking lots and vacant sites are eligible. Properties upon which commercial, residential or industrial buildings are cleared and demolished are eligible, with the exception of designated heritage buildings.

This program shall not apply to an existing or proposed Adult Entertainment Parlour, Body Rub Establishment, Correction Facility, Corrections Residence, Emergency Shelter, Lodging House or Residential Care Facility as defined in the Zoning By-law.



Hamilton

Planning and Economic Development Department
Urban Renewal Section
71 Main Street West, 7th Floor
Hamilton, Ontario L8P 4Y5
Phone: (905) 546-2424 Ext. 2755
Fax: (905) 546-2693

THE BARTON / KENILWORTH COMMERCIAL CORRIDOR BUILDING IMPROVEMENT GRANT PROGRAM

PROGRAM DESCRIPTION

The Barton / Kenilworth Commercial Corridor Building Improvement Grant Program (the “Program”) was created to support the development of property and the maintenance, functionality, viability, accessibility and aesthetics of existing building stock used for commercial, multi-residential or institutional uses within the boundaries of the Barton Village Business Improvement Area (BIA), the Barton and Kenilworth commercial corridors and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law.

The Program supports the “Barton and Kenilworth Commercial Corridors Final Recommendations Report” received by City Council at its meeting held September 10, 2014.

Applications under the Program will be accepted to the end of December 2018 (subject to the availability of funding).

PROGRAM TERMS

1. Property owners, and tenants authorized in writing by the owner, are eligible to apply for a grant under the Program.
2. Grants will be paid on a matching basis up to a maximum of \$50 K for eligible work under the Program.
3. Grants will be based on one grant per deeded property.
4. Eligibility requirements for the Program relating to the work to be funded will be specifically identified. Two separate cost estimates for the work are to be provided. Please note a contractor licensed with the City of Hamilton may be required to undertake the work. For more information on work that

requires a licensed contractor please refer to the Application Form or contact Building Department at (905) 546-2424 Ext. 2720.

An owner may present an estimate based on material only.

In the case where the applicant is the owner of a contracting company and wishes to utilize their company to undertake the improvements, one cost estimate from an arms-length contractor will also be required.

Grants will be calculated based upon lowest cost estimate.

A Building Inspector will review all estimates provided for the purpose of ensuring competitiveness.

5. Applicants will be required to provide a business case that identifies how the development / improvements will improve the marketability of the property for prospective tenants and / or improve the business vitality and / or utilize formerly under-utilized properties.
6. Relative to the proposed improvements, a building inspector will perform an initial and final inspection / investigation to confirm compliance with various Acts, Regulations and City Bylaws including the Ontario Building Code, Property Standards By-Law, Trade Licencing By-Law, Sign By-law etc.
7. Approval of the grant is at the sole discretion of the General Manager of Planning and Economic Development and subject to the availability of funds.
8. Proposed improvements to be completed within one year to be eligible for payment. A one year extension can be authorized by the Manager of Urban Renewal if an applicant has extenuating circumstances which would warrant an extension.
9. Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Urban Renewal Section.
10. The Applicant shall provide to the City's Urban Renewal Section copies of paid invoices for all work undertaken on the property for which the grant is applicable. This documentation is to be provided prior to the final inspection.
11. A City Building Inspector's final inspection report confirming all works have been carried out satisfactorily will be provided prior to release of any grant monies.

12. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.
13. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.
14. The grant is not transferable upon sale of the property.
15. The Program may also be received by an owner in conjunction with any other available City program in support of the building improvements / development of the property. However grants for specific work will be contingent on the total grants not exceeding 50% of the total cost of the specific work.
16. An application fee of \$350 plus HST for grants greater than \$12.5 K, or \$220 plus HST for grants less than or equal to \$12.5 K must be submitted at the time of application. The fee will be authorized through a by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council.
17. Without limiting the discretion as set out in paragraph seven, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and if a corporation any person or entity with an interest in the corporation as determined by the City in its sole, absolute and unfettered discretion.
18. Without limiting the discretion as set out in paragraph seven, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.
19. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.

ELIGIBILITY REQUIREMENTS

- Property owners and authorized tenants are eligible;
- Property taxes must be paid current;

- The improvements shall be in accordance with Property Standards and the Ontario Building Code and in compliance with all applicable City by-laws, official plans, zoning regulations, design guidelines and site plan approvals;
- Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application but prior to application approval do so at the applicant's risk;
- Properties must be located within the boundaries of the Barton Village BIA, the Barton or Kenilworth commercial corridors or, properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law;
- Existing use must be in conformity with the applicable Zoning By-law regulations, and other relevant planning controls; and,
- Works commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program and eligibility will be determined by the General Manager of Planning and Economic Development, in his sole, absolute and unfettered discretion. An applicant shall assume the risk of paying for work commenced after an application has been submitted but prior to approval.

ELIGIBLE IMPROVEMENTS

Note: New development and façade improvements are required to be in compliance with the Barton / Kenilworth Urban Design Guidelines that form part of the Application Form.

- Construction of new building;
- Façade improvements;
- Reinforcement of floors, walls, ceilings and foundations;
- Construction or alteration of stairs, guardrails, handrails;
- Roofing;
- Improvements or installation to electrical, ventilation, heating, cooling and plumbing supply systems;
- Installation or alteration of required window openings;
- Installation or alteration of fire protection systems; fire separations; fire doors, fire shutters and other fire protection devices;
- Improvements for barrier-free accessibility including elevators;
- Installation or improvement of signage (Signage must comply with Sign By-law 10-197); and,
- Trees, shrubs, soil, mulch, grass on private property to improve the street edge conditions (to a maximum of \$3 K per application as part of the total grant awarded).

Fees: Architectural, engineering, lawyer's, BCIN designer, landscape architect, building permit, site plan application, road occupancy permit, street occupancy

permits, and encroachment agreement application fees may be eligible for up to 100% of the cost to a maximum of \$3 K per application as part of the total grant awarded for completed construction.

Other improvements deemed health, safety and accessible issues eligible at the sole discretion of the General Manager of Planning and Economic Development.



Hamilton

Planning and Economic Development Department
Urban Renewal Section
71 Main Street West, 7th Floor
Hamilton, Ontario L8P 4Y5
Phone: (905) 546-2424 Ext. 2755
Fax: (905) 546-2693

THE “GORE” BUILDING IMPROVEMENT GRANT PROGRAM

PROGRAM DESCRIPTION

The Gore Building Improvement Grant Program (the “Program”) was developed to support the maintenance, attractiveness, functionality and viability of the historic building stock that fronts on King Street East between James Street and Catharine Street, known as the “Gore”. The Program is intended to provide financial assistance to bring existing properties to present-day Property Standards and Sign By-law requirements and, to improve their accessibility.

The Program supports an objective of the Downtown Secondary Plan: conserve and enhance the Gore as the primary landscaped open space and concentration of heritage buildings in Downtown Hamilton.

Applications under the Program will be accepted subject to the availability of funding.

PROGRAM TERMS

1. Property owners, and tenants authorized in writing by the owner, are eligible to apply for a grant under the program.
2. Grants will be paid on a matching basis up to a maximum of \$50 K for eligible work under the Program.
3. Grants will be based on municipal addresses, identifying multiple and separate units with ground floor street frontages and entranceways and will be up to a maximum of \$50 K per municipal address for eligible work under the terms of the Program.
4. Two separate cost estimates of the work to be provided by a licensed contractor other than the owner. Owner may present an estimate but is required to have at least two prepared by contractors. The grant will be calculated based upon lowest cost estimate, and is not to address cost increases or over runs. In the case where the applicant is the owner of a contracting company and wishes to utilize the company to undertake the

- improvements, one cost estimate will be required. A Building Inspector will review all estimates provided for the purpose of ensuring competitiveness.
5. Applicants will be required to provide a business case that identifies how the improvements will improve the marketability of the property for prospective tenants and / or improve the business vitality and / or utilize formerly under-utilized upper floors.
 6. A building inspector will perform initial inspection relative to the proposed improvements, and subsequent final inspection to assure compliance with Property Standards.
 7. Approval of the grant is at the sole discretion of the General Manager of the Planning and Economic Development Department and subject to the availability of funds.
 8. Proposed improvements to be completed within one year to be eligible for payment. A one year extension can be authorized by the Manager of Urban Renewal if there are extenuating circumstances that warrant an extension.
 9. Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Urban Renewal Section.
 10. The Applicant shall provide to the City's Urban Renewal Section copies of paid invoices for all work undertaken on the property for which the grant is applicable. This documentation is to be provided prior to the final inspection.
 11. A City Building Inspector's final inspection report confirming all works have been carried out satisfactorily will be provided prior to release of any grant monies.
 12. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.
 13. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.
 14. The grant is not transferable upon sale of the property.

15. The grant may also be received by an owner in conjunction with any other available City program in support of the redevelopment / development of the property with the exception of the Hamilton Downtown Commercial Façade Property Improvement Grant Program.
16. An application fee of \$335 plus HST is payable upon submission of application. The fee will be authorized through a by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council.
17. Approval of the grant is at the sole discretion of the General Manager of Planning and Economic Development and subject to the availability of funds.
18. Without limiting the discretion as set out in paragraph 17 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals; corporate entities and individuals behind the corporation (Officers / Directors/ Shareholders).
19. Without limiting the discretion as set out in paragraph 17 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.
20. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.

ELIGIBILITY REQUIREMENTS

- Property owners and authorized tenants are eligible;
- Property taxes must be paid current;
- The improvements shall be in accordance with Property Standards, the Building Code and in compliance with all applicable City by-laws, official plans, zoning regulations, design guidelines and site plan approvals;
- Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application but prior to application approval do so at the applicant's risk;
- Properties must front on King Street between James Street and Catharine Street;

- Existing use must be in conformity with the applicable Zoning By-law regulations (including the Heritage Character Zone), and other relevant planning controls; and,
- This program shall not apply to an existing or proposed Adult Entertainment Parlour, Body Rub Establishment as defined in the Zoning By-law.

ELIGIBLE IMPROVEMENTS

- Signage in conformity with the Sign By-law 10-197 as amended. (Note: the eligible grant amount will be increased to 75% of the cost of installing a sign that is in conformity with the Sign By-law and is replacing a legally non-conforming sign);
- Façade improvements;
- Restoration / reconstruction of building facades using existing and / or the site's previously existing historic facade elements and materials as supported by historical images or other documentation;
- Reinforcement of floors, walls, ceilings and foundations;
- Required improvements to ventilation systems;
- Construction or alteration of stairs, guards, handrails
- Roofing;
- Installation or repair of central air-conditioning;
- Installation or repair of furnace;
- Installation or alteration of required window openings;
- Installation or alteration of fire protection systems, fire separations, fire doors, fire shutters and other fire protection devices;
- Improvements for barrier-free accessibility including elevators; and,
- Other improvements related to health and safety issues deemed eligible at the sole discretion of the General Manager of Planning and Economic Development.