



Authority: Item 12, Economic Development
and Planning Committee
Report: 10-005 (PED10039)
CM: March 10, 2010

Bill No. 051

CITY OF HAMILTON

BY-LAW NO. 10-051

To Adopt:

Amendment No. 4 to the Downtown and Community Renewal
Community Improvement Plan

WHEREAS Section 28 of the *Planning Act* entitled Community Improvement states 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 By-law 07-061, as amended, passed on the 28th day of February 2007, designated the Downtown and Community Renewal Community Improvement Project Area;

AND WHEREAS By-law 07-062, as amended, passed on the 28th day of February 2007 adopted and approved the Downtown and Community Renewal Community Improvement Plan;

AND WHEREAS Council, by its Economic Development and Planning Committee, held a public meeting on March 2, 2010 to discuss and receive public input regarding an amendment to the Downtown and Community Renewal Community Improvement Plan, and has taken other steps required to amend the Plan, prior to the enactment of this by-law, as required by the *Planning Act*.

AND WHEREAS the City has prepared an amendment to the Downtown and Community Renewal Community Improvement Plan, attached hereto as Schedule 1 and forming part of this By-law.

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

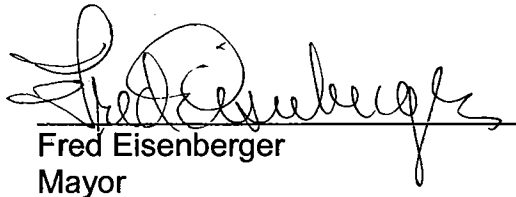
1. Amendment No. 4 to the Downtown and Community Renewal Community Improvement Plan, consisting of Schedule 1 hereto annexed and forming part of this by-law, is hereby adopted and approved.

By-law to adopt Amendment No. 4 to the Downtown and Community Renewal
Community Improvement Plan

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2. Schedule 'A' to By-law 07-062, as amended, is further amended as set out in Schedule 1 to this By-law.

PASSED this 10th day of March, 2010


Fred Eisenberger
Mayor


Kevin C. Christenson
City Clerk

Schedule 1 to By-law 10-051

Amendment No. 4

to the

Downtown and Community Renewal
Community Improvement Plan

The following text constitutes Amendment No. 4 to the Downtown and Community Renewal Community Improvement Plan.

Purpose

- To add the Hamilton Downtown Office Tenancy Assistance Program.
- To rename the Hamilton Downtown Property Investment Program to the Hamilton Downtown Multi-Residential Property Investment Program and amend the terms of the Program.
- To rename the Enterprise Zone Grant Program to the Hamilton Downtown Property Improvement Grant Program and amend the terms of the Program.
- To amend the terms of the Commercial Property Improvement Grant Program.
- To rename the Main Street Housing Loan and Grant Program to the Commercial Corridor Housing Loan and Grant Program and amend the terms of the Program.

Location

The lands affected by the amendment are contained within the Downtown and Community Renewal Community Improvement Project Area, designated by By-law 07-61, as amended.

Basis

- The addition of the Hamilton Downtown Office Tenancy Assistance Program is consistent with the goals and objectives of the Community Improvement Plan, including enhancing existing and attracting new business operations to the Downtown and promoting Downtown as a primary office centre for the City.
- The new titles of the Hamilton Downtown Property Investment Program, the Enterprise Zone Grant Program, the Commercial Property Improvement Grant Program and the Main Street Housing Loan and Grant Program more accurately reflect the intent of the Programs.

- The amended terms of the Hamilton Downtown Property Investment Program, the Enterprise Zone Grant Program, the Commercial Property Improvement Grant Program and the Main Street Housing Loan and Grant Programs are consistent with the goals and objectives of the Community Improvement Plan, including increasing population and housing stock and to encourage and assist private property owners to rehabilitate buildings to ensure their long-term economic viability.
- The changes are consistent with the Provincial Policy Statement, and conform to the Greenbelt Plan and the Places to Grow Growth Plan for the Greater Golden Horseshoe.
- The changes are consistent with the general intent of the Urban Official Plan for the City of Hamilton.

Actual Changes

1. **Section 8.0** is amended as follows:
 - a) In **Section 8.1.1.** the title "*Hamilton Downtown Property Investment Program*" be replaced with "*Hamilton Downtown Multi-Residential Property Investment Program*".
 - b) In the first paragraph of Section 8.1.1 the words "*The Hamilton Downtown Property Investment Program*" are to be deleted and replaced with "*The Hamilton Downtown Multi-Residential Property Investment Program*". In the same paragraph the last sentence, the words "*The Program is intended to provide financial assistance for projects that result in predominantly residential developments including converting existing commercial space into residential units; renovations to existing residential units; the creation of new residential units on vacant land; together with uses accessory to the residential development*" are to be deleted and replaced with "*The Program is intended to provide financial assistance for projects that result in predominantly residential development including converting existing commercial space into multiple dwelling units; renovations to existing multiple dwelling units; the creation of a new multiple dwelling on vacant land; together with uses accessory to the residential development. A multiple dwelling must contain at least three (3) dwelling units*".
 - c) In **Section 8.1.2.** the title "*The Enterprise Zone Grant Program*" be replaced with "*Hamilton Downtown Property Improvement Grant Program*".
 - d) In the first paragraph of Section 8.1.2. the words "*Enterprise Zone Grant Program*" be replaced with "*Hamilton Downtown*".

Property Improvement Grant Program". In the same paragraph the following words are to be added as the last sentence "As a pilot program from May 2010 to April 2011, the City will waive the requirement that a building have an annualized vacancy rate of 50%. Upon expiration of the pilot program on May 2011, City Council will by resolution: a) continue to waive the annualized 50% vacancy rate requirement; or b) re-instate an appropriate annualized vacancy requirement of up to 50%".

- e) In the second paragraph of Section 8.1.2. the words "as a direct result of the development/redevelopment of the land and/or building." be deleted and replaced with "The increase in municipal realty taxes (City portion only) will be based on either the year in which the building permit that initiated the development/redevelopment was issued or, for properties where the proposed development/redevelopment does not require a building permit, the year in which City Council approved the grant amount, and, the first full year in which the property is reassessed post completion".
- f) In the third paragraph of Section 8.1.2. the following words are to be added as the last sentence "An applicant can assign the grant to the City of Hamilton as payment of their loan under the Hamilton Downtown/West Harbourfront Remediation Loan Pilot Program or its successor program".
- g) In the fifth paragraph of Section 8.1.2. the words "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" are to be deleted and replaced with "under the former Enterprise Zone Grant Program terms will be processed under the former terms of the Program unless the City receives a formal cancellation of the application".
- h) **In Section 8.1.3 Commercial Property Improvement Grant Program.** In the first paragraph the words "active City-wide" are to be added prior to the wording "Business Improvement Areas". The following wording is to be added as the last sentence of the first paragraph "An active BIA is not considered dormant as defined by the Dormant Business Improvement Area Status Procedure as approved by City Council at its meeting held November 11, 2009".
- i) In the second paragraph of Section 8.1.3. the word "active" is to be added prior to the words "Business Improvement Areas".

- j) In the third paragraph of Section 8.1.3. the wording "*for buildings that have a linear foot street frontage greater than twenty-five feet (25')*" is to be added at the end of the first sentence. The wording "*and properties where at least one side of the property is exposed to a public street*" is to be added to the second sentence after the words "*corner properties*".
- k) In the third paragraph of Section 8.1.3. the wording "*Buildings that have a linear foot street frontage of twenty-five feet (25') or less, grant amounts will be paid on a matching basis to a maximum of \$10,000 for eligible work under the Program. Also, properties that have a street frontage of twenty-five feet (25') or less, the City will increase the maximum grant to \$12,500 for corner properties and properties where at least one side of the property is exposed to a public street*" as the fourth sentence.
- l) In the third paragraph of Section 8.1.3. the wording "*Commercial properties designated under the Ontario Heritage Act are not eligible under the grant program*" is to be removed and replaced with "*Restoration/conservation of heritage features on commercial properties designated under the Ontario Heritage Act are not eligible under this grant program however, improvements other than those on heritage features are eligible subject to the approval of a City heritage permit*".
- m) In the fifth paragraph of Section 8.1.3. the words "*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*" are to be deleted and replaced with "*under the former terms of the Program will be processed under the former terms unless the City receives a formal cancellation of the application*".
- n) **In Section 8.1.4.** the title "*Main Street Housing Loan and Grant Program*" be replaced with "*Commercial Corridor Housing Loan and Grant Program*".
- o) In the first paragraph of Section 8.1.4. the wording "*Main Street Housing Program*" is to be deleted and replaced with "*Commercial Corridor Housing Loan and Grant Program*" and the word "*eligible*" is to be deleted and replaced with "*active and dormant*".
- p) After the last paragraph of Section 8.1.4., a new section is added as follows:

"Section 8.1.5. Hamilton Downtown Office Tenancy Assistance Program

The Hamilton Downtown Office Tenancy Assistance Program provides financial assistance to either building owners or tenants for eligible leasehold improvements to office buildings located within the Downtown Hamilton Community Improvement Project Area. It is introduced as a pilot program to facilitate the increased attractiveness and marketability of the Downtown office stock. The Program's intent is to reduce the Downtown office vacancy rate by attracting new office tenants and owner-occupied office uses from outside the City, and to assist existing Downtown businesses to expand in the Downtown.

The maximum loan amount will not exceed \$450,000 per application. The loan amount will be based the lesser of either a) 90% of invoiced eligible leasehold improvement costs; or b) i) in the case of applications by an owner or tenant involving a lease, the square foot area multiplied by up to \$25 per square foot depending on the term of the lease, or ii) in the case of applications by an owner not involving a lease (i.e. owner-occupied office space), the square foot area multiplied by \$25.

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 'E' to this C.I.P."

Implementation

The provisions of Section 6A of the former Hamilton-Wentworth Official Plan and Section 28 of the Planning Act give effect to this amendment.

This amendment constitutes Schedule 1 to By-law No. 10-051 passed on the 10th day of March, 2010.