SUBJECT: Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan; Community Improvement Project Area; and Revisions to Program Criteria (PED07074) (Wards 1, 2, 3, 4, 6, 7, 9, 11, 12, 13 & 15)

RECOMMENDATION:

(a) That the Community Improvement Plan titled “Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan” attached as Appendix ‘A’ to Report PED07074, be approved;

(b) That the By-law adopting the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan attached to Report PED07074 as Appendix ‘B’, be approved;

(c) That By-laws 97-140; 88-12; 90-299; 87-87; 87-88; 87-89; 99-140; 95-11; 95-12; 02-110; and, 02-134 as amended, adopting Community Improvement Plans for Downtown Hamilton, Community Downtowns and Business Improvement Areas be repealed once the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan referenced in sub-section (a) above comes into force and effect;

(d) That the By-law designating the Community Improvement Project Area for the Downtown Hamilton, Community Downtowns and Business Improvement Areas, attached to Report PED07074 as Appendix ‘C’ be approved;

(e) That the By-laws 96-188; 88-11; 90-270; 86-284; 99-133; 94-186; 90-156C and 02-133 as amended, designating Community Improvement Project Areas for Downtown Hamilton, Community Downtowns and Business Improvement Areas, be repealed once the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan referenced in sub-section (a) above comes into force and effect;
EXECUTIVE SUMMARY:

Report PED07074 introduces the new comprehensive Community Improvement Plan for Downtown Hamilton, Community Downtowns and Business Improvement Areas; recommends adoption of the Community Improvement Plan by-law; recommends the adoption of the by-law that designates the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Project Area for which community improvement is desirable; and, explains proposed amendments to existing financial incentive programs that are administered by the Downtown Renewal Division, Planning and Economic Development Department.

Report PED07074 is prepared and presented under the requirements of the Planning Act. The comments received during the Public Meeting of the Economic Development and Planning Committee at which this report is considered, will represent continued public input into this process.

BACKGROUND:

The 2006 Work Plan of the Downtown Renewal Division included the consolidation of the existing Downtown Hamilton, five Community Downtowns and eleven B.I.A. Community Improvement Plans (C.I.P.) and the companion Community Improvement Projects Areas (C.I.P.A.). This initiative aligns with Downtown Renewal Division’s mandate which is to foster the renewal and regeneration of Downtown Hamilton, the Community Downtowns and the B.I.A.s. The purpose of Report PED07074 is to focus on areas that fall within the Division’s mandate.

As part of the above process, the Downtown Renewal Division undertook a five year review of the financial incentive programs it presently delivers. The review resulted in
proposed amendments to two of the programs, specifically, the Enterprise Zone Municipal Realty Tax Incentive Grant Program and the Commercial Property Improvement Grant Program. The proposed amendments are explained in detail later in Report PED07074.

The initiatives identified in the Community Improvement Plan are intended to stimulate private investment, property maintenance and renewal in Downtown Hamilton, the City’s Community Downtowns as well as the City’s B.I.A.s. The focus of the Community Improvement Plan is to create an environment that will: increase the supply of residential units within these areas; ensure a viable population; stimulate the commercial health and vibrancy of these areas; encourage the provision of unique or specialized attractions and public facilities; encourage the location of community events; and, encourage public improvement such as streetscape improvements and pedestrian amenities.

Extensive public consultation took place in June 2006 through the hosting of seven Open Houses by the Downtown Renewal Division in the following areas:

- Stoney Creek (City Hall, 777 Highway 8)
- Flamborough (Town Hall, 163 Dundas Street East)
- Upper Hamilton (Concession Street Library, 565 Concession Street)
- Lower Hamilton (City Hall, 71 Main Street West)
- Ancaster (Old Town Hall, 310 Wilson Street East)
- Dundas (Town Hall, 60 Main Street)
- Glanbrook (Glanbrook Town Hall, 4300 Binbrook Road)

The Open Houses were advertised in the Hamilton Spectator and the Brabant newspapers.

Staff also consulted with the Hamilton Association of Business Improvement Areas (H.A.B.I.A.) and one of H.A.B.I.A.’s members sat on a focus group to review the new Community Improvement Plan. The following divisions within the Corporation that were consulted on the Plan were: Community Planning & Design; Long Range Planning; Economic Development; Legal; and, Finance. Staff from the Ministry of Municipal Affairs and Housing were also consulted.

**ANALYSIS/RATIONALE:**

**Community Improvement Project Areas:**

- **The Downtown Hamilton Community Improvement Project Area** – This area is bounded by Queen Street, Cannon Street, Victoria Avenue and Hunter Street, and also includes the properties fronting on James Street (including abutting lands provided they are part of the comprehensive redevelopment of an eligible James Street property) north to the CN Railway and south to Charlton Avenue. The limits of the King Street West BIA, Downtown Hamilton BIA, and International Village BIA,
as may be amended from time to time, are each contained within the Downtown Hamilton Community Improvement Project Area boundary.

- **The Barton Village Community Improvement Project Area** – This area is defined by the limits of the Barton Village BIA.
- **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 Main West Esplanade Community Improvement Project Area** – This area is defined by the limits of the Main West Esplanade 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.
- **The Ancaster Village Core Community Improvement Project Area** – This area is defined within the Town of Ancaster Official Plan as the Ancaster Village Core, “as defined on Schedule F, Specific Policy Area 1, which consists of the properties fronting on Wilson Street from the Old Mill Restaurant to the west end of the Stoneham Plaza” (Ancaster Official Plan, Section 5.4.1).
- **The Binbrook Community Improvement Project Area** – This area is designated within the Township of Glanbrook Official Plan as the Binbrook Community Core, as indicated on Schedule A, Land Use Plan and Schedule B, Binbrook Village Secondary Plan.
- **The Dundas Community Improvement Project Area** – This area includes the area designated Downtown Mixed Use, as indicated on Schedule A, Land Use, Town of Dundas 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 within the City of Stoney Creek Official Plan as Downtown, as indicated on Schedule A, General Land Use Plan and Schedule A5, Olde Town District 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 includes the Downtown commercial area defined in the Town of Flamborough Official Plan as “the historic core area designated BUSINESS DISTRICT, and the URBAN COMMERCIAL areas along Hamilton Street North, and Dundas Street west of Hamilton Street” (Town of Flamborough Official Plan, Section A.3), as indicated on Schedule A, Waterdown Urban Area, Land Use Plan, and Schedule A-2, West Waterdown Secondary Plan, and also includes the area defined by the limits of the Waterdown BIA.
The Official Plans of the former municipalities now within the amalgamated City of Hamilton, as amended from time to time, are in effect until such time as a new Official Plan for the City of Hamilton is approved and the former municipal Official Plans are repealed.

The boundaries of B.I.A.s are not identified on the Community Improvement Project Area maps; however, they are defined through relevant designating B.I.A. by-laws as attached to Report PED07074 as Appendix ‘F’. It is important to note that some programs are restricted to B.I.A.s i.e. Commercial Property Improvement Grant Program. In instances where a B.I.A. is encompassed within or overlaps with either the Downtown Hamilton or a Community Downtown Community Improvement Project Area, the B.I.A. boundary that is within the Downtown Hamilton or Community Downtown Community Improvement Project Areas does not form part of the Community Improvement Plan. Adjustments to a B.I.A. boundary does not necessitate an amendment to the Community Improvement Plan unless adjustment to the B.I.A. boundary falls outside of the Downtown Hamilton or Community Downtowns Community Improvement Project Area boundary limits.

PROPOSED AMENDMENTS TO EXISTING INCENTIVE PROGRAMS:

Enterprise Zone Municipal Realty Tax Incentive Grant Program

The existing program offers a 9 year grant the amount of which is subject to Council approval, in an amount not exceeding the increase in municipal realty taxes as a direct result of the development/redevelopment of residential/commercial lands and buildings within the Downtown Hamilton C.I.P.A. The amount approved by Council shall be an amount which does not exceed 100% of the municipal realty tax increase during the first 5 years, 80% in year 6, 60% in year 7, 40% in year 8, and 20% in year 9.

The proposed amendment to the program as described in Appendix ‘C’ to Report PED06409 is to reduce the grant to 5 years, the amount of which is subject to Council approval, in an amount not exceeding the increase in municipal realty taxes as a direct result of the development/redevelopment of residential/commercial lands and buildings within the Downtown Hamilton C.I.P.A. The amount approved by Council shall be an amount which does not exceed 100% of the municipal realty tax increase during the first year, 80% in year 2, 60% in year 3, 40% in year 4 and 20% in year 5.

The other two (2) amendments to the Enterprise Zone Program are:

- the removal of reference to buildings that are included in the City’s list/inventory of heritage buildings not being eligible for the program as this is already a policy of the Downtown Hamilton Secondary Plan; and,

- that when the assignment of the tax grant is made from a registered or assessed owner of the property to the initial purchaser of each new condominium unit the
first-year grant is payable during the calendar year in which 75% of the condominium units within the project are fully assessed.

**Commercial Property Improvement Grant Program**

The existing program offers a 50% grant to a maximum of $7,500 per municipal address for façade improvements within Hamilton’s 12 B.I.A.s. The proposed amendment to the program changes the maximum grant to $400 per linear foot of street frontage to a maximum of $20,000 for eligible work under the Program. For corner properties, the City will increase the maximum grant amount to $25,000.

Note: General wording changes have been made to various program descriptions to assist with program administration however they do not affect the criteria of the programs.

**Introduction of the Main Street Housing Loan and Grant Program**

City Council, at its meeting held March 1, 2006, approved the program description and terms of the Main Street Housing Loan and Grant Program. The Main Street Housing Program is designed to stimulate residential development within Hamilton’s Community Downtowns and Business Improvement Areas excluding the three (3) B.I.A.s that are encompassed within the Downtown Hamilton Community Improvement Project Area. Those three (3) B.I.A.s presently benefit from the Hamilton Downtown Residential Loan Program.

The program is intended to provide financial assistance for converting existing built commercial space into residential units or renovations to existing residential units. The program is also intended to provide assistance for the costs of creating new residential units on vacant land within the Community Downtowns and eligible B.I.A.s.

The program offers a maximum loan amount of $10,000 per dwelling unit to a maximum of $100,000 per property. A grant portion of $5,000 per application is available for professional fees only. The loan interest is zero percent amortized over 5 years.

**ALTERNATIVES FOR CONSIDERATION:**

There are no alternatives for consideration.

The non-acceptance of the recommendations contained within Report PED07074 would result in the inability of the municipality to make financial assistance available under the Main Street Housing Loan and Grant Program; the inability of the municipality to administer the program changes to the Enterprise Zone Municipal Realty Incentive Grant Program and the Commercial Property Improvement Grant Program; and, continue the less efficient staff time when amendments are required to Community Improvement Plans as, rather than working with one document, several documents would be involved.
**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Financial:** Funding for the Commercial Property Improvement Grant Program forms part of the Downtown Renewal Division’s 10 Year Capital Budget Plan. Monies for implementation of the 2006 program are contained within Project ID# 8200603610 in the total amount of $250,000. Funding for implementation of the program in 2007 forms part of the Downtown Renewal Division’s 2007 Capital Budget submission and will be considered as part of the 2007 budget deliberations.

Funding for the Main Street Housing Loan and Grant Program forms part of the Downtown Renewal Division’s 10 Year Capital Budget Plan. Monies for implementation of the program in 2006/07 are contained within Project ID# 8200603601 in the total amount of $500,000. Funding for implementation of the program in 2007/08 forms part of the Downtown Renewal Division’s 2007 Capital Budget submission and will be considered as part of the 2007 budget deliberations. It is important to note that while the request forms part of the capital budget deliberations, funding for the program is from a reserve account.

Funding the interest cost of the loans approved under the Hamilton Downtown Residential Loan Program forms part of the Downtown Renewal Division’s annual current budget. Monies for the interest costs are contained in Account 52901 815010. In 2006 the total amount approved for interest costs was $700,000.

Funding for grants under the Enterprise Zone Municipal Realty Tax Incentive Grant Program are funded from taxes paid by the property owners due to the increase in municipal realty taxes as a direct result of the development/redevelopment.

**Staffing:** Administration of the financial incentive programs can be accommodated within the Planning and Economic Development Department and the Corporate Services Department.

**Legal:** Subsection 28 (7) of The Planning Act permits a municipality in accordance with a Community Improvement Plan, to make loans and grants which would otherwise be prohibited under Sub-section 106(2) of The Municipal Act, to the registered owners, assessed owners, tenants, or their respective assignees, of lands and buildings within the designated Community Improvement Project Areas.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The Provincial Policy Statement sets the vision for Ontario’s land use planning system. It states that the long-term prosperity and social well-being of Ontarians depend on
maintaining strong communities, a clean and healthy environment and a strong economy. Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. It is these land use patterns that promote a mix of housing, employment, parks and open spaces, and transportation choices that facilitate pedestrian mobility and other modes of travel. They also support the financial well-being of not only the Province but that of municipalities over the long term, and minimize undesirable effects on air, water and other resources.

The intent of the new Community Improvement Plan is to co-ordinate municipal decisions in Downtown Hamilton, Community Downtowns and B.I.A.s as well as provide financial incentives for private land owners to increase and improve residential units, re-use vacant space and lands such as parking lots and improve streetscapes through façade improvements. The provision of such programs lead to efficient use of land within the urban area of the City, therefore keeping in line with the Provincial government’s policy direction.

**Regional Official Plan**

The Regional Official Plan contains policies relating to Community Improvement. Therefore undertaking the development of a new comprehensive Community Improvement Plan as described above is consistent with the policy direction of the Regional Official Plan.

**RELEVANT CONSULTATION:**

Extensive public consultation took place in June 2006 through seven Open Houses conducted by the Downtown Renewal Division staff in the following areas:

- Stoney Creek (City Hall, 777 Highway 8)
- Flamborough (Town Hall, 163 Dundas Street East)
- Upper Hamilton (Concession Street Library, 565 Concession Street)
- Lower Hamilton (City Hall, 71 Main Street West)
- Ancaster (Old Town Hall, 310 Wilson Street East)
- Dundas (Town Hall, 60 Main Street)
- Glanbrook (Glanbrook Town Hall, 4300 Binbrook Road)

The Open Houses were advertised in the Hamilton Spectator and the Brabant newspapers.

Staff also consulted with the Hamilton Association of Business Improvement Areas (HABIA) and one (1) of its members sat on a focus group to review the new C.I.P. Divisions within the Corporation that were consulted were: Community Planning and Design; Long Range Planning; Economic Development; Legal; and, Finance. Staff from the Province of Ontario, Ministry of Municipal Affairs and Housing were also consulted.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Partnerships are promoted. Public services and programs are delivered in an equitable manner. Downtown Renewal actively engages Downtown and B.I.A. stakeholders in decision making as well as other City Departments.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The initiatives help to improve the quality of life of the residents. The rehabilitation of the building stock and the development of properties in the Downtowns and B.I.A.s make efficient and effective use of City services as well as protecting human health and safety.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported. Downtown Renewal programs lead to effective partnerships with community stakeholders and the development community. Developers and property owners invest in Downtown and B.I.A. properties leading to property assessment increases through the rehabilitation of buildings and properties.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No

Hamilton continues to lead initiatives related to renewal. Such initiatives are professionally stimulating and result in Hamilton being a choice for employment to those interested in bettering community life.

RMM:HM:jcs

Attachs. (6)
Downtown Hamilton, Community Downtowns & Business Improvement Areas Community Improvement Plan

January 2007
1.0 Introduction

The purpose of the Community Improvement Plan is:

(i) To coordinate the promotion and enhancement of the physical, economic and social environments of Downtown Hamilton, the City’s Community Downtowns and the City’s Business Improvement Areas (BIAs) as identified within the Community Improvement Project Areas;

(ii) To meet the legislative requirements of the Community Improvement provisions of the Planning Act, Section 28, that permit a municipality to provide loans and grants;

(iii) To complement and implement the policy provisions contained within the Provincial Policy Statement, Places To Grow Growth Plan, the former Regional Official Plan, Local Official Plans, Local Zoning By-laws, Vision 2020, Downtown Hamilton Secondary Plan, Downtown Hamilton Transportation Master Plan, and all Neighbourhood Plans located within or adjacent to the Community Improvement Project Areas, and;

(iv) To provide the framework for City programs and initiatives for Downtown Hamilton, Community Downtowns and BIAs. All such programs and initiatives are subject to City Council approval.

The Community Improvement Plan is intended to serve as a broad guide to assist in the stimulation of private investment and improvements throughout the Community Improvement Project Areas. The Plan also focuses municipal investment, and prioritizes planning initiatives to create incentives for the improvement of the physical, economic and social environments. The success of the plan is measured on its ability to guide and stimulate development. The plan must be flexible in order to react to and be responsive to the development industry, the local business community, citizens, and the decisions of City Council.

The initiatives identified in the Plan are intended to stimulate private investment, property maintenance and renewal in Downtown Hamilton, the City’s Community Downtowns as well as the City’s BIAs. The focus of the Community Improvement Plan is to create an environment that will:

- increase the supply of residential units within these areas;
- ensure a viable population;
- stimulate the commercial health and vibrancy of these areas;
- encourage the provision of unique or specialized attractions and public facilities;
- encourage the location of community events; and,
• encourage public improvement such as streetscape improvements and pedestrian amenities.

The Community Improvement Plan is not intended to provide an exhaustive list of revitalization initiatives that may be undertaken to stimulate community improvement. The objective of the Plan is to provide the context for revitalization, and to guide the municipal decision-making process so that actions are undertaken in support of and encourage renewal. This Plan provides a framework to identify projects, and makes reference to many initiatives that have been previously identified for revitalization. These projects all involve many steps, and will, in some cases, require dedicated funding as approved by Hamilton City Council. Given the current economic realities, reliance on projects that require only public funding to encourage redevelopment and revitalization will not accomplish the goal of creating and maintaining vibrant, healthy Downtowns and BIAs. The role of the municipality is to provide incentives and remove barriers for development and partner with the private sector where appropriate. The Community Improvement Plan provides the context for developing specific community improvement projects/programs, as well as identifying actions that can be undertaken in a co-ordinated manner to support renewal.

2.0 The Former Community Improvement Plans

The original Downtown Community Improvement Plan written and approved in 1997 and numerous BIA Community Improvement Plans were to “prime the pump” for revitalization. This has definitely occurred. This new Downtown Hamilton, Community Downtowns and BIAs Community Improvement Plan will keep the revitalization momentum going stronger.

New programs and initiatives over the past several years have laid the foundation for continued revitalization. The programs and initiatives include:

• The creation of the Downtown Renewal Division of the Planning and Economic Development Department, whose mandate is to foster renewal in Downtown Hamilton, the Community Downtowns and the City’s Business Improvement Areas;

• The creation of the Hamilton Downtown Residential Loan Program, which has seen over 1600 residential units created or planned, representing over $217 million in construction value over the past 5 years;

• The creation of the Enterprise Zone – Municipal Realty Tax Incentive Grant Program representing over $105 million in construction value in the past 5 years;

• The creation of the Commercial Property Improvement Grant Program, representing over $2.7 million in façade improvements in the past 5 years;

• The conversion of one-way streets to two-way streets along with streetscape improvement projects that enhance the pedestrian environment and urban street life;
• The approval of the Downtown Secondary Plan, Transportation Master Plan, Capital Budget Improvement Plan and Downtown Zoning By-law; and,

• The continued work with Business Improvement Areas (BIAs) as well as the completion of Commercial Market Analysis and Action Plans for 10 of the 12 BIAs.

2.1 Downtown Hamilton

In Downtown Hamilton there is also a tremendous untapped potential:
• a population base of some 13,000 residents in the downtown area;
• a disposable income of residents in excess of $500 million;
• slightly under 20,000 jobs located in the downtown area;
• a strong entrepreneurial spirit among downtown merchants;
• a clear civic commitment from residents of downtown neighbourhoods;
• connections to the West Harbourfront Area and potential redevelopment;
• the Art Gallery of Hamilton, Central Public Library, Hamilton Place, Dofasco Centre for the Arts, the Hamilton Farmer’s Market, YWCA, YMCA, Copps Coliseum, Gore Park, Jackson Square, Hamilton City Centre and City Hall which are all key anchors that underpin the vitality of the downtown community;
• a stable population base and the socio-economic characteristics of downtown residents; and,
• high accessibility compared to some other major centres.

Since 1846, Downtown Hamilton has been the cultural, social, and historical centre of the greater Hamilton community. A key strength of the City of Hamilton is its clearly identifiable City Centre – Downtown Hamilton. This area provides a unique urban ambiance. The strength and vitality of Hamilton’s downtown is a clear signal of the strength and vitality of our community as a whole. The co-ordinated commitment to Hamilton’s Downtown is a commitment from all citizens of Hamilton to the betterment of their community.

The challenges facing downtown Hamilton are challenges which face our broader community and cannot be ignored. Similarly, the challenges are not exclusive to our city but a reflection of urban morphology since World War II affecting many similar traditional cities.

2.2 Community Downtowns and BIAs

In 2001 the former Town of Ancaster, Town of Dundas, Town of Flamborough, City of Stoney Creek, Township of Glanbrook, City of Hamilton and Region of Hamilton-Wentworth amalgamated into one municipal corporation. The City of Hamilton is now responsible for the downtowns and BIAs of these former municipalities. The Community Downtowns and BIAs face many of the same challenges as Downtown Hamilton. Therefore, it is appropriate that the City adopt and implement Community Improvement Plan policies to encourage redevelopment and revitalization to accomplish the goal of creating and maintaining vibrant, healthy Downtowns and BIAs across the City.
Amendments to this Community Improvement Plan will be undertaken periodically to ensure that the plan is current and adequately reflects the direction of City Council relative to existing City of Hamilton and Provincial policies and priorities.

The introduction of new programs and major policy amendments necessitating changes to existing programs shall be made with City Council approval and processed according to the provisions of the Planning Act. Amendments will be circulated to the Minister of Municipal Affairs and Housing for consultation prior to enactment by City Council.

3.0 Legislative Authority

Normally, Section 106 of the Municipal Act, 2001 states that a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses. However, an exception is made in Section 106(3) of the Municipal Act, 2001 for municipalities exercising powers under Section 28(6) or (7) of the Planning Act or Section 365.1 of the Municipal Act, 2001. This exception provides the legislative basis for the financial assistance programs.

3.1 Section 28 – Planning Act

Section 28 of the Planning Act allows municipalities with provisions in their official plans relating to community improvement to designate by by-law a “community improvement project area”. Once this is done, a municipality may prepare and adopt a “community improvement plan” for the community improvement project area. Once the community improvement plan is approved, the municipality may exercise any power or authority under Section 28(6) or (7) of the Planning Act or section 365.1 of the Municipal Act, 2001.

According to 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”.

For the purposes of carrying out a community improvement plan that has come into effect, a municipality may engage in the following within the community improvement project area:

- acquire, hold, clear, grade or otherwise prepare land for community improvement (28(3));
- construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the Community Improvement Plan in the Community Improvement Project Area (28(6));
- sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the Community Improvement Plan in the Community Improvement Project Area (28(6)); and,
• make grants or loans, in conformity with the community improvement plan, to the 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, to pay for the whole or any part of the eligible costs of the community improvement plan (28(7)).

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

Section 28(7.3) specifies that the total of all grants and loans made under Section 28(7) of the Planning Act and tax assistance under Section 365.1 of the Municipal Act, 2001, in respect of the land and buildings shall not exceed the eligible cost of the community improvement plan.

This Community Improvement Plan presents the programs which the City of Hamilton will implement within the Community Improvement Project Area. These programs contain eligibility criteria and financial assistance capping safeguards that will ensure that the total of all grants, loans and tax assistance provided under this or any other City of Hamilton Community Improvement Plan in respect of any lands and buildings shall not exceed the eligible costs.

3.2 Regional Municipality of Hamilton-Wentworth Official Plan

The Official Plan for the former Regional Municipality of Hamilton-Wentworth, “Towards a Sustainable Region”, clearly recognizes the need to make more productive use of existing municipal urban infrastructure through redevelopment and re-use of vacant and/or underutilized lands and buildings. Section 3.1.1 of the Hamilton-Wentworth Official Plan states, in part:

*Mixed forms of development within an Urban Area is preferable to widespread, low density residential development and scattered rural development because growth can be accommodated by building on vacant or redeveloped land, without taking up agricultural lands or natural areas.*

Amendment No. 11 to the Official Plan of the former Regional Municipality of Hamilton Wentworth was approved on February 27, 2003. This amendment added a new Section 6A on Community Improvement Policies to Part D – Implementation of the former Regional Municipality of Hamilton Wentworth. The primary purpose of this amendment was to add a new policy to the Official Plan to establish city-wide community improvement policies. These policies allow a range of community improvement issues such as brownfields and affordable housing to be addressed across the entire urban area rather than just in small defined geographic locations. Section 6A.1 clearly permits that the entire Urban Area or any part of the Urban Area may by by-law be designated as a Community Improvement Project Area.
Section 6A.2 sets out the characteristics or criteria to be used when designating community improvement project areas. Section 6A.2 requires only that one or more of the following characteristics 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 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) known or perceived environmental contamination;

h) deteriorated or insufficient parking facilities;

i) poor overall visual amenity of the area, including, but not limited to streetscapes and urban design;

j) existing Business Improvement Areas or potential for inclusion in a Business Improvement Area designation;

k) inappropriate road access and traffic circulation;

l) shortage of land to accommodate building expansion and/or parking and loading facilities;

m) other barriers to the improvement or redevelopment of under utilized land or buildings; and,

n) any other environmental or community economic development reasons for designation.

Properties within Downtown Hamilton, the Community Downtowns and BIAs exhibit several of these characteristics, including:

- known or perceived environmental contamination;
- buildings in need of rehabilitation;
- buildings and structures of heritage or architectural significance;
- encroachment of incompatible land uses;
- a shortage of land to accommodate building expansion and/or parking and loading facilities
- BIAs are specifically identified as appropriate community improvement project areas;
- 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;
- insufficient community services; and,
poor overall visual amenity of the area, including, but not limited to streetscapes and urban design.

Section 6A.3 of the Official Plan outlines the actions which the City can take through community improvement plans. This includes:

a) provision of grants and loans;
b) acquisition of land or buildings and subsequent clearance, rehabilitation, redevelopment or resale of these properties or other preparation of land or buildings for community improvement; and,
c) 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.

3.3 Provincial Policy Statement

This plan is consistent with the Provincial Policy Statement 2005 in that it intends to build strong communities within the City of Hamilton. The plan promotes efficient land use and development patterns that support strong, livable and healthy communities as well as facilitating economic growth. The plan not only maintains, but encourages enhancing the vitality and viability of downtowns and main streets. The plan also encourages the conservation of significant built heritage resources.

3.4 Growth Plan for the Greater Golden Horseshoe

The Growth Plan envisages increasing intensification of the existing built-up area, with a focus on urban growth centres, intensification corridors, major transit station areas, brownfield sites and greyfields. To this end, each of the Community Downtowns and Business Improvement Areas are included within the “Built-up Area” designation and Downtown Hamilton has been identified as an “Urban Growth Centre”.

The Growth Plan identifies the revitalization of urban growth centres as particularly important, not only because they can accommodate additional people and jobs, but because they will increasingly be regional focal points.

By the year 2015 and for each year thereafter, a minimum of 40 per cent of all residential development occurring annually within each upper- or single-tier municipality will be within the built-up area.

Further, the Downtown Hamilton urban growth centre will be planned to achieve, by 2031 or earlier, a minimum gross density target of 200 residents and jobs combined per hectare.

Therefore, the Downtown Hamilton, Community Downtowns and BIAs Community Improvement Plan is timely in that it will assist the City by ensuring that we have the tools necessary to meet these targets.
3.5 Vision 2020

Vision 2020 is a vision statement with detailed strategies and actions to achieve sustainable development. It was adopted by Regional Council in 1992 and modified in 1998 and 2003. Vision 2020 is designed to serve as a basis for decision-making and is very supportive of urban revitalization and development which make efficient and economical use of existing infrastructure and services, as is the case with this Community Improvement Plan. In addition, Vision 2020 recommends:

*The use of financial tools where possible to direct future urban development to curb urban sprawl and minimize costs (Strategies for a Sustainable Community, 1998, p. 44).*

4.0 Community Improvement Project Area

More particularly, they are identified as follows:

- The Downtown Hamilton Community Improvement Project Area – This area is bounded by Queen Street, Cannon Street, Victoria Avenue and Hunter Street, and also includes the properties fronting on James Street (including abutting lands provided they are part of the comprehensive redevelopment of an eligible James Street property) north to the CN Railway and south to Charlton Avenue. The limits of the King Street West BIA, Downtown Hamilton BIA, and International Village BIA, as may be amended from time to time, are each contained within the Downtown Hamilton Community Improvement Project Area boundary.
- The Barton Village Community Improvement Project Area – This area is defined by the limits of the Barton Village BIA.
- 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 Main West Esplanade Community Improvement Project Area – This area is defined by the limits of the Main West Esplanade 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.
- The Ancaster Village Core Community Improvement Project Area – This area is defined within the Town of Ancaster Official Plan as the Ancaster Village Core, “as defined on Schedule F, Specific Policy Area 1, which consists of the properties fronting on Wilson Street from the Old Mill Restaurant to the west end of the Stoneham Plaza” (Ancaster Official Plan, Section 5.4.1).
- The Binbrook Community Improvement Project Area – This area is designated within the Township of Glanbrook Official Plan as the Binbrook Community Core, as indicated on Schedule A, Land Use Plan and Schedule B, Binbrook Village Secondary Plan.
- The Dundas Community Improvement Project Area – This area includes the area designated Downtown Mixed Use, as indicated on Schedule A, Land Use, Town of
The Downtown Stoney Creek Community Improvement Project Area – This area is designated within the City of Stoney Creek Official Plan as Downtown, as indicated on Schedule A, General Land Use Plan and Schedule A5, Olde Town District 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 includes the Downtown commercial area defined in the Town of Flamborough Official Plan as “the historic core area designated BUSINESS DISTRICT, and the URBAN COMMERCIAL areas along Hamilton Street North, and Dundas Street west of Hamilton Street” (Town of Flamborough Official Plan, Section A.3), as indicated on Schedule A, Waterdown Urban Area, Land Use Plan, and Schedule A-2, West Waterdown Secondary Plan, and also includes the area defined by the limits of the Waterdown BIA.

The Official Plans of the former municipalities now within the amalgamated City of Hamilton, as amended from time to time, are in effect until such time as a new Official Plan for the City of Hamilton is approved and the former municipal Official Plans are repealed.

The Downtown Hamilton Community Improvement Project Area is representative of the historic centre or core of the City of Hamilton and has been the traditional centre of commercial activity. 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.

The core, described as the area within the Downtown Hamilton Community Improvement Project Area is reflected in part within the Downtown Hamilton Secondary Plan. The Secondary Plan, and the companion Transportation Master Plan have served to focus policy direction, land use change and infrastructure investment within the core on a priority basis. The Secondary Plan and the Transportation Master Plan provide the long term vision for the area and ensure that a continuation of sound planning processes are implemented across the entire area.

The role of the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan is to complement the policy provisions contained within the former Regional Official Plan, Local Official Plans, Local Zoning By-laws, Vision 2020, Downtown Hamilton Secondary Plan, and the Downtown Hamilton Transportation Master Plan, by translating such provisions through the use of programs, incentives and various initiatives. The Community Improvement Plan becomes the implementation tool box through which changes can be made and issues identified and solved in an efficient manner.

The Hamilton ERASE Community Improvement Plan approved by City Council in 2001 and subsequently amended in 2005 also applies to the project area covered by the Downtown Hamilton, Community Downtowns and BIA as Community Improvement Plan.
The Hamilton ERASE Community Improvement Plan provides financial assistance to registered owners, assessed owners, and tenants to assist with the costs of remediating brownfield sites throughout the Urban Area of the City. These two plans will work in concert as an additional incentive to redevelop brownfield sites within Downtown Hamilton, the Community Downtowns and the BIAs in conformity with the goals and objectives of each plan. The total of all grants, loans and tax assistance provided under this and any other City of Hamilton Community Improvement Plan will not exceed the eligible costs of the community improvement plan with respect to lands and buildings.

5.0 VISION FOR DOWNTOWN HAMILTON, THE COMMUNITY DOWNTOWNS AND BIAs

Generally the City of Hamilton is striving to achieve the following:

“That Downtown Hamilton, the Community Downtowns and the BIAs are communities where people wish to live, work and visit”.

As such, it is important that Downtown Hamilton, the Community Downtowns and the BIAs provide the following elements:

- they are integrated, safe, and healthy;
- they link a number of communities and facilities together;
- they are easily accessible and encourage walking, stopping, and parking;
- they are communities for young families, aging population, student population, professionals, knowledge workers, workers and visitors;
- they offer destination shopping and niche marketing;
- they appeal to those looking for “creature-comforts”; and,
- they appeal to growing trends in do-it-yourself, cottage industry, home-based businesses, arts and crafts, hobbyists, etc. (e.g. lifelong learning, wine making, gardening, culinary arts and cooking, etc.)

It has been a common theme that the ultimate objective in terms of achieving a specific result is to have more people in Downtown Hamilton, the Community Downtowns and BIAs to spend and invest their money. By inference, if the City of Hamilton is successful in assisting in programs which bring a substantially higher number of people to these areas and these people spend money and invest in these areas, they will become healthy, vibrant and viable centres.

Three components should be targeted for special attention. While all three involve people, it is hoped that these three groupings form the basis of action and direction of the City of Hamilton.

a) People Who Live in Downtown Hamilton, the Community Downtowns and BIAs

Much of the literature related to rejuvenation of downtown and commercial areas calls for increasing the amount of housing in these areas. The objective of the City in this sector will be to establish a comfortable, safe, and dynamic residential community.
Specific initiatives that have and are to be considered include:

- implementation of the Main Street Housing Program;
- continuation of the Hamilton Downtown Residential Loan and Enterprise Zone – Municipal Realty Tax Incentive Grant Programs;
- continuation of the Commercial Property Improvement Grant Program;
- investigation of improved transit opportunities;
- continued implementation of the Commercial Assessments for the BIAs; and,
- continued waiving of development charges in Downtown Hamilton.

b) People Who Work in Downtown Hamilton, the Community Downtowns and BIAs

For this group of people, the ultimate objective is for them to either generate a profit in these areas or provide a specific service to those in these areas and beyond. Those groups who wish to generate a profit in these areas include existing businesses (retail, office, service sector, hotels), owners of existing buildings and owners of vacant land. Programs will have to be maintained/devised to enhance existing business operations and to attract new business ventures to these areas.

Those who provide a service in these areas and especially in Downtown Hamilton include: government, educational institutions, local churches, service organizations including the Social Planning & Research Council, hostels, food banks, etc.

There is a range of programs to consider for achieving these objectives. As successful programs are initiated in each of the other two sectors, (i.e. housing and visitors) those with an economic interest in the Downtowns and BIAs will benefit.

c) People Who Visit Downtown Hamilton, the Community Downtowns and BIAs

To the extent visitors can be attracted to these areas, additional dollars will flow to support business operations. The marketing program should be targeted towards a range of visitor groupings, including those who live in the City of Hamilton, out of town visitors in Southern Ontario, the wider Provincial and Canadian markets, as well as international markets.

The intent of this exercise will be to build on the current strengths of these areas, develop such markets and broaden the catchment area for facilities while at the same time trying to compete with distant markets to capture dollars which are currently flowing out of the community.

Downtown Hamilton is the arts and cultural centre of the City and surrounding communities. This strength will continue to be supported and enhanced. The arts, culture and heritage sector is a key cornerstone in developing vibrant, attractive, resilient, competitive, and creative communities. Creative cities are seen as magnets for business and tourism development. Creative cities also create attractive, interesting places to live and are therefore also magnets for residential development and growth.
6.0 **Goals of the Downtown Hamilton, Community Downtowns & Business Improvement Areas Community Improvement Plan**

The goals of the Downtown Hamilton, Community Downtowns and BIAs Community Improvement Plan are:

a) to enhance Downtown Hamilton as a unique community and the Heart of the City as a whole. Downtown Hamilton shall be a place where people are attracted to live, work, and visit;

b) to promote Downtown Hamilton as the creative centre of the City;

c) to enhance Community Downtowns and BIAs as unique communities within the City. The Community Downtowns and BIAs are also places where people are attracted to live, work, and visit;

d) to encourage the preservation and enhancement of significant heritage resources;

e) to fully utilize existing infrastructure in Downtown Hamilton, Community Downtowns and Business Improvement Areas;

f) to encourage and assist private property owners to rehabilitate buildings to ensure their long-term economic viability;


g) to focus municipal efforts that address the provision of streetscape improvements, municipal services and infrastructure; and,

h) to promote the continued development of Downtown Hamilton as a primary business, office, cultural, family entertainment, and administrative centre for the City and the Region.

7.0 **Objectives of the Downtown Hamilton, Community Downtowns & Business Improvement Areas Community Improvement Plan**

The objectives of the Downtown Hamilton, Community Downtowns and BIAs Community Improvement Plan are:

a) to promote the long-term stability and viability of Downtown Hamilton, the Community Downtowns and BIAs;

b) to encourage the co-ordination of municipal expenditures and planning and development activity;

c) to stimulate private property maintenance and reinvestment activity;

d) to enhance the visual quality of these areas through the recognition and protection of heritage buildings;

e) to upgrade physical services, social, recreational and cultural facilities; and,
f) to provide for streetscaping, servicing and building rehabilitation and improvements to 
enhance these areas, and encourage complementary revitalization or redevelopment 
through private investment.

8.0 Community Improvement Initiatives and Implementation Strategies

Several initiatives working in concert with the provisions of the City of Hamilton Official 
Plan, former municipal Official Plans, Secondary Plans, and the Downtown Hamilton 
Secondary Plan for the Downtown Hamilton Community Improvement Project Area are 
required in an effort to bring improvement to Downtown Hamilton, the Community 
Downtowns and the City’s Business Improvement Areas.

Initiatives must be at times broad in scope and application while others must be specific 
and targeted to realize change. The ability to evolve such initiatives, to permit the ability 
to be responsive and proactive is a significant policy challenge that must be achieved.

The following list summarizes the strategies and initiatives that may be pursued through 
this Community Improvement Plan, and through any other City action intended to foster 
revitalization and renewal. This list is not intended to be exclusive or exhaustive. It is 
intended simply to provide a framework for revitalization and renewal.

8.1 Provision of Loans, Grants and Tax Grants

The City of Hamilton will make grants or loans to the 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, to pay for the whole or any part of the eligible costs of 
the Community Improvement Plan. Undertakings such as the renovation of existing 
residential units, the creation of new residential units, the conversion of existing space to 
residential units, the renovation of existing commercial space, the creation of new 
commercial space, façade improvements, development of vacant lands and parking lots, 
etc. are eligible for financial assistance. These undertakings will encourage 
intensification opportunities as well as recognize and encourage the rehabilitation of our 
heritage resources.

The feedback from monitoring of the CIP may lead to minor revisions to financial 
incentive programs contained within this CIP. Therefore, the City may periodically 
review and adjust the terms and requirements of any of the financial incentive programs 
contained in this Plan, or discontinue any of the programs contained in this Plan, without 
amendment to the Plan. The increase in financial assistance 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, the addition of any new financial incentive 
programs, or a change to the Community Improvement Project Areas will require a 
fORMAL amendment to this Plan. Any formal amendments will require approval by City 
Council, and shall be undertaken in accordance with Section 28 of the Planning Act. As 
part of the amendment process, and prior to any approval, the City will consult with the 
Ministry of Municipal Affairs and Housing. Please refer to the appendices for complete 
program details, terms and administration. Council shall adopt by resolution detailed 
implementation measures to allow for the efficient administration of financial incentive
programs. These administration procedures are appended in Appendices A-D to this C.I.P. The following narrative explains the status of each of the programs with respect to City Council approval.

8.1.1 The Hamilton Downtown Residential Loan Program

The Hamilton Downtown Residential Loan Program was developed as a catalyst for stimulating residential development within Downtown Hamilton as defined by the Downtown Hamilton Community Improvement Project Area. The program is intended to provide financial assistance for converting existing commercial space into residential units or renovations to existing residential units. The program is also intended to provide assistance for the costs of creating new residential units on vacant land.

The loan interest rate is 0% for a maximum loan term of 5 years. The maximum loan amount is calculated on the basis of up to $20 per square foot of habitable floor space. The City reserves the right to decide what is considered habitable floor space under the terms of the program.

Council has adopted by resolution the detailed implementation measures to allow for the efficient administration of this program. These administration procedures are appended in Appendix ‘A’ to this C.I.P.

8.1.2 The Enterprise Zone – Municipal Realty Tax Incentive Grant Program

The intent of the Enterprise Zone Municipal Realty Tax Incentive Grant program is to provide an economic catalyst for developing, redeveloping or renovating residential/commercial lands and buildings located within the Downtown Hamilton Community Improvement Project Area.

The program authorizes a five year grant for each approved grant application, the amount of which is subject to Council approval, in an amount not exceeding the increase in municipal realty taxes as a direct result of the development/redevelopment of land and/or building. The grant which may be approved by Council shall be an amount which does not exceed 100% of the municipal realty tax increase during the first year, 80% in year 2, 60% in year 3, 40% in year 4, and 20% in year 5. 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 (City portion only) realty taxes attributable to the differential between the pre-renovation assessment and the post-renovation assessment.

The approved grant is not assignable to anyone, except for purchasers of new condominium units. For an existing building to qualify it is required to have at least a 50% annualized vacancy rate.

Council has adopted by resolution detailed implementation measures to allow for the efficient administration of this program. However, as noted
earlier, any changes in the administration procedures, requires Council to further adopt by resolution amendments to the program. These administration procedures are appended in Appendix ‘B’ to this C.I.P. and must be adopted by City Council by resolution.

Please note, applicants to the Enterprise Zone Program who have submitted an application which has been accepted by the City, prior to City Council approval of this CIP on February 28, 2007 will be grandfathered under the former program rules as approved by City Council.

8.1.3 Commercial Property Improvement Grant Program

The Business Improvement Area (BIA) Commercial Property Improvement Grant Program is intended to provide financial assistance for commercial property owners/authorized tenants within Business Improvement Areas.

The Program provides financial assistance only for property owners/authorized tenants within each of the 12 existing Business Improvement Areas. The Program aims to improve upon the appearance of numerous BIA commercial properties. 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, to result in long lasting physical improvements to the assets of commercial property owners/authorized tenants, and to bring about aesthetic improvements to the commercial areas as defined by the Business Improvement Areas.

The grant will be paid on a matching basis of $400 per linear foot of street frontage up to a maximum of $20,000 for eligible work under the Program. In order for the program applicant to be able to receive $400 per linear foot of street frontage from the City, the applicant must contribute $400 per linear foot as well. As a further incentive for corner properties, the City will increase the maximum grant amount to $25,000 on a similar matching basis for eligible work under the Program to recognize the importance of flankage façades in BIAs. Commercial properties designated under the Ontario Heritage Act are not eligible under this grant program. Architectural or design fees may be eligible up to $750 as part of the total grant awarded for completed construction. Interior improvements relating to display windows and entrance areas are eligible to an amount of $2,500 of the total grant payable.

Council has adopted by resolution detailed implementation measures to allow for the efficient administration of this program. However, as noted earlier, any changes in the administration procedures, requires Council to further adopt by resolution amendments to the program. These administration procedures are appended in Appendix ‘C’ to this C.I.P. and must be adopted by City Council by resolution.
Please note, applicants to the Commercial Property Improvement Grant Program, who have submitted an application which has been accepted by the City, prior to City Council approval of this CIP on February 28, 2007 will be grandfathered under the former program rules as approved by City Council.

8.1.4 Main Street Housing Loan and Grant Program

The Main Street Housing Program is designed to stimulate residential development within Hamilton’s Community Downtowns and Business Improvement Areas. However, Downtown Hamilton properties within the Downtown Hamilton Community Improvement Project Area, are not eligible due to the availability of the Hamilton Downtown Residential Loan Program, the Enterprise Zone – Municipal Realty Tax Incentive Grant Program as well as the Development Charge Exemption.

The program is intended to provide financial assistance for converting existing built commercial space into residential units or renovations to existing residential units. The program is also intended to provide assistance for the costs of creating new residential units on vacant land within the Community Downtowns and eligible Business Improvement Areas. Preference will be given to buildings with direct frontage on a main street.

A maximum loan amount of up to $10,000 per dwelling unit to a maximum cumulative loan amount of up to $100,000 per property. The City reserves the right to decide what is considered a unit under the terms of the program. The loan interest rate will be at 0 % interest. The maximum loan term is five years. The program has a grant portion of $5,000 per application. The grant portion is allocated to professional fees only upon presentation of paid receipts to the City’s satisfaction. Professional fees will include: architects; lawyers; engineers, surveyors fees, etc.

Council has adopted by resolution the detailed implementation measures to allow for the efficient administration of this program. These administration procedures are appended in Appendix ‘D’ to this C.I.P.

8.2 Co-operation/Participation with Private Sector Entities

The City of Hamilton will enter into public / private partnerships with developers where appropriate to achieve a desired public good. An example would include a public/private partnership for the development of a parking structure within Downtown Hamilton etc. The City of Hamilton may participate financially or otherwise with private sector entities for the objective of furthering the goals and objectives of the C.I.P.
8.3 Assignment of Taxes

The City of Hamilton in concert with major institutions will introduce a program designed as an economic initiative to create new housing and encourage development and redevelopment within Downtown Hamilton, Community Downtowns and BIAs. This program will utilize the assignment of required taxes on a property in the form of a grant to a third-party who provides the required financing for the approved project within the area affected by this CIP. Such assignment must be approved by City Council as part of the process to secure project funding. Such assignment of taxes shall be sufficient only to pay for the financing of projects but in no case shall assignment exceed the cost of rehabilitating the lands and buildings.

8.4 Capital Improvements

The City of Hamilton will undertake capital improvements in order to enhance the attractiveness of the pedestrian environment, streets and public spaces within Downtown Hamilton, the Community Downtowns and BIAs. These improvements will include but are not limited to Urban Braille, street furniture, street light and pole upgrades etc.

8.5 Public Art

The City of Hamilton will develop a Public Art policy to locate public art within accessible areas of Downtown Hamilton, the Community Downtowns and BIAs. This undertaking will lead to a sense of place and community as well as spur tourism development within these areas.

8.6 Downtown Hamilton Cultural Activities

As Downtown Hamilton is seen as the arts and cultural centre of the City, the City of Hamilton will continue to encourage cultural and recreational activities as well as festivals and other events in the Downtown core. The City may partner with arts and culture groups to promote and support such events through initiatives such as services in kind, for example.

8.7 Wayfinding Signage to Downtown Hamilton, the Community Downtowns and BIAs and gateway features

The City of Hamilton will develop and install appropriate signage leading the public to Downtown Hamilton, the Community Downtowns and BIAs. The entrances to such areas will be identified by appropriately designed and located gateway features.

8.8 Municipal Land Acquisition

The City of Hamilton may acquire land for the purposes of redevelopment within the Community Improvement Project Area;
8.9 Municipal Land Disposition

The City of Hamilton may dispose, including sale, lease, or otherwise, of municipal land within the Community Improvement Project Area for the purpose of achieving the goals and objectives of this Plan.

8.10 Relief from fees and charges

The City of Hamilton may offer relief from fees, levies and charges associated with redevelopment.

8.11 Promotion and Advertising

The City of Hamilton may promote and advertise or contribute to the promotion or advertisement of Downtown Hamilton, the Community Downtowns and BIAs for the purpose of achieving the goals and objectives of this Plan.

8.12 Other Strategies

The City of Hamilton may develop other strategies and programs to foster revitalization and renewal provided said strategies and programs are consistent with the goals and objectives of this plan.

Recent initiatives include the Downtown Ambassador Program and the Clean and Safe Task Force. Other opportunities exist such as marketing initiatives.

Each initiative is to be developed and evaluated on its own merit and taken through the appropriate approval process including the Economic Development and Planning Committee and Council if needed, and if applicable, the appropriate funding process.

As these projects and others are approved they may be attached as further appendices to this document without requiring amendment to the plan. Programs in which financial assistance is provided and would be prohibited by the Municipal Act, 2001 will be approved by City Council in accordance with the relevant provisions of the Planning Act. (Refer to section 8.1) of this community improvement plan.

9.0 CONCLUSION

The approval of this Community Improvement Plan will provide a legislative basis and context for initiatives designed to foster revitalization and renewal within Downtown Hamilton, the City’s Community Downtowns and the City’s Business Improvement Areas. The Plan is intended to bring those efforts together within one document in order to ensure that revitalization and renewal is dealt with in a comprehensive and coordinated manner, and that the initiatives identified can be directed towards community improvement.
PROGRAM DESCRIPTION

The Hamilton Downtown Residential Loan Program was developed as a catalyst for stimulating residential development within Downtown Hamilton as defined by the Downtown Hamilton Community Improvement Project Area. The program is intended to provide financial assistance for converting existing commercial space into residential units or renovations to existing residential units. The program is also intended to provide assistance for the costs of creating new residential units on vacant land.

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

TERMS OF THE PROGRAM

1. The Loan interest rate will be at 0 % interest.

2. The Loan will be registered as a second mortgage upon first advance of funds.

3. Interest in arrears of 15% per annum or such tax arrears interest rate as may be established by Council from time to time.

4. The maximum Loan term is five years (subject to prior termination on default).

5. 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 completion of construction. The balance outstanding will be paid by a balloon payment at the end of the five year term.

6. The maximum loan amount is calculated on the basis of $20 per square foot of habitable floor space. The City reserves the right to decide what is considered habitable floor space under the terms of program.
7. The City will periodically review the terms and the duration of the program and make appropriate revisions as per the direction of City Council.

8. The City may request such security as may be required to secure a commercial loan, including the following: loan agreement; and/or promissory note; and/or personal property security; and/or personal guarantee’s; and/or lien on the property to be improved; and/or 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.

9. Upon proof satisfactory to the City that the proposed development is 60% complete 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.

10. Owner 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 25% equity in the project shall be maintained throughout the term of the City loan. An accredited member of the Appraisal Institute shall complete the property appraisal prior to funding within a time frame acceptable to the City.

11. An administration fee of $500.00 per unit for developments under 50 units; $400.00 per unit for developments between 50 and 100 units and $300.00 per unit for projects over 100 units, is charged to the borrower and is eligible to be paid out of the loan proceeds. The fees will be paid out of the first loan advancement that flows from the City of Hamilton. 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.

12. Realty taxes must be paid current and in good standing throughout the development process, and during the term of the City loan.

13. Eligible existing buildings/vacant properties must be located in the Downtown Hamilton Community Improvement Project Area. Only commercial buildings with a pre-existing annual vacancy of not less than 20% are eligible. Vacant lands include properties developed as parking lots.

14. Site Plan drawings in a form acceptable to the City must accompany the application form. Architectural renderings of the proposed completed development must also be submitted and must meet the objectives of the Downtown Hamilton Secondary Plan as determined by City staff.

15. Advances are made by the City, upon proof by a quantity surveyor or architect/engineer confirming the value of the work completed.
16. All costs associated with the conversion or renovations are to be borne by the applicant including construction, design, administration fee, 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.

17. Upon sale of the property the loan is due and payable upon closing. Upon refinancing of the first mortgage the loan is due in full or part if refinancing takes place in an amount higher than the existing first mortgage.

18. Upon sale of individual condominium units, the City will be repaid $25.00 per square foot upon closing.

19. The proposed development must conform to the City of Hamilton Official Plan, the Downtown Hamilton Secondary Plan, relevant Urban Design Guidelines and the Zoning By-law, as well as any other City Council approved policy/regulation.

20. The City of Hamilton will require specific insurance terms to be met to protect the City’s interest.

21. Deadlines for the submission and approval of building permits and construction start dates are established following a report to Council for approved applications.
DOCUMENTS REQUIRED

Personal

- *Net Worth Statement*
- Completed Application
- Two Years Income Tax Returns

Corporate

- *Two Years Financial Statements*
- Incorporation Documents

Liabilities

- Current Institutional Bank or Banks
- Lawyers Name and Address

The Property

- *Site Plan or Survey*
- Proposed Building Architectural Drawings
- Breakdown of Construction Cost
- Contracts in Place
- Original Purchase Price
- Current Registered Mortgages
- Details of Primary Construction Lending
- Details of Any Secondary Financing
- Appraisal (performed by A.A.C.I ) Today's Value
- Appraisal Upon Completion
- Phase 1 Environmental Report
- Breakdown of other uses i.e. (commercial component)

Marketing

- *Projected Rental Rates per unit or per sq foot*
- Any Leases currently in place
- Letters of Intent to Lease
- Projected Expenses or Actual if Available
- *List any Advantages of Leasing for the Property*

*The personal information on this form is collected under the legal authority of the Planning Act, Section 28. The personal information will be used for determining your eligibility for a grant. If you have any questions about the collection, please contact the Downtown Renewal Division at (905) 546-4033.*
**ENTERPRISE ZONE**

**MUNICIPAL REALTY TAX INCENTIVE GRANT PROGRAM**

**PROGRAM DESCRIPTION**

The intent of the Enterprise Zone Municipal Realty Tax Incentive Grant Program is to provide an economic catalyst for developing, redeveloping or renovating residential/commercial lands and buildings located within the Enterprise Zone. The Enterprise Zone is defined as the Downtown Hamilton Community Improvement Project Area (as such boundaries are presently defined).

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 as a direct result of the development/redevelopment of the land and/or building. The grant which may be approved by Council shall be an amount which does not exceed 100% of the municipal realty tax increase during the first year, 80% in year 2, 60% in year 3, 40% in year 4, and 20% in year 5. 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 (City portion only) realty taxes attributable to the differential between the pre-renovation assessment and the post-renovation assessment.

The grants may be received by an owner in conjunction with any other available municipal program (excluding the City of Hamilton’s Tax Incentive Program for designated commercial /industrial buildings) 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 for purchasers of new condominium units. The total of each property’s five years of approved grants shall not exceed the costs of the property’s development/redevelopment.

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 in full each year and, the property shall be in compliance with the program’s requirements and conditions.
GRANT CRITERIA

Developing, redeveloping or renovating residential/commercial lands and buildings within the Enterprise Zone, are eligible for grant approval following the owner’s grant application for Council approval. Such application shall be submitted and only received if it is prior to the owners 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 Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan.

Such project is also required to be in compliance with the City’s other by-laws and policies, including 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 amount and the property’s grants (within the permitted terms of this program) is in the discretion of and subject to Council approval.

For an existing building to qualify, it is also required to have at least a 50% annualized vacancy rate. In this regard the application shall, at a minimum, by affidavit confirm the annualized vacancy rate, provide a copy of the supporting letter from the B.I.A.s’ Board of Management confirming the vacancy rate (if the property is located within a B.I.A.), or provide other satisfactory documentation confirming that the property, one year previous to the date of application had at least a 50% vacancy rate.

The purpose of this program is to stimulate new development and the redevelopment of vacant or under-utilized commercial lands and buildings, including for example, the following properties:

All parking lots and vacant sites are eligible (provided said vacant sites were existing as of July 1, 2001). Notwithstanding the foregoing, properties upon which commercial, residential or industrial buildings are cleared and demolished after July 1, 2001, may be declared by Council as eligible to apply where:

1) The commercial, residential or industrial building(s) intended to be demolished or cleared after July 1, 2001, are not designated heritage building(s).

2) Prior to the clearance and demolition, the owner of the property informs Council of:
   ⇨ -their plans for the demolition and clearance;
   ⇨ -their plans for the redevelopment of the property through the application for a tax grant under this program; and,

3) The proposed redevelopment of the cleared and demolished property shall be for residential and/or commercial uses expressly permitted by the Zoning By-law applicable to such property; and,
4) Council declares, after reviewing the property owner’s submissions, the City’s Official Plan, the City’s Hamilton Downtown Secondary Plan, the City’s Design Guidelines, and site plan considerations – that the proposed clearance or demolition of the building(s) and the proposed redevelopment of the property would be in conformity with the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan, including its goals and objectives; and,

5) The demolition or clearance of the building(s) is not commenced until after Council’s declaration is made and communicated to the property owner.

Note: All hotels and motels that have an annualized occupancy of less than 50% would qualify under the eligibility requirements of the program. Vacancy is subject to confirmation by affidavit and other supporting documentation by the hotel management.

This program shall not apply to existing or to proposed Second Level Lodging Houses or to Short or Long Term Care Facilities.

A limited assignment of the tax 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 resale of any such unit. The assigned grant shall be restricted to the balance of the five (5) year term running from the re-assessment date following the date of the registration of the condominium. 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 rateable per unit basis. In addition to the one time $625 application fee, a one time administration fee of $315 per unit, shall be charged to the registered or assessed owner of the property in order to qualify for the right of assignment, which fee 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.

The applicant will be required to enter into an Agreement with the City of Hamilton that sets out the conditions of the annual grant.
PROCEDURE TO SUBMIT AN APPLICATION

To submit an application please make arrangements to meet with Downtown Renewal Division Staff, PRIOR TO (insert date), APPLICATIONS WILL ONLY BE ACCEPTED WITH TWO (2) COST ESTIMATES. APPLICATION FEE OF $285.00 (or any such fee as approved by City Council) MUST ACCOMPANY APPLICATION.

PROGRAM DESCRIPTION

The Business Improvement Area Commercial Property Improvement Grant Program is intended to provide financial assistance for commercial property owners/authorized tenants within the existing City-wide Business Improvement Areas as identified within The Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan.

The Program provides financial assistance for property owners/authorized tenants within each of the 12 existing Business Improvement Areas across the entire City of Hamilton. The Program aims to improve upon the appearance of numerous commercial properties throughout the City. 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, to result in long lasting physical improvements to the assets of commercial property owners/authorized tenants, and to bring about aesthetic improvements to the commercial areas as defined by the Business Improvement Areas, and to broadly improve commerce within the entire City.

PROGRAM TERMS

- Commercial property owners/authorized tenants are eligible to apply for a grant under the Program during an advertised application period held twice a year.
- Commercial properties are to be identified by municipal address to identify multiple and separate commercial units with ground floor street frontages.
- Commercial uses must be in conformity with relevant policy documents of the City and the provisions of the Zoning By-law.
- Performance measures are to be applied to the payment of grants.
Eligibility requirements for the Program relating to the work to be funded will be specifically identified. Two (2) 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.

Before and after pictures are required as part of the application and processing of the grant disbursement.

The grant will be paid on a matching basis of $400 per linear foot of street frontage up to a maximum of $20,000 for eligible work under the Program.

As a further incentive for corner properties, the City will increase the maximum grant amount to $25,000 on a similar matching basis for eligible work under the Program to recognize the importance of flankage facades in BIAs.

Commercial properties designated under the Ontario Heritage Act are not eligible under this grant program.

Grants are to be awarded on a bi-annual cycle following a request for applications with a deadline established.

A building inspector will perform initial inspection relative to the façade which is intended to be improved, and subsequent final inspection to assure compliance with the Ontario Building Code.

Available grants will be equally accessible to each of the 12 BIA’s.

Proposed improvements to be completed within one calendar year to be eligible for payment. A one year extension can be authorized by the Director of Downtown Renewal.

Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Downtown Renewal Division.

An application fee of $285 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.

ELIGIBILITY REQUIREMENTS

Property owners and authorized tenants are eligible.

Property taxes must be paid current.

The proposed work cannot commence prior to application approval, and pre-inspection by the City Building Inspector.

Commercial properties must be located within one of the City’s Business Improvement Areas and be within the corresponding Community Improvement Project Area.

Existing use must be in conformity with the applicable Zoning By-law regulations, and other relevant planning controls.
ELIGIBLE IMPROVEMENTS

- Replacement or repairing of storefronts and rear entrances (at the discretion of the Review Committee) if used as an access to the business.
- Improvements and or upgrades to doors, cornices and parapets.
- 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.
- Architectural or design fees may be eligible up to $750 as part of the total grant awarded for completed construction.
- Interior improvements related to display windows and entrance areas are eligible to an amount of $2,500 of the total allotment. Eligible areas will be determined by the review committee.
MAIN STREET HOUSING LOAN AND GRANT PROGRAM

PROGRAM DESCRIPTION

The Main Street Housing Program is designed to stimulate residential development within Hamilton’s Community Downtowns and Business Improvement Areas. However, Downtown Hamilton properties within the Downtown Hamilton Community Improvement Project Area, are not eligible due to the availability of the Hamilton Downtown Residential Loan Program, the Enterprise Zone – Municipal Realty Tax Incentive Grant Program as well as the Development Charge Exemption in their BIAs.

The program is intended to provide financial assistance for converting existing built commercial space into residential units or renovations to existing residential units. The program is also intended to provide assistance for the costs of creating new residential units on vacant land within the Community Downtowns and eligible Business Improvement Areas.

Acting as a lender, the City provides financial support for the program and ensures that development arising from the program within the City’s Community Downtowns and Business Improvement Areas is consistent with the principles and design themes contained within the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan, Community Official Plans, Zoning By-laws and the provisions of relevant Urban Design Plans.

PROGRAM TERMS

The Main Street Housing Program is available to property owners within the City of Hamilton’s Community Downtowns and Business Improvement Areas excluding properties within the Downtown Hamilton Community Improvement Project Area.

1. The maximum loan amount is $10,000 per dwelling unit. The City reserves the right to decide what is considered a unit under the terms of the program.
2. Maximum loan amount of $100,000 per property.
3. The program has a grant portion of $5,000 per application. The grant portion is allocated to professional fees only upon presentation of paid receipts to the City’s
satisfaction. Professional fees will include: architects; lawyers; engineers; surveyors fees etc.

4. The Loan interest rate will be at 0 % interest.

5. The Loan will be registered as a second mortgage upon first advance of funds.

6. The maximum Loan term is five years (subject to prior termination on default).

7. 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 completion of construction. The balance outstanding will be paid by a balloon payment at the end of the five year term.

8. The City may request such security as may be required to secure a commercial loan, including the following: loan agreement; and/or promissory note; and/or personal property security; and/or personal guarantee’s; and/or lien on the property to be improved; and/or 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.

9. Upon proof satisfactory to the City that the proposed development is 60% complete 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.

10. Owner 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 25% equity in the project shall be maintained throughout the term of the City loan. An accredited member of the Appraisal Institute shall complete the property appraisal prior to funding within a time frame acceptable to the City.

11. An administration fee of $250 per unit is charged to the borrower and is eligible to be paid out of the loan proceeds which will also be considered in the grant portion of professional expenses. The fees will be paid out of the first advancement of funds that flow from the City of Hamilton. The rate of the fees may be changed from time to time as approved by City Council.

12. Realty taxes must be paid current and in good standing throughout the development process, and during the term of the City loan.

13. Advances are made by the City, upon proof by a quantity surveyor or architect/engineer confirming the value of the work completed.

14. All costs associated with the conversion or renovations are to be borne by the applicant including construction, design, administration fee, 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.

15. Upon sale of the property the loan is due and payable upon closing. Upon refinancing of the first mortgage the loan is due in full or part if
16. 17. 18. refinancing takes place in an amount higher than the existing first mortgage.

19. Upon sale of individual condominium units, the City will be repaid $12,500 per unit, until the loan is paid in full.

20. 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.

21. 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.

22. The City of Hamilton will require specific insurance terms to be met to protect the City’s interest.

23. Deadlines for the submission and approval of building permits and construction start dates are established following a report to Council for approved applications.

24. The City will periodically review the terms and the duration of the program and make appropriate revisions as per the direction of City Council.
WHEREAS By-law No. passed on the day of 2007, designated the Downtown Hamilton, Community Downtowns and Business Improvement Areas 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, re-subdivision, clearance, development or redevelopment, reconstruction and rehabilitation, 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, 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 Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Project Area in accordance with the said Act, for the purposes of the community improvement of the designated Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Project Area, through various municipal initiatives as set out in the community improvement plan;

AND WHEREAS Council, by its Economic Development and Planning Committee, held a public meeting on February 20, 2007 to discuss and receive public input regarding adoption of the Downtown Hamilton, Community Downtowns and Business Improvement Areas 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 Hamilton, Community Improvement Plan.
Appendix “B” to Report PED07074
Page 2 of 2

Downtowns and Business Improvement Areas Community Improvement Project Area, as required by the Planning Act;

AND WHEREAS the City has prepared a plan entitled “Downtown Hamilton, Community Downtowns and Business Improvement Areas 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. The Downtown Hamilton, Community Downtowns and Business Improvement Areas 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 Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Project Area designated by By-law No.

2. That By-law Nos. 97-140; 88-12; 90-299; 87-87; 87-88; 87-89; 99-140; 95-11; 95-12; 02-110; 02-134; as amended, relating to the Community Improvement Plans established as: the Downtown Hamilton Community Improvement Plan; the Barton General Community Improvement Plan; the Main Street West Community Improvement Plan; the Concession Street Community Improvement Plan; the Ottawa Street Community Improvement Plan; the Westdale Village Community Improvement Plan; the King Street West Community Improvement Plan; the International Village Business Improvement Area Community Improvement Plan; the Downtown Hamilton Business Improvement Area Community Improvement Plan; the Stoney Creek Community Improvement Plan; the Waterdown Community Improvement Plan; and, the Dundas Community Improvement Plan are repealed forthwith upon final approval of this by-law and Schedule ‘A’ attached hereto.

PASSED and ENACTED this day of 2007

_________________________   ________________________
Fred Eisenberger     Kevin C. Christenson
Mayor                 City Clerk
CITY OF HAMILTON

BY-LAW NO.

To Designate
The Downtown Hamilton, Community Downtowns and
Business Improvement Areas
Community Improvement Project Area

WHEREAS Sub-Section 28(2) of the Planning Act entitled “Community Improvement” provides in part:

“Where there is an official plan in effect in a local municipality that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area”;

AND WHEREAS the Planning Act defines a “community improvement project area” as “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 reason.”;

AND WHEREAS attached hereto and forming part of this by-law as Schedule ‘A’, are maps of selected areas of the municipality dated January 2007 and titled: Downtown Hamilton Community Improvement Project Area; Downtown Dundas Community Improvement Project Area; Downtown Stoney Creek Community Improvement Project Area; Waterdown Community Improvement Project Area; Binbrook Community Improvement Project Area; Ancaster Village Core Community Improvement Project Area; Barton Village Community Improvement Project Area; Concession Street Community Improvement Project Area; Locke Street Community Improvement Project Area; Main West Esplanade Community Improvement Project Area; Ottawa Street Community Improvement Project Area and Westdale Village Community Improvement Project Area

AND WHEREAS the Council of the City of Hamilton considers it appropriate to designate the said area of the municipality as a “community improvement project area”, as hereinafter provided for in this by-law;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. The geographical portions of the City of Hamilton as shown in Schedule ‘A’ and forming part of this by-law, and defined as community improvement project areas on said maps is hereby designated as the “Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Project Area”.

2. The By-law Nos. 96-188, 88-11, 90-270; 86-284; 99-133; 94-186; 90-156C; and 02-133; (as amended), relating to the Community Improvement Project Areas established for the: Downtown Hamilton; Barton General; Main Street West; Concession Street; Ottawa Street; Westdale Village; King Street West; International Village Business Improvement Area; Downtown Hamilton Business Improvement Area; Waterdown; and, Dundas are repealed forthwith upon final approval of the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan dated January 2007.

PASSED and ENACTED this day of February, 2007

________________________   ______________________
Fred Eisenberger     Kevin C. Christenson
Mayor                 City Clerk
ENTERPRISE ZONE
MUNICIPAL REALTY TAX INCENTIVE GRANT PROGRAM

PROGRAM DESCRIPTION

The intent of the Enterprise Zone Municipal Realty Tax Incentive Grant Program is to provide an economic catalyst for developing, redeveloping or renovating residential/commercial lands and buildings located within the Enterprise Zone. The Enterprise Zone is defined as the Downtown Hamilton Community Improvement Project Area (as such boundaries are presently defined).

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 as a direct result of the development/redevelopment of the land and/or building. The grant which may be approved by Council shall be an amount which does not exceed 100% of the municipal realty tax increase during the first year, 80% in year 2, 60% in year 3, 40% in year 4, and 20% in year 5. 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 (City portion only) realty taxes attributable to the differential between the pre-renovation assessment and the post-renovation assessment.

The grants may be received by an owner in conjunction with any other available municipal program (excluding the City of Hamilton’s Tax Incentive Program for designated commercial/industrial buildings) 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 for purchasers of new condominium units. The total of each property’s five years of approved grants shall not exceed the costs of the property’s development/redevelopment.

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 in full each year and, the property shall be in compliance with the program’s requirements and conditions.
GRANT CRITERIA

Developing, redeveloping or renovating residential/commercial lands and buildings within the Enterprise Zone, are eligible for grant approval following the owner’s grant application for Council approval. Such application shall be submitted and only received if it is prior to the owners 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 Hamilton, Community Downtowns and Business Improvement Area Community Improvement Plan.

Such project is also required to be in compliance with the City’s other by-laws and policies, including 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 amount and the property’s grants (within the permitted terms of this program) is in the discretion of and subject to Council approval.

For an existing building to qualify, it is also required to have at least a 50% annualized vacancy rate. In this regard the application shall, at a minimum, by affidavit confirm the annualized vacancy rate, provide a copy of the supporting letter from the B.I.A.’s Board of Management confirming the vacancy rate (if the property is located within a B.I.A.), or provide other satisfactory documentation confirming that the property, one year previous to the date of application had at least a 50% vacancy rate.

The purpose of this program is to stimulate new development and the redevelopment of vacant or under-utilized commercial lands and buildings, including for example, the following properties:

All parking lots and vacant sites are eligible (provided said vacant sites were existing as of July 1, 2001). Notwithstanding the foregoing, properties upon which commercial, residential or industrial buildings are cleared and demolished after July 1, 2001, may be declared by Council as eligible to apply where:

1) The commercial, residential or industrial building(s) intended to be demolished or cleared after July 1, 2001, are not designated heritage building(s).

2) Prior to the clearance and demolition, the owner of the property informs Council of:
   ⇨ their plans for the demolition and clearance;
   ⇨ their plans for the redevelopment of the property through the application for a tax grant under this program; and,

3) The proposed redevelopment of the cleared and demolished property shall be for residential and/or commercial uses expressly permitted by the Zoning By-law applicable to such property; and,

4) Council declares, after reviewing the property owner’s submissions, the City’s Official Plan, the City’s Downtown Hamilton Secondary Plan, the City’s Design
Guidelines, and site plan considerations – that the proposed clearance or demolition of the building(s) and the proposed redevelopment of the property would be in conformity with the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan, including its goals and objectives; and,

5) The demolition or clearance of the building(s) is not commenced until after Council’s declaration is made and communicated to the property owner.

**Note:** *All hotels and motels that have an annualized occupancy of less than 50% would qualify under the eligibility requirements of the program. Vacancy is subject to confirmation by affidavit and other supporting documentation by the hotel management.*

This program shall not apply to existing or to proposed Second Level Lodging Houses or to Short or Long Term Care Facilities.

A limited assignment of the tax 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 resale of any such unit. The assigned grant shall be restricted to the balance of the five (5) year term running from the re-assessment date following the date of the registration of the condominium. 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 rateable per unit basis. In addition to the one time $625 application fee, a one time administration fee of $315 per unit, shall be charged to the registered or assessed owner of the property in order to qualify for the right of assignment, which fee 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.

The applicant will be required to enter into an Agreement with the City of Hamilton that sets out the conditions of the annual grant.
COMMERICAL PROPERTY IMPROVEMENT GRANT PROGRAM

PROCEDURE TO SUBMIT AN APPLICATION

To submit an application please make arrangements to meet with Downtown Renewal Division Staff, PRIOR TO (insert date), APPLICATIONS WILL ONLY BE ACCEPTED WITH TWO (2) COST ESTIMATES. APPLICATION FEE OF $285.00 (or any such fee as approved by City Council) MUST ACCOMPANY APPLICATION.

PROGRAM DESCRIPTION

The Business Improvement Area Commercial Property Improvement Grant Program is intended to provide financial assistance for commercial property owners/authorized tenants within the existing City-wide Business Improvement Areas as identified within The Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan.

The Program provides financial assistance for property owners/authorized tenants within each of the 12 existing Business Improvement Areas across the entire City of Hamilton. The Program aims to improve upon the appearance of numerous commercial properties throughout the City. 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, to result in long lasting physical improvements to the assets of commercial property owners/authorized tenants, and to bring about aesthetic improvements to the commercial areas as defined by the Business Improvement Areas, and to broadly improve commerce within the entire City.

PROGRAM TERMS

- Commercial property owners/authorized tenants are eligible to apply for a grant under the Program during an advertised application period held twice a year.
- Commercial properties are to be identified by municipal address to identify multiple and separate commercial units with ground floor street frontages.
- Commercial uses must be in conformity with relevant policy documents of the City and the provisions of the Zoning By-law.
- Performance measures are to be applied to the payment of grants.
- Eligibility requirements for the Program relating to the work to be funded will be specifically identified. Two (2) 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.

- Before and after pictures are required as part of the application and processing of the grant disbursement.
- The grant will be paid on a matching basis of $400 per linear foot of street frontage up to a maximum of $20,000 for eligible work under the Program.
- As a further incentive for corner properties, the City will increase the maximum grant amount to $25,000 on a similar matching basis for eligible work under the Program to recognize the importance of flankage facades in BIA's.
- Commercial properties designated under the Ontario Heritage Act are not eligible under this grant program.
- Grants are to be awarded on a bi-annual cycle following a request for applications with a deadline established.
- A building inspector will perform initial inspection relative to the façade which is intended to be improved, and subsequent final inspection to assure compliance with the Ontario Building Code.
- Available grants will be equally accessible to each of the 12 BIA's.
- Proposed improvements to be completed within one calendar year to be eligible for payment. A one year extension can be authorized by the Director of Downtown Renewal.
- Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Downtown Renewal Division.
- An application fee of $285 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.

ELIGIBILITY REQUIREMENTS

- Property owners and authorized tenants are eligible.
- Property taxes must be paid current.
- The proposed work cannot commence prior to application approval, and pre-inspection by the City Building Inspector.
- Commercial properties must be located within one of the City's Business Improvement Areas and be within the corresponding Community Improvement Project Area.
- Existing use must be in conformity with the applicable Zoning By-law regulations, and other relevant planning controls.

ELIGIBLE IMPROVEMENTS

- Replacement or repairing of storefronts and rear entrances (at the discretion of the Review Committee) if used as an access to the business.
- Improvements and or upgrades to doors, cornices and parapets.
- 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.
• Architectural or design fees may be eligible up to $750 as part of the total grant awarded for completed construction.
• Interior improvements related to display windows and entrance areas are eligible to an amount of $2,500 of the total allotment. Eligible areas will be determined by the review committee.