



City of Hamilton
GENERAL ISSUES COMMITTEE
REVISED

Meeting #: 21-006
Date: March 24, 2021
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

City's Website:
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:
<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Stephanie Paparella, Legislative Coordinator (905) 546-2424 ext. 3993

1. **CEREMONIAL ACTIVITIES**
2. **APPROVAL OF AGENDA**
(Added Items, if applicable, will be noted with *)
3. **DECLARATIONS OF INTEREST**
4. **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**
 - 4.1. February 17, 2021
 - 4.2. March 3, 2021 (Budget)
5. **COMMUNICATIONS**
6. **DELEGATION REQUESTS**

- 6.1. Douglas Earl, Charter City Toronto, respecting Charter City Toronto's Objectives
(For a future General Issues Committee meeting)
- *6.2. Barry Coombs, of Nature Canada's Bird Friendly City Hamilton-Burlington Team, to Certify Hamilton as a Bird Friendly City and in Support of the City's Biodiversity Action Plan
(For the April 7, 2021 General Issues Committee meeting.)
- *6.3. Jen Baker, Hamilton Naturalists Club, respecting the City's Biodiversity Plan
(For the April 7, 2021 General Issues Committee.)

7. CONSENT ITEMS

- 7.1. Business Improvement Area Advisory Committee Minutes, January 12, 2021
- 7.2. Locke Street Business Improvement Area (BIA) Proposed Budget and Schedule of Payments for 2021 (PED21042) (Ward 1)
- 7.3. Waterdown Business Improvement Area (BIA) Revised Board of Management (PED21043) (Ward 15)
- 7.4. Concession Street Business Improvement Area (BIA) Revised Board of Management (PED21044) (Ward 7)
- 7.5. Ottawa Street Business Improvement Area (BIA) Revised Board of Management (PED21045) (Wards 3 and 4)
- 7.6. International Village Business Improvement Area (BIA) Revised Board of Management (PED21047) (Ward 2)
- 7.7. Update on Transport Canada Plans for Hamilton-Burlington Bay Canal Piers (PED21064) (Ward 5)

8. STAFF PRESENTATIONS

- 8.1. COVID-19 Verbal Update
- 8.2. Five-year Review of the Downtown and Community Renewal Community Improvement Plan and Associated Finance Incentive Programs (PED21035) (City Wide)

9. PUBLIC HEARINGS / DELEGATIONS

- 9.1. Ian Hamilton, President and CEO, Hamilton-Oshawa Port Authority, respecting the Hamilton-Oshawa Port Authority Ports Update

10. DISCUSSION ITEMS

- 10.1. Funding for the Acquisition of Lands for the Stadium Precinct Park (PW21014) (Ward 3)

Note: Appendix "A" to Report PW21014 is Private and Confidential and is listed as Item 14.2.

- 10.2. Capital Projects Work-in-Progress Review Sub-Committee Report 21-001, February 23, 2021

- 10.3. 2021 Recreation User Fee Update (HSC21004) (City Wide)

- 10.4. Grant Increase to an Existing Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Approval, 12 Blanchard Street and 85 Poulette Street (PED18016(a)) (Ward 1)

- 10.5. Barton Kenilworth Tax Increment Grant Program - 486 Barton Street East, Hamilton (PED21054) (Ward 3)

- 10.6. Hamilton tax Increment Grant - 1 Jarvis Street, Hamilton (PED21056) (Ward 2)

- 10.7. Potential for Major Events in 2022 and 2023 (PED20071(b)) (City Wide)

Note: Appendices "A" and "B" to Report PED20071(b) are Private and Confidential and are listed as Item 14.3.

- 10.8. Safe Restart Provincial Funding Agreement, Phase 2 Update (FCS20088) (City Wide)

- 10.9. Update on the City of Hamilton Impact of COVID-19 Pandemic Response (HUR21001/FCS21026) (City Wide)

- 10.10. Advisory Committee for Persons with Disabilities Report 21-003, March 9, 2021

- 10.11. Waterdown Garden Supplies Ltd. Update (LS21009) (City Wide)

Note: Appendix "A" to Report LS21009 is Private and Confidential and is listed as Item 14.5.

- *10.12. Chedoke Creek Order - Associated Costs (PW190098(l)) (City Wide)

11. MOTIONS

12. NOTICES OF MOTION**13. GENERAL INFORMATION / OTHER BUSINESS**

13.1. Amendments to the Outstanding Business List

13.1.a. Proposed New Due Dates:

13.1.a.a. Feasibility of Creating a Technology Hub

Current Due Date: February 3, 2021

Proposed New Due Date: May 5, 2021

13.1.a.b. Potential Solutions to the Chedoke Creek Matter

Current Due Date: March 24, 2021

Proposed New Due Date: June 16, 2021

13.1.a.c. Outline of the Costs of the Exclusions Outlined in Report PW18064 (AODA)

Current Due Date: March 24, 2021

Proposed New Due Date: September 22, 2021

13.1.a.d. Update on Request for Information - Downtown Parking Structure (PED16105 and PED15183)

Current Due Date: May 19, 2021

Proposed New Due Date: December 8, 2021

13.1.b. Items to be Removed:

13.1.b.a. Hate Prevention and Mitigation Initiative - Feedback from a Larger Sample of the Broader Community

(Addressed at the February 17, 2021 GIC as Item 9.2 - Report CM19006(d))

13.1.b.b. City of Hamilton's Application for Funding under the Safe Restart Agreement, Phase 2 for the Municipal Operating Pressures Related to COVID-19

(Addressed as Item 10.8 on this agenda - Report FCS20088)

14. PRIVATE AND CONFIDENTIAL

14.1. Closed Session Minutes - February 17, 2021

Pursuant to Section 9.1, Sub-sections (b), (d), (e), (f) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (b), (d), (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain to personal matters about an identifiable individual, including municipal or local board employees; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

14.2. Appendix "A" to Report PW21014 - Funding for the Acquisition of Lands for the Stadium Precinct Park

Pursuant to Section 9.1, Sub-section (c) of the City's Procedural By-law 21-021 and Section 239(2), Sub-section (c) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board.

Please refer to Item 10.1 for the public report.

14.3. Appendices "A" and "B" to Report PED20071(b), respecting the Potential for Major Events in 2022 and 2023

Pursuant to Section 9.1, Sub-section (i) of the City's Procedural By-law 21-021, and Section 239(2), Sub-section (i) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

Please refer to Item 10.7 for the public report.

14.4. Disposition of City-Owned Industrial Land (PED20086(a)) (Ward 11)

Pursuant to Section 9.1, Sub-section (c) of the City's Procedural By-law 21-021 and Section 239(2), Sub-section (c) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board.

14.5. Appendix "A" to Report LS21009, respecting the Waterdown Garden Supplies Ltd. Update

Pursuant to Section 9.1, Sub-sections (b), (e), (f) and (k) of the City's Procedural By-law 21-021, and Section 239(2), Sub-sections (b), (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Please refer to Item 10.11 for the public report.

*14.6. Privileged Solicitor-Client Regulatory Update (LS21012(a)) (City Wide)

Pursuant to Section 9.1, Sub-sections (e), (f), (h) and (k) of the City's Procedural By-law 21-021 and Section 239(2), Sub-sections (e), (f), (h) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

15. ADJOURNMENT



GENERAL ISSUES COMMITTEE MINUTES 21-004

9:30 a.m.

Wednesday, February 17, 2021

Due to COVID-19 and the closure of City Hall, this meeting was held virtually.

Present: Mayor F. Eisenberger, Deputy Mayor M. Wilson (Chair)
Councillors J. Farr, N. Nann, S. Merulla, C. Collins, T. Jackson,
E. Pauls, B. Clark, M. Pearson, B. Johnson, L. Ferguson,
A. VanderBeek, J. Partridge

Absent: Councillors J. P. Danko, T. Whitehead – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **2020 Music Strategy Update (PED21041) (City Wide) (Item 6.1)**

(Nann/Farr)

That Report PED21041, respecting the 2020 Music Strategy Update, be received.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Ninder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

2. Information and Communications Technology (ICT) and Digital Media Sector Foreign Direct Investment (FDI) Strategy: Findings and Recommendations (PED21027) (City Wide) (Item 8.1)

(Jackson/Nann)

That Report PED21027, respecting Information and Communications Technology (ICT) and Digital Media Sector Foreign Direct Investment (FDI) Strategy: Findings and Recommendations, be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Absent	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

3. City of Hamilton - Ministry of Transportation 2020-2021 Dedicated Gas Tax Funding Agreement (FCS21011) (City Wide) (Item 9.1)

(Farr/Pauls)

- (a) That the Mayor and the General Manager, Finance and Corporate Services, be authorized and directed to enter into an Agreement between the City of Hamilton and the Province of Ontario related to the funding commitment made by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Hamilton's Public Transportation Program;
- (b) That the Mayor and General Manager, Finance and Corporate Services, be authorized and directed to execute the Letter of Agreement attached as Appendix "A" to Report FCS21011;
- (c) That the By-law attached as Appendix "C" to Report FCS21011 authorizing and directing the Mayor and General Manager, Finance and Corporate Services, to sign a Letter of Agreement between the City of Hamilton and

the Province of Ontario with respect to funding under the Dedicated Gas Tax Funds for Public Transportation Program, be passed; and,

- (d) That, upon being passed, a certified copy of the By-law, together with two copies of the signed Letter of Agreement, be forwarded to the Ministry of Transportation.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

4. Advisory Committee for Persons with Disabilities Report 21-001, January 12, 2021 (Item 9.3)

(Eisenberger/Pearson)

(a) Resignation of Shahan Aaron from the Outreach Working Group of the Advisory Committee for Persons with Disabilities (Item 6.3(a))

That the resignation of Shahan Aaron from the Outreach Working Group of the Advisory Committee for Persons with Disabilities, be received.

(b) Update on COVID-19 and Persons with Disabilities (Item 8.3)

WHEREAS, at the September 8, 2020 meeting of the Advisory Committee for Persons with Disabilities, Committee members Tim Nolan and Tom Manzuk were authorized to delegate at the General Issues Committee on behalf of the Committee respecting all matters related to the COVID-19 pandemic and its impact on persons with disabilities, including recommendations for improved policies and procedures;

WHEREAS, the Advisory Committee for Persons with Disabilities prepared a list of concerns and challenges faced by persons with disabilities throughout the course of the COVID-19 pandemic;

WHEREAS, it is important to ensure that pandemic plans, policies and procedures account for the needs of persons with disabilities; and,

WHEREAS, consultation with the Advisory Committee for Persons with Disabilities on pandemic plans, policies and procedures would help to mitigate unintended negative impacts and consequences for persons with disabilities;

THEREFORE, BE IT RESOLVED:

That ***General Manager of the Healthy and Safe Communities Department*** be directed to ensure the appropriate staff consult with the Advisory Committee for Persons with Disabilities when developing future pandemic plans, policies and procedures, ***when possible and appropriate***, with the understanding that Public Health Services and the City's Emergency Operations Centre hold the safety and well-being of the public as paramount.

(c) Advisory Committee for Persons with Disabilities Working Group Membership Review (Item 8.4)

- (i) That the resignation of Tim Nolan from the Built Environment Working Group and the Transportation Working Group of the Advisory Committee for Persons with Disabilities, be received; and,
- (ii) That Tom Manzuk be appointed to the Transportation Working Group of the Advisory Committee for Persons with Disabilities for the remainder of the 2018 – 2022 term of Council.

Result: Motion, as Amended, CARRIED by a vote of 12 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Absent	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson

Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

5. Chedoke Creek Remediation Workplan (PW19008(j)) (City Wide) (Item 9.4)

(Pearson/Jackson)

That Report PW19008(j), respecting the Chedoke Creek Remediation Workplan, be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Absent	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

6. Greater Hamilton Volunteer Firefighters Association - CLAC Local 911, Ratification of Collective Agreement (HUR21003) (City Wide) (Item 13.2)

(Partridge/Johnson)

- (a) That the tentative agreement reached on January 19, 2021, between the City of Hamilton and the Greater Hamilton Volunteer Firefighters Association – CLAC Local 911 representing 192 volunteers, regarding the collective agreement that covers a four (4) year period, January 1, 2020, to December 31, 2023, be ratified; and,
- (b) That Report HUR21003, respecting the Greater Hamilton Volunteer Firefighters Association – CLAC Local 911 Ratification of Collective Agreement, remain confidential.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Absent	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Absent	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

7. Central Composting Facility (LS21005) (City Wide) (Item 13.3)

(Eisenberger/Jackson)

- (a) That the direction provided to staff in Closed Session, respecting Report LS21005 - Central Composting Facility, be approved; and,
- (b) That Report LS21005, respecting the Central Composting Facility, remain confidential.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Absent	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Absent	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

8. Litigation Matter (Item 13.4)

(Partridge/VanderBeek)

That the verbal update respecting the Litigation Matter, be received and remain confidential.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Absent	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Absent	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

9. DISCUSSION ITEMS

9.4 Chedoke Creek Remediation Workplan (PW19008(j)) (City Wide)

13. PRIVATE AND CONFIDENTIAL

13.3 Central Composting Facility (LS21005) (City Wide)

Pursuant to Section 8.1, Sub-section (d) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (d) of the *Ontario Municipal Act*, 2001, as

amended, as the subject matter pertains to labour relations or employee negotiations.

13.4 Litigation Matter – Verbal

Pursuant to Section 8.1, Sub-sections (b), (d), (e) and (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (b), (d), (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(Nann/VanderBeek)

That the agenda for the February 17, 2021 General Issues Committee meeting, be approved, as amended.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) February 3, 2021 (Item 3.1)

(Eisenberger/VanderBeek)

That the Minutes of the February 3, 2021 General Issues Committee meeting be approved, as presented.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(d) PUBLIC HEARINGS / DELEGATIONS (Item 7)

(i) Shane Coleman, Hamilton Farmers' Market Stallholder Association, respecting Rent Relief for the Hamilton Farmers' Market (Item 7.1)

Shane Coleman, of the Hamilton Farmers' Market Stallholder Association, addressed Committee respecting Rent Relief for the Hamilton Farmers' Market.

(Eisenberger/Jackson)

That the presentation provided by Shane Coleman, of the Hamilton Farmers' Market Stallholder Association, respecting Rent Relief for the Hamilton Farmers' Market, be received.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr

Yes	-	Ward 3	Councillor Nrinder Nann
Yes	-	Ward 4	Councillor Sam Merulla
Absent	-	Ward 5	Councillor Chad Collins
Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Absent	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

(Farr/Jackson)

That staff be directed to review comparator municipalities such as Kitchener-Waterloo, London, Mississauga and Cambridge with respect to rent relief for their farmers' markets and market governance, and report back to the General Issues Committee.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Absent	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(ii) Jennifer Hompoth, Friends of the Hamilton Farmers' Market, respecting the Well-Being of the Hamilton Farmers' Market (Item 7.2)

Jennifer Hompoth, of the Friends of the Hamilton Farmers' Market, addressed Committee respecting the Well-Being of the Hamilton Farmers' Market.

(Jackson/Pauls)

That Jennifer Hompoth, Friends of the Hamilton Farmers' Market, be permitted additional time, beyond the permitted 5 minutes, to continue with her presentation.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Absent	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(Pauls/Pearson)

That the presentation provided by Jennifer Hompoth, of the Friends of the Hamilton Farmers' Market, respecting the Well-Being of the Hamilton Farmers' Market, be received.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Absent	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Absent	-	Ward 15 Councillor Judi Partridge

(iii) Tom Manzuk, Advisory Committee for Persons with Disabilities, respecting Matters Related to COVID-19 and its Impact on Persons with Disabilities (Item 7.3)

Tom Manzuk, of the Advisory Committee for Persons with Disabilities, addressed Committee respecting Matters Related to COVID-19 and its Impact on Persons with Disabilities.

(Ferguson/Pearson)

That the presentation provided by Tom Manzuk, of the Advisory Committee for Persons with Disabilities, respecting Matters Related to COVID-19 and its Impact on Persons with Disabilities, be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Absent	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(e) STAFF PRESENTATIONS (Item 8)

(i) Information and Communications Technology (ICT) and Digital Media Sector Foreign Direct Investment (FDI) Strategy: Findings and Recommendations (PED21027) (City Wide) (Item 8.1)

Norm Schleeahn, Director of Economic Development, introduced the presentation; and, Lauren Millier, from MDB Insights, provided a PowerPoint presentation respecting Report PED21027 - Information and Communications Technology (ICT) and Digital Media Sector Foreign Direct Investment (FDI) Strategy: Findings and Recommendations.

(Partridge/Pearson)

That the presentation, respecting Report PED21027 - Information and Communications Technology (ICT) and Digital Media Sector Foreign Direct Investment (FDI) Strategy: Findings and Recommendations, be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Absent	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

For further disposition of this matter, please refer to Item 2.

(ii) COVID-19 Verbal Update (Item 8.2)

Paul Johnson, General Manager of the Healthy and Safe Communities Department, provided Committee with a verbal update respecting COVID-19.

(Eisenberger/Johnson)

That the verbal update, respecting COVID-19, be received.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko

Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

(Clark/Eisenberger)

That staff be directed to review the feasibility of creating a virtual memorial wall on the City of Hamilton website to honour citizens of Hamilton who have lost their lives to COVID-19, and report back to the General Issues Committee.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Absent	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(f) DISCUSSION ITEMS (Item 9)

(i) Hate Prevention and Mitigation Initiative Update (CM19006(d)) (City Wide) (Item 9.2)

(Eisenberger/Nann)

That staff be directed to retain a telephone polling company, to partner with the Project Lead Consultant, to conduct city-wide telephone polling with a target of 600 respondents, respecting the Hate Prevention and Mitigation Initiative to be completed by April 2021, at an estimated cost of \$25,000 to be funded through the Tax Stabilization Reserve.

Result: Motion DEFEATED by a vote of 3 to 8, as follows:

No	-	Mayor Fred Eisenberger
No	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Absent	-	Ward 2 Councillor Jason Farr
No	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
No	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
No	-	Ward 9 Councillor Brad Clark
No	-	Ward 10 Councillor Maria Pearson
No	-	Ward 11 Councillor Brenda Johnson
Absent	-	Ward 12 Councillor Lloyd Ferguson
No	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(i) Advisory Committee for Persons with Disabilities Report 21-001, January 12, 2021 (Item 9.3)**2. Update on COVID-19 and Persons with Disabilities****(Eisenberger/Ferguson)**

That Item 2 of the Advisory Committee for Persons with Disabilities Report 21-001, respecting and Update on COVID-19 and Persons with Disabilities, be **amended** by deleting the words "Advisory Committee for Persons with Disabilities respectfully requests that consultation occur" and replacing them with the words "**General Manager of the Healthy and Safe Communities Department be directed to ensure the appropriate staff consult**"; and, by adding the words "**when possible and appropriate**", to read as follows:

That the Advisory Committee for Persons with Disabilities respectfully requests that consultation occur **General Manager of the Healthy and Safe Communities Department be directed to ensure the appropriate staff consult** with the Advisory Committee for Persons with Disabilities when developing future pandemic plans, policies and procedures, **when possible and appropriate**, with the understanding that Public Health Services and the City's Emergency Operations Centre hold the safety and well-being of the public as paramount.

Result: Amendment CARRIED by a vote of 12 to 0, as follows:

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Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Absent	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

For further disposition of this matter, please refer to Item 4.

(Nann/Jackson)

That the General Issues Committee recess for one half hour until 12:50 p.m.

Result: Motion CARRIED by a vote of 11 to 1, as follows:

No	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Absent	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(g) MOTIONS (Item 10)**(i) Establishing Fair Wages for Musicians: Guidelines and-or Policy for City Run or City-Funded Events Utilizing Musicians (Item 10.1)****(Eisenberger/Clark)**

WHEREAS, the Mayor's Task Force on Economic Recovery recommends the creation of a "minimum wage" pay scale for musicians hired by the City and at City related/sanctioned events, to ensure musicians are fairly compensated as COVID-19 related re-openings occur and to establish a best practice for the future;

WHEREAS, one of the City of Hamilton's Music Strategy key goals is to cultivate music creation and talent;

WHEREAS, the City's Creative Industries Sector Profile identifies music as one of the top industries for growth and development; identifies Hamilton as the number one/top destination for music related occupations in Canada; and identifies talent retention and attraction as essential in maintaining and developing the music industry in Hamilton;

WHEREAS, Hamilton is recognised as 7th in the world for the number of independent musicians per capita; and musicians and singers are the top core creative music sector occupations, representing 14% of all music sector occupations; and with 22% of all music industry workers identified as self employed;

WHEREAS, recognizing that the single most important source of income for a musician is generated through live performances in venues and spaces in cities across Canada, and that many musicians are unable to perform in venues and festivals due to COVID-19;

WHEREAS, the current Canadian Federation of Musicians and the Hamilton Musician Guild rates range from \$150 to \$590 for performances of approximately one hour in length (rates dependent on the number of musicians performing);

THEREFORE, BE IT RESOLVED:

That staff be directed to report back to the General Issues Committee on the establishment of City guidelines and/or a policy establishing a practice of payment for musicians, based on the most current fees recommended by the Canadian Federation for Musicians, represented locally by the Hamilton Musicians Guild, Local 293 for City-hosted and City-funded events.

Result: Motion CARRIED by a vote of 11 to 2, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
No	-	Ward 11 Councillor Brenda Johnson
Absent	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
No	-	Ward 15 Councillor Judi Partridge

(h) PRIVATE & CONFIDENTIAL (Item 13)

(i) Closed Session Minutes – February 3, 2021 (Item 13.1)

(Johnson/Pearson)

- (a) That the Closed Session Minutes of the February 3, 2021 General Issues Committee meeting, be approved, as presented; and,
- (b) That the Closed Session Minutes of the February 3, 2021 General Issues Committee meeting remain confidential.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Absent	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(Eisenberger/Pearson)

That Committee move into Closed Session respecting Items 13.2 to 13.4, pursuant to Section 8.1, Sub-sections (b), (d), (e), (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (b), (d), (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including municipal or local board employees; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Absent	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(i) ADJOURNMENT (Item 14)**(VanderBeek/Pearson)**

That there being no further business, the General Issues Committee be adjourned at 3:56 p.m.

Result: Motion CARRIED by a vote of 9 to 1, as follows:

No	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson, Deputy Mayor
Yes	-	Ward 2 Councillor Jason Farr
Absent	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Absent	-	Ward 5 Councillor Chad Collins

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Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Absent	-	Ward 8	Councillor J. P. Danko
Absent	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Absent	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

Respectfully submitted,

Deputy Mayor Maureen Wilson
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk



**GENERAL ISSUES COMMITTEE
(2021 OPERATING BUDGET)
MINUTES 21-002(k)**

9:30 a.m.

Wednesday, March 3, 2021

Due to COVID-19 and the closure of City Hall, this meeting was held virtually.

Present: Mayor F. Eisenberger, Deputy Mayor N. Nann (Chair)
Councillors M. Wilson, J. Farr, S. Merulla, C. Collins, T. Jackson,
J.P. Danko, B. Clark, M. Pearson, B. Johnson, L. Ferguson,
A. VanderBeek, J. Partridge

Absent: Councillors E. Pauls, T. Whitehead – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

**1. 2021 Tax Supported Operating Budget - Recommendations (FCS21001(a))
(City Wide) (Item 6.1)**

(Eisenberger/Wilson)

(a) Council Referred Items, Business Cases and 2022 – 2024 Multi-Year Outlook

- (i) That the 2021 Council Referred Items in Appendix “A”, attached to Report FCS21001(a), be received;
- (ii) That the 2021 Business Cases in Appendix “B”, attached to Report FCS21001(a), be received;
- (iii) That the 2022 – 2024 Multi-Year Outlook in Appendix “I”, attached to Report FCS21001(a), be received;
- (iv) That the Proposed Amendment to 2021 Approved User Fees in Appendix “J”, attached to Report FCS21001(a), be approved;

(c) Planning and Economic Development Department

- (i) That the Planning and Economic Development operating budget (2021 Tax Supported Operating Budget Book, attached as Appendix “K” to Report FCS21001(a)), page 54, \$30,327,260,

inclusive of amendments as per Appendix "C" attached to Report FCS21001(a), be approved;

- (d) Healthy and Safe Communities Department
- (i) That the Healthy and Safe Communities operating budget (2021 Tax Supported Operating Budget Book, attached as Appendix "K" to Report FCS21001(a)), page 74, \$256,380,200, inclusive of amendments as per Appendix "C", attached to Report FCS21001(a), be approved;
 - (ii) That the General Manager of the Healthy and Safe Communities Department, or delegate, be authorized and directed to execute, on behalf of the City, all agreements, including all federal and provincial funding agreements and any agreements with Community Services Provider(s), as well as, any ancillary agreements, contracts, extensions and documents, associated with, or arising out of, Council's approval of the budgets, outlined Appendix "K", attached to Report FCS21001(a), which also includes the authority to authorize the submission of budgets and quarterly and / or year-end reporting, as well as, the authority to make appropriate payments to community service providers, in a form satisfactory to the City Solicitor;
 - (iii) That, where required for Public Health Services, the General Manager of the Healthy and Safe Communities Department, or delegate, or the Medical Officer of Health, or delegate, be authorized and directed to execute, on behalf of the City, all agreements, including all federal and provincial funding agreements, as well as, any ancillary agreements, contracts, extensions and documents, associated with, or arising out of, Council's approval of the budgets, outlined in Appendix "K" attached to Report FCS20001, and includes the authority to authorize the submission of budgets and quarterly and / or year-end reporting;
 - (iv) That a Line of Duty Death (LODD) Benefit Reserve (112050) be established with initial funding of \$494,000 from the Tax Stabilization Reserve (110046), in accordance with the reported 2019 Tax Operating Budget Surplus and the 2020 Tax Supported Operating Budget amendments;
- (e) Public Works Department
- (i) That the Public Works operating budget (2021 Tax Supported Operating Budget Book, attached as Appendix "K" to Report

FCS21001(a)), page 98, \$264,776,990, inclusive of amendments as per Appendix "C" attached to Report FCS21001(a), be approved;

(f) City Manager's Office

- (i) That the City Manager's operating budget (2021 Tax Supported Operating Budget Book, attached as Appendix "K" to Report FCS21001(a)), page 114, \$12,866,920, inclusive of amendments as per Appendix "C" attached to Report FCS21001(a), be approved;

(g) Corporate Services Department

- (i) That the Corporate Services operating budget (2021 Tax Supported Operating Budget Book, attached as Appendix "K" to Report FCS21001(a)), page 128, \$36,111,650, inclusive of amendments as per Appendix "C" attached to Report FCS21001(a), be approved;

(h) Legislative

- (i) That the Legislative operating budget (2021 Tax Supported Operating Budget Book, attached as Appendix "K" to Report FCS21001(a)), page 145, \$5,164,412, inclusive of amendments as per Appendix "C" attached to Report FCS21001(a), be approved;

(i) Hamilton Entertainment Facilities

- (i) That the Hamilton Entertainment Facilities operating budget (2021 Tax Supported Operating Budget Book, attached as Appendix "K" to Report FCS21001(a)), page 153, \$4,037,180, inclusive of amendments as per Appendix "C" attached to Report FCS21001(a), be approved;

(j) Corporate Financials – Expenditures / Non-Program Revenues

- (i) That the Corporate Financials – Expenditures operating budget (2021 Tax Supported Operating Budget Book, attached as Appendix "K" to Report FCS21001(a)), page 146, \$22,799,200, inclusive of amendments as per Appendix "C" attached to Report FCS21001(a), be approved;

- (ii) That the Non-Program Revenues operating budget (2021 Tax Supported Operating Budget Book, attached as Appendix “K” to Report FCS21001(a), page 158, (\$47,391,950), inclusive of amendments as per Appendix “C” attached to Report FCS21001(a), be approved;

- (k) Capital Financing
 - (i) That the Capital Financing operating budget (2021 Tax Supported Operating Budget Book, attached as Appendix “K” to Report FCS21001(a)), page 154, \$139,541,860 inclusive of amendments as per Appendix “C” attached to Report FCS21001(a), be approved;
 - (i) That the Capital Financing portion of the Police Services budget (2021 Tax Supported Operating Budget Book, attached as Appendix “K” to Report FCS21001(a), page 154, \$1,234,776, inclusive of amendments as per Appendix “C” attached to Report FCS21001(a), be approved;
 - (iii) That the Capital Financing portion relating to the Hamilton Public Library budget (2021 Tax Supported Operating Budget Book, attached as Appendix “K” to Report FCS21001(a)), page 154, \$166,280, be approved;

- (l) 2021 By-Law Authorization
 - (i) That the City Solicitor be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the tax levy;

- (m) Budgeted Complement Transfer Schedule
 - (i) That in accordance with the “Budgeted Complement Control Policy”, the requested complement transfers from one department / division / cost category to another, as outlined in Appendix “E” attached to Report FCS21001(a), be approved;

- (n) Budgeted Complement Temporary Extension Schedule
 - (i) That in accordance with the “Budgeted Complement Control Policy”, the requested complement extensions of temporary positions with 24-month terms or greater, with no impact on the

levy, as outlined in Appendix “F” attached to Report FCS21001(a), be approved;

- (o) Budget Amendment Schedule
 - (i) That, in accordance with the “Budget Control Policy”, the requested amendments, transferring budget from one department / division to another and / or from one cost category to another with no impact on the levy, as outlined in Appendix “G” attached to Report FCS21001(a), be approved;

- (p) Budget Exclusions Related to Regulation 284/09
 - (i) That the budget exclusions related to Regulation 284/09 of the *Municipal Act* titled “Budget Matters – Expenses”, as per Appendix “H” attached to Report FCS21001(a), be received;

- (q) That the Mayor and Senior Leadership Team of the City of Hamilton actively participate in efforts with other municipalities and municipal associations seeking financial support from senior levels of government to support the ongoing and longer term financial impacts of the COVID-19 pandemic and recovery.

Result: Motion CARRIED by a vote of 13 to 1, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann, Deputy Mayor
Yes	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
No	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(Eisenberger/Wilson)

(b) Boards and Agencies

- (i) That the Boards and Agencies operating budget of \$225,116,831 in Appendix "D" attached to Report FCS21001(a), inclusive of amendments as per Appendix "C" attached to Report FCS21001(a), be approved;
- (ii) That the City Enrichment Fund operating budget (2021 Tax Supported Operating Budget Book – Appendix "A" to Report FCS21001), page 31, \$6,088,340, be approved;

Result: Motion CARRIED by a vote of 10 to 3, as follows:

Yes	-	Mayor Fred Eisenberger
No	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
No	-	Ward 3 Councillor Nrinder Nann, Deputy Mayor
Yes	-	Ward 4 Councillor Sam Merulla
Conflict	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
No	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

2. Accessible Taxicab Financial Incentive Program (Item 6.1.a.)

(Collins/Clark)

WHEREAS, at its meeting of January 22, 2020, Council approved Item 9 of the Planning Committee Report 20-001, which reads as follows:

**9. Accessible Taxicab Financial Incentive Program (PED18082(a))
(City Wide) (Item 10.1)**

- (a) That the Accessible Taxicab Financial Incentive Pilot Program be extended for an additional 16 months to the end of April 2021 and that the program be funded through the Working Funds - General Reserve 112400 at an estimated net cost of \$80,000 or \$5,000 per month; and,

- (b) That funding for a permanent Accessible Taxicab Financial Incentive Program be considered during the 2021 budget deliberations;

WHEREAS, the Accessible Taxicab Financial Incentive Pilot Program has been placed on hold due to COVID-19; and,

WHEREAS, staff therefore did not utilize the funding originally approved for the Accessible Taxicab Financial Incentive Pilot Program;

THEREFORE, BE IT RESOLVED:

- (a) That funding for a permanent Accessible Taxicab Financial Incentive Program be DEFERRED to the 2022 Operating budget for consideration; and,
- (b) That the Accessible Taxicab Financial Incentive Pilot Program, be further extended to the end of April 2022, to be funded through the PTP Voluntary Accessibility Payment, with any shortfall being funded through the original identified funding source of Working Funds - General Reserve 112400, at an estimated net cost of \$5,000 per month if/when pre-COVID activity levels resume.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann, Deputy Mayor
Yes	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Conflict	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

6. STAFF PRESENTATIONS

6.1 2021 Tax Supported Operating Budget - Recommendations
(FCS21001(a)) (City Wide)

6.1.a Accessible Taxicab Financial Incentive Program (This matter was referred to the 2021 Budget Process for consideration.)

(Pearson/Wilson)

That the agenda for the March 3, 2021 General Issues Committee (Budget) meeting be approved, as amended.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Absent	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann, Deputy Mayor
Yes	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Absent	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(b) DECLARATIONS OF INTEREST (Item 2)

- (i) Councillor L. Ferguson declared an interest to Item 6.1.a., respecting the Accessible Taxicab Financial Incentive Program, as he has an interest in the taxi industry.
- (ii) Councillor C. Collins declared an interest to sub-section (b) – Boards and Agencies, of Report FCS21001(a), respecting the 2021 Tax Supported

Operating Budget – Recommendations, as it relates to the Hamilton Police Service budget, as his sister is employed by the Hamilton Police Service.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) February 25, 2021 (Item 3.1)

(Johnson/Pearson)

That the Minutes of the February 25, 2021 General Issues Committee (Budget) meeting be approved, as presented.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann, Deputy Mayor
Yes	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Absent	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(d) PRESENTATIONS (Item 6)

(i) 2021 Tax Supported Operating Budget - Recommendations (FCS21001(a)) (City Wide) (Item 6.1)

Mike Zegarac, General Manager of Finance & Corporate Services, provided a PowerPoint presentation respecting Report FCS21001(a) - 2021 Tax Supported Operating Budget – Recommendations.

(Pearson/Partridge)

That the presentation, respecting Report FCS21001(a) - 2021 Tax Supported Operating Budget – Recommendations, be received.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann, Deputy Mayor
Yes	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(e) ADJOURNMENT (Item 10)

(Pearson/Johnson)

That, there being no further business, the General Issues Committee be adjourned at 11:53 a.m.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann, Deputy Mayor
Yes	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Absent	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

**General Issues Committee
Minutes 21-002(k)**

**March 3, 2021
Page 11 of 11**

Respectfully submitted,

Deputy Mayor Nrinder Nann
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk

Request to Speak to Committee of Council

Submitted on Thursday, March 11, 2021 - 2:38 pm

==Committee Requested==

Committee: General Issues Committee

==Requestor Information==

Name of Individual: Douglas Earl

Name of Organization: Charter City Toronto

Contact Number: 416 858 5531

Email Address: chartercitytoronto@gmail.com

Mailing Address:

41 Shannon St

Toronto ON

M6J 2E6

Reason(s) for delegation request: To make Hamilton city council aware of and interested in our proposals to empower large Ontario cities through the adoption of constitutionally-protected City Charters. The aim is to give large cities more autonomy over local decision-making and to ensure that cities have control of new and expanded revenue sources commensurate with their responsibilities.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Request to Speak to Committee of Council

Submitted on Tuesday, March 16, 2021 - 2:26 pm

==Committee Requested==

Committee: General Issues Committee

==Requestor Information==

Name of Individual: Barry Coombs

Name of Organization: Nature Canada's Bird Friendly City
Hamilton/Burlington team

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request:

We intend to introduce our team and our goal to certify Hamilton as a Bird Friendly City by May 14, 2022; World Migratory Bird Day. I would read a prepared statement of about three minutes in length and answer questions. The statement would outline our efforts and the criteria the City must meet in order to be certified. We would also like to share our interest and support for the Biodiversity Action Plan, which I understand will be presented at the April 7 meeting. I'm not sure if this qualifies as formal presentation or not. I've checked yes below but please advise if that's correct or not.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Request to Speak to Committee of Council

Submitted on Monday, March 22, 2021 - 9:24 am

==Committee Requested==

Committee: General Issues Committee

==Requestor Information==

Name of Individual: Jen Baker

Name of Organization: Hamilton Naturalists Club

Contact Number: 19055243339

Email Address: land@hamiltonnature.org

Mailing Address:

50 Macdonald Ave

Hamilton, ON L8P 4N7

Reason(s) for delegation request: I would like to speak in favour of the Biodiversity Action Plan framework being presented by staff on April 7.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No



Hamilton

BUSINESS IMPROVEMENT AREA ADVISORY COMMITTEE

MINUTES 21-001

8:00 a.m.

Tuesday, January 12, 2021

Virtual Meeting

Hamilton City Hall

71 Main Street West

Present: Councillor Esther Pauls (Chair)
Tracy MacKinnon – Westdale Village BIA and Stoney Creek BIA
Cristina Geissler – Concession Street BIA
Lisa Anderson – Dundas BIA
Kerry Jarvi – Downtown Hamilton BIA
Susan Pennie – Waterdown BIA
Rachel Braithwaite – Barton Village BIA
Susie Braithwaite – International Village BIA
Jennifer Mattern – Ancaster BIA
Emily Burton – Ottawa Street BIA

Absent: Heidi VanderKwaak – Locke Street BIA
Michal Cybin – King West BIA
Bender Chug – Main West Esplanade BIA

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised that there were no changes to the agenda.

(R. Braithwaite/Mattern)

That the agenda for the January 12, 2021 Business Improvement Area Advisory Committee meeting be approved, as presented.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) December 8, 2020 (Item 3.1)

(MacKinnon/S. Braithwaite)

That the December 8, 2020 Minutes of the Business Improvement Area Advisory Committee be approved, as presented.

CARRIED

(d) STAFF PRESENTATIONS (Item 8)

(i) 2020 Audit Information and Deadlines (Item 8.1)

Shelley Hesmer, Accounting Services Manager, Isabela Herman, Intermediate Accounting Analyst, and Kyle Rooney, Manager of Audit with KPMG, addressed the Committee respecting the 2020 Audit Information and Deadlines.

(R. Braithwaite/Mattern)

That the presentation from staff respecting the 2020 Audit Information and Deadlines, be received.

CARRIED

(ii) Community Improvement Plan – 5 Year Review Update (Item 8.2)

Phil Caldwell, Senior Project Manager and Carlo Gorni, Coordinator of Municipal Incentives, addressed the Committee respecting an update on the Community Improvement Plan.

(R. Braithwaite/Anderson)

That the staff update on Community Improvement Plan, be received.

CARRIED

(e) DISCUSSION ITEMS (Item 9)

(i) Ontario Business Improvement Area Association (OBIAA) Conference 2021 (Item 9.1)

Kerry Jarvi addressed the Committee respecting the Ontario Business Improvement Area Association (OBIAA) Conference 2021. The Conference date has been moved to September 26 – 29, 2021. The Committee is still hopeful to have a hybrid conference model that would comprise of in-person attendees along with a virtual attendance option.

The Committee is also planning to host a professional development series in April so that the BIA's still have a chance to connect.

(Mattern/R. Braithwaite)

That the discussion respecting OBIAA Conference 2021, be received.

CARRIED

(ii) Business Improvement Area Enhancements from Mayor's Task Force on Economic Recovery (Item 9.2)

Julia Davis addressed the Committee to highlight the recommendations and motions approved at the General Issues Committee on December 9, 2020 through the Mayor's Task Force on Economic Recovery Report. These recommendations and motions were ratified at Council on December 16, 2020.

Julia will be sending a document to the BIA's to outline the process for applying for the funding and is available to help with identifying possible expenditures.

(Geissler/Pennie)

That the discussion respecting Business Improvement Area Enhancements from Mayor's Task Force on Economic Recovery, be received.

CARRIED

(f) GENERAL INFORMATION/OTHER BUSINESS (Item 12)

(i) Verbal Update from Julia Davis, Business Development and BIA Officer (Item 12.1)

Julia Davis advised the Committee respecting the levy payments and when they will be sent out. Additionally, the Christmas Grant Program will be paid by end of January.

In collaboration with Workforce Planning Hamilton, the City of Hamilton will be sending out to the individual BIA's a link to a survey to share with their membership. Through this survey, they are hoping to gather information to provide new resources and supports to local businesses. The survey will be available on January 13, 2021 and will run until sometime in February. Each BIA will have an individual link to be shared with their membership.

Julia reminded Committee that the Outdoor Dining District Program is currently on hold while Hamilton is still in the Grey (lockdown) status.

Julia advised Committee about the upcoming zoom presentations by Patty Hayes from Page by Page Consulting. The BIA's do not have to register for the presentations, they can just join on zoom link. Julia is planning on recording the presentations so that the BIA's can go back and look at them at a later date.

In the spring, Julia Davis and Karol Murillo, Senior Business Development Consultant, will be meeting with each BIA to discuss business development and the support needed to attract and retain businesses.

(MacKinnon/S. Braithwaite)

That the verbal update from Julia Davis, Business Development and BIA Officer, be received.

CARRIED

(ii) Statements by Members (Item 12.2)

BIA Members used this opportunity to discuss matters of general interest.

(MacKinnon/Pennie)

That the updates from Committee Members, be received.

CARRIED

(g) ADJOURNMENT (Item 14)

(Geissler/Mattern)

That there being no further business, the Business Improvement Area Advisory Committee be adjourned at 9:47 a.m.

CARRIED

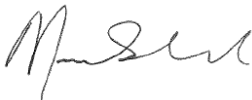
Respectfully submitted,

Councillor Esther Pauls
Chair Business Improvement Area
Advisory Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	Locke Street Business Improvement Area (BIA) Proposed Budget and Schedule of Payments for 2021 (PED21042) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Julia Davis (905) 546-2424 Ext. 2632
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the 2021 Operating Budget for the Locke Street Business Improvement Area (BIA), attached as Appendix "A" to Report PED21042, in the amount of \$82,500 be approved;
- (b) That the levy portion of the Operating Budget for the Locke Street Business Improvement Area in the amount of \$30,000, be approved;
- (c) That the General Manager of the Finance and Corporate Services Department be authorized and directed to prepare the requisite By-law, pursuant to Section 208, *Ontario Municipal Act, 2001*, as amended, to levy the 2021 Operating Budget for the Locke Street Business Improvement Area;
- (d) That the following schedule of payments for 2021 Operating Budget for the Locke Street Business Improvement Area be approved:

(i)	April	\$15,000
(ii)	June	\$15,000

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Locke Street Business Improvement Area (BIA) Proposed Budget and Schedule of Payments for 2021 (PED21042) (Ward 1) - Page 2 of 3

Note: Assessment appeals may be deducted from the levy payments.

EXECUTIVE SUMMARY

This Report addresses the approval of the 2021 Budget and Schedule of Payments for the Locke Street Business Improvement Area (BIA).

Alternatives for Consideration – Not Applicable**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The \$30,000 is completely levied by the BIA and collected through its membership. There is no cost to the City of Hamilton for the 2021 Locke Street BIA Operating Budget.

Staffing: There are no staffing implications.

Legal: *Ontario Municipal Act, 2001, Section 205, Sub-section (2)*, as amended, dictates that City Council must approve the Budgets of BIAs.

HISTORICAL BACKGROUND

At its Annual General Meeting on Monday January 25, 2021, the Locke Street BIA Board of Management presented its proposed budget for 2021 to the membership.

The process followed to adopt the Locke Street BIA's Budget for 2021 was in accordance with the *Ontario Municipal Act, 2001*, as amended, and the BIAs Procedure By-Law.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable

RELEVANT CONSULTATION

Not Applicable

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable

SUBJECT: Locke Street Business Improvement Area (BIA) Proposed Budget and Schedule of Payments for 2021 (PED21042) (Ward 1) - Page 3 of 3

ALTERNATIVES FOR CONSIDERATION

Not Applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

APPENDICES AND SCHEDULES ATTACHED

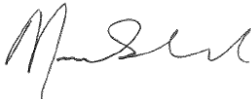
Appendix “A”-Locke Street Business Improvement Area Proposed 2021 Operating Budget

**LOCKE STREET
BUSINESS IMPROVEMENT AREA (BIA)
PROPOSED 2021 OPERATING BUDGET**

Revenue	
BIA Levy	\$30,000
Other City Revenue	\$12,500
Locke Street "Festival" Revenue	\$40,000
Total Revenues	\$82,500
Expenses	
Social Media Management	\$9,850
General Advertising	\$1,000
Special Events	\$7,000
Street Beautification	\$15,000
Locke Street "Festival" Expenses	\$40,000
Auditors	\$500
Administrative Assistant	\$2,200
Bookkeeping & Business Support	\$2,400
Office Supplies	\$150
Insurance	\$1,650
Storage Rental	\$2,750
Total Expenses	\$82,500



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	Waterdown Business Improvement Area (BIA) Revised Board of Management (PED21043) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Julia Davis (905) 546-2424 Ext. 2632
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the following individuals be appointed to the Waterdown Business Improvement Area (BIA) Board of Management:

- (a) Sheila Locke
- (b) Scott Birmingham

EXECUTIVE SUMMARY

Appointment of two new Directors to the Waterdown Business Improvement Area (BIA) Board of Management

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable

Staffing: Not Applicable

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Waterdown Business Improvement Area (BIA) Revised Board of Management (PED21043) (Ward 15) - Page 2 of 3

Legal: *The Municipal Act 2001*, Sections 204-215 governs BIAs. Section (204) Subsection (3) stipulates “A Board of Management shall be composed of, (a) one or more Directors appointed directly by the Municipality; and (b) the remaining Directors selected by a vote of the membership of the improvement area and appointed by the Municipality”. Section 204 Subsection (12) stipulates “...if a vacancy occurs for any cause, the Municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.”

HISTORICAL BACKGROUND

The Board of Management of the Waterdown BIA held a meeting on January 19, 2021, at which Sheila Locke and Scott Birmingham were appointed to the Board of Management. These appointees will be filling the vacancies left by Sherine Mansour and Dave Andrews.

Should Council adopt the recommendation in PED21043, the aforementioned nominated persons would be appointed to serve on the Waterdown BIA Board of Management for the remainder of this term, through the end of 2022.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

N/A

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

SUBJECT: Waterdown Business Improvement Area (BIA) Revised Board of Management (PED21043) (Ward 15) - Page 3 of 3

Economic Prosperity and Growth

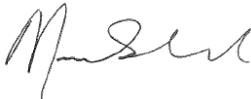
Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

APPENDICES AND SCHEDULES ATTACHED

N/A



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	Concession Street Business Improvement Area (BIA) Revised Board of Management (PED21044) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Julia Davis (905) 546-2424 Ext. 2632
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the following individuals be appointed to the Concession Street Business Improvement Area (BIA) Board of Management:

- (a) Brandon Eyre
- (b) Joanne Milner

EXECUTIVE SUMMARY

Appointment of two new Directors to the Concession Street Business Improvement Area (BIA) Board of Management

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable

Staffing: Not Applicable

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Concession Street Business Improvement Area (BIA) Revised Board of Management (PED21044) (Ward 7) - Page 2 of 3

Legal: *The Municipal Act 2001*, Sections 204-215 governs BIAs. Section (204) Subsection (3) stipulates “A Board of Management shall be composed of, (a) one or more Directors appointed directly by the Municipality; and (b) the remaining Directors selected by a vote of the membership of the improvement area and appointed by the Municipality”. Section 204 Subsection (12) stipulates “...if a vacancy occurs for any cause, the Municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.”

HISTORICAL BACKGROUND

The Board of Management of the Concession Street BIA held a meeting on January 20, 2021, at which Brandon Eyre and Joanne Milner were appointed to the Board of Management. These 2 appointees will be filling vacancies left by Alana Travis and Julienne Gauthier.

Should Council adopt the recommendation in PED21044, the aforementioned nominated persons would be appointed to serve on the Concession Street BIA Board of Management for the remainder of this term, through the end of 2022.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

N/A

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

SUBJECT: Concession Street Business Improvement Area (BIA) Revised Board of Management (PED21044) (Ward 7) - Page 3 of 3

Economic Prosperity and Growth

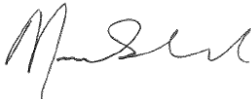
Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

APPENDICES AND SCHEDULES ATTACHED

N/A



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	Ottawa Street Business Improvement Area (BIA) Revised Board of Management (PED21045) (Ward 3 & 4)
WARD(S) AFFECTED:	Ward 3 & 4
PREPARED BY:	Julia Davis (905) 546-2424 Ext. 2632
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the following individual be appointed to the Ottawa Street Business Improvement Area (BIA) Board of Management:

(a) Michael Vickers

EXECUTIVE SUMMARY

Appointment of a new Director to the Ottawa Street Business Improvement Area (BIA) Board of Management

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable

Staffing: Not Applicable

Legal: *The Municipal Act 2001*, Sections 204-215 governs BIAs. Section (204) Subsection (3) stipulates “A Board of Management shall be composed of,

OUR Vision: To be the best place to raise a child and age successfully.

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SUBJECT: Ottawa Street Business Improvement Area (BIA) Revised Board of Management (PED21045) (Ward 3 & 4) - Page 2 of 3

(a) one or more Directors appointed directly by the Municipality; and (b) the remaining Directors selected by a vote of the membership of the improvement area and appointed by the Municipality”. Section 204 Subsection (12) stipulates “...if a vacancy occurs for any cause, the Municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.”

HISTORICAL BACKGROUND

The Board of Management of the Ottawa Street BIA held a meeting in January 2021, at which Michael Vickers was appointed to the Board of Management. This appointee will be filling the vacancy left by Helena McKinney.

Should Council adopt the recommendation in PED21045, the aforementioned nominated person would be appointed to serve on the Ottawa Street BIA Board of Management for the remainder of this term, through the end of 2022.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

N/A

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

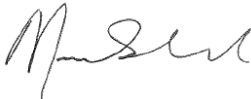
SUBJECT: Ottawa Street Business Improvement Area (BIA) Revised Board of Management (PED21045) (Ward 3 & 4) - Page 3 of 3

APPENDICES AND SCHEDULES ATTACHED

N/A



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	International Village Business Improvement Area (BIA) Revised Board of Management (PED21047) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Julia Davis (905) 546-2424 Ext. 2632
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the following individual be appointed to the International Village Business Improvement Area (BIA) Board of Management:

- (a) Maja Prvanovac-Kogut

EXECUTIVE SUMMARY

Appointment of a new Director to the International Village Business Improvement Area (BIA) Board of Management

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable

Staffing: Not Applicable

Legal: *The Municipal Act 2001*, Sections 204-215 governs BIAs. Section (204) Subsection (3) stipulates “A Board of Management shall be composed of,

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SUBJECT: International Village Business Improvement Area (BIA) Revised Board of Management (PED21047) (Ward 2) - Page 2 of 3

(a) one or more Directors appointed directly by the Municipality; and (b) the remaining Directors selected by a vote of the membership of the improvement area and appointed by the Municipality”. Section 204 Subsection (12) stipulates “...if a vacancy occurs for any cause, the Municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.”

HISTORICAL BACKGROUND

The Board of Management of the International Village BIA held a meeting on January 13, 2021, at which Maja Prvanovoc-Kogut was appointed to the Board of Management. This appointee will be filling the vacancy left by Greg Taylor.

Should Council adopt the recommendation in PED21047, the aforementioned nominated person would be appointed to serve on the International Village BIA Board of Management for the remainder of this term, through the end of 2022.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

N/A

ALTERNATIVES FOR CONSIDERATION

N/A

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**SUBJECT: International Village Business Improvement Area (BIA) Revised Board
of Management (PED21047) (Ward 2) - Page 3 of 3**


APPENDICES AND SCHEDULES ATTACHED

N/A

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INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	Update on Transport Canada Plans for Hamilton/Burlington Bay Canal Piers (PED21064) (Ward 5)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	Jason Thorne (905) 546-2424 Ext. 4339
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable

INFORMATION

The purpose of this Information Report is to advise Council and the public regarding Transport Canada's plans for the federally-owned and managed piers at the Burlington Bay Canal. Currently, the federal government through Transport Canada is responsible for all aspects of ownership and operation of the piers. The City has no jurisdiction or role with respect to the piers.

Transport Canada officials requested a meeting with City staff at the end of November 2020. The meeting took place on November 24, 2020, and City staff was informed that Transport Canada intended to close the piers to public access. Warning signage stating "Danger. Do Not Enter" had already been installed, and Transport Canada indicated that they were in the process of contracting the installation of three swing gate barriers to be installed in March 2021. Staff were advised that the reason for the changes was to ensure public safety at the piers and to restrict pedestrians from walking to the end of the piers.

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SUBJECT: Update on Transport Canada Plans for Hamilton/Burlington Bay Canal Piers (PED21064) (Ward 5) - Page 2 of 3

Staff advised the Transport Canada officials that the City would have concerns with restricting public access to the piers, and that the public was likely to be not in favour of restricting access. Staff also asked that Transport Canada advise the public of the proposed changes through a media release. Following the meeting, staff advised the Mayor and Ward 5 Councillor of the proposed plans, and through them the same concern was expressed with the federal Ministers responsible.

Figure One below shows the proposed location of the swing gates. Figure Two provides a representative photo of the type of swing gate that Transport Canada has indicated they intend to install.

Figure One: Proposed Barrier Locations



Figure Two: Example of Barrier Type



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SUBJECT: Update on Transport Canada Plans for Hamilton/Burlington Bay Canal Piers (PED21064) (Ward 5) - Page 3 of 3

Transport Canada officials provided an e-mail update to staff on January 26, 2021. The e-mail advised the City that the contract for the swing gates had been awarded and the construction company would be fabricating the gates with anticipated installation in mid-March 2021.

On February 25, 2021, City staff met with staff from the Region of Halton, City of Burlington and the Hamilton Oshawa Port Authority to discuss the shared concerns with cutting off public access to the piers. It is notable that in 2019 the Hamilton Oshawa Port Authority undertook an extensive public consultation process to seek feedback on proposed public realm enhancements at Fisherman's Pier, an area which includes the piers.

A follow-up meeting has been requested by the municipalities with Transport Canada officials to explore options or alternatives that could maintain public access to the piers, recognizing that the federal government ultimately has the responsibility for the ownership and maintenance of the piers. At the time of the writing of this report, a meeting was in the process of being scheduled for mid-March.

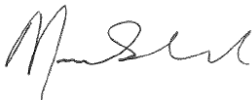
APPENDICES AND SCHEDULES ATTACHED

None

JT/ct



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	Five-year Review of the Downtown and Community Renewal Community Improvement Plan and associated Financial Incentive Programs (PED21035) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Phil Caldwell (905) 546-2424 Ext. 2359
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be directed to bring forward to the Planning Committee for a statutory public meeting, in accordance with Section 17(15)(d) of the *Planning Act*, the following respecting proposed changes to the Downtown and Community Renewal Community Improvement Plan and Downtown and Community Renewal Community Improvement Project Area By-laws:
- (i) Appendix "A" attached to Report PED21035, respecting the Revitalizing Hamilton's Commercial Districts Community Improvement Plan (formerly the Downtown and Community Renewal Community Improvement Plan); and,
 - (ii) Appendix "B" to attached Report PED21035, respecting the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area (formerly the Downtown and Community Renewal Community Improvement Project Area);
- (b) That staff be directed to bring forward to the Planning Committee the following implementing program descriptions for consideration in conjunction with proposed changes to the Downtown and Community Renewal Community

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SUBJECT: Five-year Review of the Downtown and Community Renewal Community Improvement Plan and associated Financial Incentive Programs (PED21035) (City Wide) - Page 2 of 29

Improvement Plan and Downtown and Community Renewal Community Improvement Project Area By-laws:

- (i) Appendix “C” attached to Report PED21035, respecting the Commercial District Housing Opportunities Program (currently the Commercial Corridor Housing Loan and Grant Program);
 - (ii) Appendix “D” attached to Report PED21035, respecting the Downtown and Barton/Kenilworth Housing Opportunities Program (currently the Hamilton Downtown, Barton and Kenilworth Multi-Residential Property Investment Program);
 - (iii) Appendix “E” attached to Report PED21035, respecting the Revitalizing Hamilton Tax Increment Grant Program (currently the Hamilton Tax Increment Grant Investment Program);
 - (iv) Appendix “F” attached to Report PED21035, respecting the Barton/Kenilworth Tax Increment Grant Program;
 - (v) Appendix “G” attached to Report PED21035, respecting the Commercial District Revitalization Grant Program (currently the Commercial Property Improvement Grant Program and Business Improvement Area Commercial Property Improvement Grant Program);
 - (vi) Appendix “H” attached to Report PED21035, respecting the Barton/Kenilworth Revitalization Grant Program (currently the Barton/Kenilworth Commercial Corridor Building Improvement Grant Program);
 - (vii) Appendix “I” attached to Report PED21035, respecting the Gore Building Improvement Grant Program;
 - (viii) Appendix “J” attached to Report PED21035, respecting the Start-up and Office Tenant Attraction Program (currently the Office Tenancy Assistance Program); and,
 - (ix) Appendix “K” attached to Report PED21035, respecting the Commercial Vacancy Assistance Program;
- (d) That staff be directed to change the names of the following financial budget accounts to reflect proposed program name changes as follows:

SUBJECT: Five-year Review of the Downtown and Community Renewal Community Improvement Plan and associated Financial Incentive Programs (PED21035) (City Wide) - Page 3 of 29

- (i) “Annual Com Prop Improve Grant BIA” (Project ID 8201703703) to “Annual Commercial District Revitalization Grant Program”;
 - (ii) “Barton Kenilworth Grant Building” (Project ID 8201703700) to “Barton/Kenilworth Revitalization Grant Program”; and,
 - (iii) “Office Tenancy Assistance Program” (Project ID 8201703100) to “Start-up and Office Tenant Assistance Program”;
- (e) That funds, in an amount not to exceed \$100,000, be transferred, as required to fund future grants under the Commercial Vacancy Assistance Program, from the Gore Building Improvement Grant Program Project ID 8201703620 to the newly established Commercial Vacancy Assistance Program Project; and,
- (f) That funds, in an amount not to exceed \$48,170, be transferred, as required, to fund future loans and/or forgivable loans under the Start-up and Office Tenant Attraction Program, from the Gore Building Improvement Grant Program Project ID 8201703620 to the Office Tenancy Assistance Program Project ID 8201703100.

EXECUTIVE SUMMARY

The Downtown and Community Renewal Community Improvement Plan (DCR CIP) establishes the purpose, goals, rationale and authorization for the provision of financial incentive programs intended to support the revitalization of strategic commercial districts throughout the City. Current programs offered under the DCR CIP provide either grants or low-interest loans which collectively promote and incentivize private sector investment in the form of new developments on under-utilized properties, improving the appearance, functionality, marketability and usability/safety of existing commercial buildings and/or attract tenants from key sectors to locate within specific areas.

As the DCR CIP and its programs had not been comprehensively reviewed since 2016, and in keeping with City practice to review CIPs and programs every five years, staff undertook a review that would serve as a ‘check-in’ to evaluate the DCR CIP and its programs in terms of addressing their intended goals and to propose adjustments where required. Staff’s review included extensive stakeholder and community engagement along with an evaluation of the following: the current state of revitalization efforts in commercial districts that are the subject of the DCR CIP’s programs (collectively referred to as the commercial district Community Improvement Project Areas (CIPAs)); the continued relevance and effectiveness of current incentive programs in the CIPAs,

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SUBJECT: Five-year Review of the Downtown and Community Renewal Community Improvement Plan and associated Financial Incentive Programs (PED21035) (City Wide) - Page 4 of 29

the economic competitiveness of current programs compared to those offered in economically competitive Southern Ontario municipalities as well as the identification of new or emerging community/City Council priorities which the DCR CIP and its programs could further support within the commercial district CIPAs.

Staff's findings are that the existing incentive programs have leveraged significant private sector investment over the last five years that has supported the continued revitalization of the commercial district CIPAs. Progress achieved includes a significant increase in the number of new residential and mixed use developments being constructed/proposed, growth in the residential and non-residential assessment in these areas by approximately \$1.3 B (inclusive of growth and reassessment), an increase in the proportion of assessment growth across all commercial district CIPAs attributed to non-residential and mixed use developments as well as having supported nearly 250 physical improvement projects to various commercial and mixed use properties.

Although these accomplishments are significant and not to be under-stated, staff's review identified key issues and concerns raised commonly through stakeholder consultation which highlighted the continued importance and need for incentive programs to sustain revitalization efforts in commercial district CIPAs going forward. Issues/concerns identified include the continued presence of significantly under-utilized buildings/properties across the CIPAs, and the need to continue increasing local residential populations in or near commercial districts to support demand for local commercial businesses and services. In addition, staff also noted the emergence of specific community/City Council priorities not currently supported by existing programs including environmental sustainability and climate change, housing affordability and the potential for rising commercial vacancies as a result of the COVID-19 pandemic; issues that pose both short and long-term risks to sustained revitalization efforts in the commercial district CIPAs.

Staff's findings support the continuation of the existing programs with only minor changes. In response to the emerging community/City Council priorities identified above, staff are recommending modifications to the existing suite of incentive programs in order to provide greater support in terms of:

- a) promoting environmentally sustainable improvements/developments in support of Council's 2019 declaration of a climate emergency and the objectives of the Council endorsed Corporate Climate Change Task Force's Corporate Goals and Areas of Focus for Climate Mitigation and Adaptation;
- b) housing affordability resulting from rising costs for housing within Hamilton; and

SUBJECT: Five-year Review of the Downtown and Community Renewal Community Improvement Plan and associated Financial Incentive Programs (PED21035) (City Wide) - Page 5 of 29

- c) short-term support to mitigate the potential for commercial storefront vacancies within the commercial district CIPAs in response to stakeholder feedback and the Council approved Mayor's Task Force on Economic Recovery Final Report.

The proposed modifications identified in this Report are:

- Modifying the grant amounts provided under the Hamilton Tax Increment Grant Program to provide a greater financial incentive to incorporate housing affordability and/or environmental sustainability and climate change measures into developments;
- Expansion of an existing housing improvement/creation loan program to support the development of laneway housing units in commercial district CIPAs, where permitted;
- Updates to the commercial property improvement grant program to permit environmentally and climate focused exterior building/property improvements; and
- The creation of a temporary two-year grant program in response to the COVID-19 pandemic to assist prospective commercial tenants with permanent interior improvements to a vacant commercial space.

In addition, staff are proposing other modifications arising from the review that are intended to further revitalization including:

- Extending commercial corridor focused incentive programs to include under-utilized, commercially zoned properties on Cannon Street between Emerald Street North and Wentworth Street North;
- Increased flexibility regarding new permanent outdoor patios/decks which can be eligible for assistance under commercial property improvement grant programs;
- Expanding the scope of the Office Tenancy Attraction Program to include additional incentives to attract start-up businesses and start-up/business incubators to Hamilton; and
- Various technical refinements and updates to improve clarity, consistency and administration of all programs.

These changes would not affect the overall existing budget for the CIP incentive programs, and no additional funding would be required to implement the changes recommended in this report.

Alternatives for Consideration – Not Applicable

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SUBJECT: Five-year Review of the Downtown and Community Renewal Community Improvement Plan and associated Financial Incentive Programs (PED21035) (City Wide) - Page 6 of 29

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: At the outset of this review, staff established a first principle that any proposed modifications arising from this review would not require an increase in the current Capital or Operating budget allocation provided to the Economic Development Division for the provision of financial incentive programs. As such, no additional funding is required to implement any of the recommendations in this Report.

Staff note the following financial matters respecting three of the proposals contained in this Report:

- No increase to the levy for the administration or provision of grants under the proposed temporary Commercial Vacancy Assistance (CVA) Program is required as staff are recommending the transfer of recently uncommitted funds from the former pilot Gore Building Improvement Grant Program Project to fund grants under this program. Funds in an amount not to exceed \$100,000.00 are proposed to be transferred from the Gore Building Improvement Grant Program Project ID 8201703620 to the Commercial Vacancy Assistance Program. To enable this transfer, staff are also recommending the creation of a new project for the CVA program.
- Funding for the existing Office Tenancy Assistance Program is contained in the Office Tenancy Assistance Program Project ID 8201703100. The available balance within the project is approximately \$63,000.00. Staff propose transferring uncommitted funds from the former Gore Building Improvement Grant Program Project to support the proposed modifications of the current Office Tenancy Assistance Program, which will be renamed the Start-up and Office Tenant Assistance Program, to allow for the potential forgiveness of all or a portion of loans (to a maximum of \$25,000.00 or such other amount at the discretion of City Council) which may be provided to new start-ups and business incubators establishing a presence in Hamilton. Funds in an amount not to exceed \$48,170.00 are to be transferred from the Gore Building Improvement Grant Program Project ID 8201703620 to the existing Office Tenancy Assistance Program Project ID 8201703100. Approval of the recommendation would not impact the levy.
- Recommended modifications to the current Hamilton Tax Increment Grant Program (HTIGP) contained within this Report and discussed in

SUBJECT: Five-year Review of the Downtown and Community Renewal Community Improvement Plan and associated Financial Incentive Programs (PED21035) (City Wide) - Page 7 of 29

the 'Analysis and Rationale for Recommendations' section would result in program applicants receiving grants in an amount either less or more than is provided under the current program depending how the subject project addresses specific City priorities. This proposed grant increases/decreases under this program do not require a budget allocation to the Economic Development Division as:

- Grants are provided directly from the increase in municipal tax revenue generated as a result of the improvement/development being undertaken; and
- Annual grants payments do not exceed the increase in municipal taxes generated by the improvement/development in any given year of the grant term.

The City realizes the full benefit of the tax increment generated after the term of the grant has concluded and for the life of the development.

Staffing: The Downtown and Community Renewal Community Improvement Plan (DCR CIP) and associated programs are administered by staff from the Commercial Districts and Small Business (CDSB) Section of the Economic Development Division and supported by staff from various City departments including Building, Taxation/Finance, Legal Services, Housing Services and Planning Divisions.

There are no new staffing requirements as a result of the recommendations of this Report.

Legal: The proposed Community Improvement Plan (CIP) and associated program descriptions contained in Appendices "A" through "K" of this Report have been reviewed by the Legal Services Division.

Subject to City Council's endorsement of this Report, the Legal Services Division will be required to undertake various updates to the applicable legal agreements applicants enter in to with the City to receive grants/loans as a result of staff's proposals. The Legal Services Division will undertake such updates prior to staff bringing forward the implementing By-laws tentatively planned for May 2021 so that agreements are ready to be implemented at such time as the CIP and associated program descriptions would become effective.

**SUBJECT: Five-year Review of the Downtown and Community Renewal
Community Improvement Plan and associated Financial Incentive
Programs (PED21035) (City Wide) - Page 8 of 29**

HISTORICAL BACKGROUND

The current DCR CIP is a continuation of revitalization efforts in Hamilton's commercial districts which originated with financial incentive programs dating back to the amalgamation of the Hamilton-Wentworth Region with its local area municipalities in 2001. Early CIPs primarily focused on providing financial incentives to support the revitalization of Downtown Hamilton which had experienced a long and on-going state of decline in the 1990's and early 2000's. The programs provided at this time focused on incentivizing property owners to improve the appearance of their buildings and to generally encourage new developments and investment in Downtown.

Over time, the use of CIP's expanded to provide incentive programs that supported revitalization efforts in commercial districts beyond Downtown Hamilton. By 2007, twelve different CIPs were in existence and were ultimately merged into a single CIP, known today as the DCR CIP. This broadened CIP included programs for Downtown Hamilton, the community downtowns of Dundas, Stoney Creek and Waterdown, as well as Business Improvement Areas (BIA). Programs were later broadened to provide incentives to support revitalization efforts in the Ancaster Village Core, Binbrook Community Core, and the Locke Street BIA. The plan was further amended in subsequent years to extend these incentive programs to various major commercial corridors throughout the City which had faced challenges in terms of attracting new development/investment and building/property upkeep. In 2014, the DCR CIP was amended again to include the Mount Hope/Airport Gateway area in response to the Mount Hope Secondary Plan as a means of supporting the redevelopment of properties along Airport Road west of Upper James Street and Homestead Drive north and south of Airport Road to more commercial-focused land uses.

The last review of the DCR CIP occurred in 2016 in line with City practice to review CIPs on five-year cycles. This update introduced new incentive programs for the Barton Street East and Kenilworth Avenue North commercial corridors which arose from recommendations contained in the Barton/Kenilworth Commercial Corridors study. The 2016 review also included an expansion of existing incentive programs to all properties in the City which were designated under Part IV or Part V of the *Ontario Heritage Act* to further support their preservation, rehabilitation and adaptive reuse.

A Collective Strategy towards Revitalizing Commercial Districts

The DCR CIP and its associated financial incentive programs are part of a broader strategic effort by the City to further the revitalization of strategic commercial districts in the city. These efforts have included capital investments, changes to land use policies, support for BIAs, research and market studies, development charge incentives and leveraging of City real estate assets.

SUBJECT: Five-year Review of the Downtown and Community Renewal Community Improvement Plan and associated Financial Incentive Programs (PED21035) (City Wide) - Page 9 of 29

The financial incentives provided through the DCR CIP work in concert with these actions to collectively attract new investment and development that will support the long-term success of Hamilton's commercial districts.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Under Section 28 of the *Planning Act*, municipalities with enabling policies in their Official Plans may adopt a CIP for the purposes of providing grants and/or loans to property owners or tenants to support physical improvements within specific geographic areas (CIPAs) that City Council has deemed appropriate. The adoption of a CIP and CIPA allows a municipality to provide financial incentives within identified CIPAs that would otherwise be prohibited under Subsection 106(2) of the *Municipal Act*.

Municipal authorization for the establishment of CIPs are contained in Chapter F, Section 1.15 of the Urban Hamilton Official Plan (UHOP) and discussed in greater detail in Section 3.2 of Appendix A to this Report.

The adoption of a CIP by a municipality must be conducted in accordance with the applicable policies under Sections 17 and 28 of the *Planning Act* as well as the City's Public Participation and Notification Policies contained in Chapter F, Section 1.17 of the UHOP. These policies include requirements for stakeholder engagement, public notice and a statutory public meeting.

Should City Council support the proposed modifications contained in this Report, staff will bring forward the appropriate by-laws required to implement the proposed CIP and CIPA contained in Appendix A and B of this Report respectively. In accordance with the *Planning Act*, these by-laws would be subject to public notice requirements and brought to Planning Committee for a statutory public meeting. At this time, staff would also bring forward the proposed implementing program descriptions for City Council consideration which contain the specific terms, eligibility criteria and administrative processes required to implement the programs described in the CIP. These draft program descriptions are contained in Appendices C through K of this Report. Public notice regarding the statutory meeting for the recommended CIP and CIPA By-laws will be undertaken in accordance with the requirements of the *Planning Act* and Chapter F, Section 1.17 of the UHOP.

CIP and CIPA By-laws and associated implementing program descriptions will come in to effect after the expiration of the required appeal period under the *Planning Act*. At this time, any existing program applications which have not yet been approved by City Council or its designate, will become subject to the new CIP and program descriptions. To limit potential impacts to current program applicants who have submitted complete

SUBJECT: Five-year Review of the Downtown and Community Renewal Community Improvement Plan and associated Financial Incentive Programs (PED21035) (City Wide) - Page 10 of 29

applications, staff are expediting recommendation reports to City Council or its designate for existing complete applications received as of the date Committee is considering this Report. To provide sufficient time to resolve these existing applications, staff would intend to bring forward the CIP and CIPA By-laws and associated program descriptions to Planning Committee in May 2021.

RELEVANT CONSULTATION

As part of the DCR CIP review, staff undertook extensive public and stakeholder engagement. Engagement activities occurred between September and December 2020 and included the following:

- A virtual public workshop held on October 29, 2020 which was open to the general public and which was communicated via targeted invitations to approximately 120 external stakeholders including the three local chambers of commerce, all 13 Business Improvement Areas, industry associations, development consultants, neighbourhood associations in the vicinity of existing CIPAs and developers/property owners;
- One-on-one interviews with past program applicants and various commercial district developers/property owners;
- Presentations and discussions with the Business Improvement Area Advisory Committee at their November 10, 2020 and January 12, 2021 meetings and the Development Industry Liaison Group at their November 16, 2020 meeting;
- Creation of a project page on Engage Hamilton which included information about the review, background materials, engagement summaries as well as opportunities to fill out a public survey and a forum where questions and ideas could be submitted to staff;
- Inclusion of information about the review and engagement opportunities in economic development and Our Future Hamilton community newsletters;
- Notices on the Invest in Hamilton and City webpages advising of the review and how to learn more; and
- Social media posts providing information about the review and upcoming engagement opportunities on both the Invest in Hamilton and City of Hamilton social media channels including Twitter, Instagram and LinkedIn.

SUBJECT: Five-year Review of the Downtown and Community Renewal Community Improvement Plan and associated Financial Incentive Programs (PED21035) (City Wide) - Page 11 of 29

In addition, staff engaged with various City departments and divisions to discuss the review and seek feedback. Staff engaged with staff from Building, Taxation/Finance, Legal Services and Planning Divisions.

Staff also undertook additional engagement with subject matter experts as the review progressed. This included seeking feedback during the development of proposals contained in this Report from Housing Services staff with respect to housing affordability matters and the Bay Area Climate Change Council and the Air Quality and Climate Change Team of the Healthy and Safe Communities Department with respect to environmental sustainability and climate change matters.

Common themes which emerged from comments and feedback received included:

- Concern regarding the impact of the COVID-19 pandemic on businesses in commercial areas, particularly within BIAs, and the need for additional incentives that would specifically support commercial tenants and not just property owners;
- A sentiment that programs have been helpful towards revitalizing commercial areas but are generally still needed to support continued investment particularly in light of current and on-going risks to the national, provincial and local economy;
- Continuing to attract new residential development within and/or near commercial districts is vital to continued success of these areas due to the increasing foot traffic and demand for nearby commercial services and amenities increased local populations create;
- Concern that programs do not adequately address priorities around housing affordability, climate change and environmental sustainability and support/protection for existing commercial tenants in changing commercial areas; and
- Concerns regarding the number of permits, cost of application fees, time required to receive approvals and regulatory issues encountered when undertaking improvements to older buildings.

Specific feedback arising from staff's engagement and which influenced staff's proposals are discussed further in the following section.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City's practice is to comprehensively review CIPs and associated programs on five-year cycles. This strategy is intended to serve as a 'check-in' that provides an opportunity for staff, stakeholders, the community and City Council to evaluate the CIP

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and its programs in terms of addressing their intended goals and to make adjustments where required. In the context of the DCR CIP review, staff identified four overarching questions which were to be the focus of the review:

1. Have the purpose and/or goals of the DCR CIP, being to support the revitalization of strategic commercial districts, changed or been met?
2. Do the specific incentive programs currently offered remain effective and relevant in terms of furthering the achievement of City revitalization goals?
3. In terms of economic competitiveness, how do the City's commercial district revitalization incentive programs compare to those offered by comparable Southern Ontario municipalities?
4. Are there new or emerging priorities arising in the community which the DCR CIP and its programs could further support?

Discussion with respect to each of these considerations is provided below and has been informed by staff's experience to date with administration of the current programs, research undertaken by staff as part of the review of the DCR CIP, as well as insights gained through staff's community engagement and stakeholder consultation.

Have the purpose and/or goals of the DCR CIP, being to support the revitalization of strategic commercial districts, changed or been met?

The purpose of the DCR CIP is to provide financial incentives that support the revitalization of strategic commercial areas where, as commercial needs and trends have evolved over time, are in need of financial incentives to reduce barriers to, and stimulate new private sector investment in, the development of under-utilized properties and/or improve the appearance, functionality, marketability usability and/or safety of existing commercial buildings. Specific revitalization goals contained within the DCR CIP include:

- Supporting the infill/intensification of underutilized properties;
- Increase the supply of new/refurbished residential units within commercial district CIPAs to increase local resident populations that will increase local demand for commercial services and amenities;
- Increasing office tenancy in Downtown Hamilton in order to reduce office vacancy rates;

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- Improving the overall physical appearance of private properties and buildings to improve the appeal of commercial areas in terms of attracting new development and commercial tenants;
- Encourage the undertaking of improvements to buildings that will increase the stock of safe and modern commercial and residential units; and
- Increase assessment and new property tax generation.

To date significant progress has been made in terms of achieving these outcomes. Highlights include:

- Significant increases in residential development activity within the Downtown Hamilton CIPA with over 2,800 new residential units approved or under construction since 2016 along with over 10,000 potential new units currently either proposed or at various stages of the planning review process;
- A significant increase in total assessment across all CIPAs from over \$3.3 B at the end of 2015 to over \$4.6 B (inclusive of growth and reassessment) at the end of 2020 with Locke Street, Westdale Village and Downtown Hamilton experiencing the highest percentage-based assessment increases at 58%, 57% and 45% respectively;
- An increase in the proportion of assessment growth across all CIPAs attributed to non-residential and mixed use developments from 68% at the end of 2015 to 70% at the end of 2020;
- Building permits with a total construction value of \$61.5 M issued since 2016 within the Community Downtown/Village Cores of Ancaster, Binbrook, Dundas, Stoney Creek, Waterdown and the Mount Hope / Airport Gateway area; and
- A decline in Downtown office vacancy rates from 13.8% in 2016 to 11.8% by June 2020. Although this vacancy rate has since increased to 13.1% by the end of 2020 due in large part to the impact of the COVID-19 pandemic, staff continue to be encouraged by the progress that had been made prior to the pandemic and the potential for Hamilton's office market going forward.

Although these successes are significant and not to be understated, they have been tempered by feedback received through staff's engagement and consultation with stakeholders and the community which highlighted a number of on-going factors and considerations that influence the role and need for incentives to sustain revitalization efforts going forward:

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- While many vacant properties and surface parking lots in Downtown Hamilton are the subject of redevelopment approvals and proposals, there continue to be many significantly under-utilized buildings and properties. A similar condition is noted in many other commercial district CIPAs where planning permissions provided through the UHOP, applicable Secondary Plans, and/or Zoning By-laws, particularly with respect to opportunities for mid-rise intensification and infill of sites fronting on major urban mixed-use commercial corridors, remain under-utilized. These sites have a significant role to play in supporting the sustained revitalization of commercial district CIPAs and contain unrealized opportunities for new housing;
- Investment and development activity experienced to date remains limited in the broader context of the sustained decline in commercial businesses and residents Downtown and the other commercial district CIPAs experienced prior to the introduction of the DCR CIP and its incentive programs; and
- The current COVID-19 pandemic and the unknown lasting impact it will have on revitalization efforts particularly with respect to retail and commercial/office uses.

Overall, staff's findings are that while progress is being made towards the revitalization of the commercial district CIPAs, many of the City's goals remain unchanged today and that the DCR CIP and its programs continue to be an important and influential component of the City's on-going revitalization efforts in the commercial district CIPAs.

Do the specific incentive programs currently offered remain effective and relevant in terms of furthering the achievement of City revitalization goals?

Incentive programs currently provided under the DCR CIP focus on providing grants/loans that will attract new investment/development to under-utilized properties, increase the creation/improvement of housing within commercial districts to increase the demand for local commercial services, improve the appearance/usability/safety of existing buildings, as well as attract key commercial sectors to locate within these areas.

As part of this review, staff evaluated key metrics for existing programs covering the period at the beginning of 2016 up to the end of 2020 with key findings being:

- 644 applications were submitted to the Economic Development Division with an average of 129 applications received each year;
- Approved loan or grant program applications have supported improvement/development projects across all CIPAs with a total construction value of approximately \$254 M;

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- New municipal property taxes generated from completed developments approved for a tax increment grant totalled over \$28 M (inclusive of growth, reassessment); and
- Commercial property improvement grant programs facilitated 248 property improvement projects across all CIPAs.

In addition, since the inception of the two programs most utilized to facilitate new development projects, the Hamilton Tax Increment Grant Program (HTIGP) and Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment (Loan) Program (HDBKMPIP), staff note that:

- For every dollar of grant money provided across the 41 approved applications under the HTIGP to date, \$26.00 in private sector investment has been leveraged; and
- For every dollar of cost incurred for the provision of low-interest loans across 21 approved applications under the HDBKMPIP, \$46.00 in private sector investment has been leveraged.

These metrics show a consistent and sustained demand for incentives offered through current programs as well as significant private-sector investments being leveraged as a result of the programs offered

Feedback received through staff's engagement with stakeholders, including past program applicants, property owners, commercial tenants and developers consistently echoed the important role that current incentive programs have had, and are continuing to have, in terms of facilitating the improvements/developments that are supporting the revitalization of Hamilton's commercial district CIPAs. In particular, staff have noted the following considerations impacting the continued need and demand for existing programs provided for through the DCR CIP:

- Although development activity has increased, feedback from developers, particularly those from outside Hamilton, continue to highlight that sellable rates on a per square foot basis for new residential developments, as well as existing and commercial/office space, remain comparatively lower than that which can be achieved in many other Southern Ontario municipalities, particularly those in the GTA. As such, financial incentives offered by the City, and in particular the City's partial waiving of Development Charges (DC) in the Downtown CIPA via the DC By-law and tax increment grant based programs, were identified as significant factors supporting Hamilton's ability to attract investment from developers considering projects across multiple municipalities;

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- For older commercial/mixed use buildings commonplace within the commercial district CIPAs, it was noted by commercial tenants and other stakeholders that improvements/retrofit of commercial spaces in these buildings often involve more significant undertakings/costs in order to meet current *Building Code and Accessibility for Ontarians with Disabilities Act (AODA)* standards relative to newer buildings. This increased cost can serve as a barrier to businesses considering these areas if not for the property/building improvement incentive programs currently offered; and
- Although staff have achieved success at promoting opportunities in Hamilton and attracting new commercial businesses and developments, perceptions and a lack of knowledge about Hamilton amongst commercial/mixed use developers and investors outside of the Hamilton area, particularly in the Greater Toronto Area, remains a barrier. In this respect, incentive programs have, and continue to, serve as an important part of the Economic Development Division's efforts to market Hamilton to potential developers/investors in support of revitalization efforts in the commercial district CIPAs.

Staff's findings support the conclusion that existing incentive programs continue to address a need for property owners, developers and commercial tenants in terms of facilitating on-going revitalization and leveraging private-sector investment across the commercial district CIPAs.

In terms of economic competitiveness, how do the City's commercial district revitalization incentive programs compare to those offered by comparable Southern Ontario municipalities?

Staff undertook a best practice review of currently active downtown and commercial district revitalization focused incentive programs being offered by other comparable municipalities in Southern Ontario. Municipalities reviewed by staff included those in the Greater Toronto Area (GTA), Niagara and Southwestern Ontario and included cities that met one or more characteristics relative to the City of Hamilton for comparison purposes in terms of population size, geographic proximity/economic competitiveness and/or development history. Specific municipalities researched included Guelph, Kitchener, London, Mississauga, Oshawa, St. Catharines, Toronto, Vaughan, Windsor and the Region of York. The following is a summary of staff's findings:

- The breadth and overall number of incentive programs offered by municipalities generally increases the further away a municipality is from Toronto;
- Incentive programs offered by municipalities within the GTA are heavily focused towards attracting office developments and/or affordable/rental housing;

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- All municipalities offering commercial (façade) improvement incentive programs provide grants on a matching 50-50 basis in the same manner as the City;
- Six of the municipalities currently offer tax increment-based incentive programs similar to Hamilton. Annual grant payments under these programs have a term ranging between five and 10 years with a grant value representing between 45% and 100% of the realized municipal tax increment generated by the improvement/development; and,
- Half of the municipalities have incorporated a scoring/evaluation system for developments within their tax increment-based program to determine how a project addresses specific priorities and ties eligibility and/or the maximum value of a grant that could be received to whether the project addresses those priorities. Priorities identified across the municipalities include whether a property is currently vacant, the value of the investment being proposed; the number of new jobs that will be generated; the location of the project (such as in a Downtown or BIA); the level of Leadership in Energy and Environmental Design (LEED) certification to be achieved; whether the project incorporates affordable housing and/or creating new office space.

Generally, staff found Hamilton's current incentive programs to be well positioned when compared to comparable municipalities programs for downtown/commercial district revitalization. In particular, staff note that the value of financial assistance offered under Hamilton's programs is generally greater than those provided by municipalities within the GTA but generally less than that provided by municipalities located further than Hamilton from the GTA. As such staff's findings indicate that value of financial assistance provided by current programs is generally consistent with the development demand and activity expected given Hamilton's location and proximity to the GTA relative to other regions.

One finding of particular note by staff is the role municipal/community priorities are increasingly factoring in to the eligibility or value of incentives provided by a municipality, particularly with respect to tax increment-based programs. Currently, Hamilton's tax increment grant incentive programs under the DCR CIP focused on facilitating improvements/developments that support the broader revitalization of an area without particular focus towards how the project does or does not address other City priorities. While incentives provided under the DCR CIP should continue to be primarily focused on facilitating the revitalization of the City's commercial districts, staff's review has highlighted potential opportunities existing programs could have in supporting other priorities. Priorities identified through staff's review as well as amendments being proposed by staff to existing programs are discussed further below.

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Are there new or emerging priorities arising in the community which the DCR CIP and its programs could further support?

Since the last review of the DCR CIP in 2016, staff have noted three key priorities/issues which have been the focus of City Council directions since that time as well as community/stakeholder feedback received during this review:

- Climate change/environmental sustainability which resulted in City Council's declaration of a climate emergency in 2019 and the Council endorsed Corporate Climate Change Task Force's Corporate Goals and Areas of Focus for Climate Mitigation and Adaptation;
- Housing affordability resulting from rising costs for housing within Hamilton; and,
- Potential commercial/office vacancies due to the on-going COVID-19 pandemic.

Although the purpose and intent of the DCR CIP and its incentive programs are not specifically intended to address these matters, staff recognize that these priorities/issues have the potential to impact the continued revitalization of commercial district CIPAs in either the short or long-term. Specifically, with respect to housing affordability, staff further note that a lack of housing which is accessible to people across a broad spectrum of income levels can have an adverse impact on Hamilton's ability to maintain a strong and diverse local workforce that is capable of attracting and supporting new businesses.

As such, staff have identified opportunities for updates to the DCR CIP and specific incentive programs which, while still focusing on supporting the revitalization of commercial district CIPAs, will also enable programs to further support improvements/developments that address these priorities. Specifically, staff have identified the following opportunities:

- The ability to refine eligible/ineligible improvements under the commercial property and building improvement grant programs to better support environmental sustainability objectives;
- Existing programs providing low-interest loans for the improvement/creation of new housing can be expanded to permit as eligible housing being created through detached laneway housing developments on properties within a commercial district CIPA, where permitted;
- The current Hamilton Tax Increment Grant Program can be modified to provide grants in a manner that will further incentivize developers and property owners to

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incorporate housing affordability and/or environmental sustainability measures within developments; and,

- The creation of a new, temporary program to reduce potential commercial vacancies by providing entrepreneurs and other potential commercial tenants with support for interior improvements to vacant spaces that will support the establishment of a new business/location including pop-up retail ventures.

These and other proposed modifications are discussed in more detail below.

Proposed Modifications

As a result of staff's review, modifications have been developed and are being proposed for the DCR CIP and associated incentive programs and the commercial district CIPAs.

Staff's proposed modifications are summarized below and reflected within the proposed CIP, CIPAs and program descriptions contained in Appendices "A" through "K" of this Report. Note that any program for which a program description is provided in the appendices to this Report but is not discussed below is not the subject of any proposed substantive amendments by staff.

Revitalizing Hamilton's Commercial Districts CIP (formerly the Downtown and Community Renewal CIP) (Appendix "A"):

- A change in the CIP's name as well as language to better communicate and provide clarity regarding the plans overarching focus to support the revitalization of strategic commercial districts.
- Updated references to supporting Provincial and City plans and policies required within the CIP including the Provincial Policy Statement, A Place to Grow, the Economic Development Action Plan and applicable Secondary Plans.
- Updated language regarding the applicability of incentive programs to legally non-conforming uses. Language adds additional transparency by identifying the tests presently used by staff to determine if a legally non-confirming use may be eligible under a program.
- Refined language to clarify that properties not located within a defined CIPA but forming part of a comprehensive development that encompasses properties within a CIPA may be considered as forming part of the same CIPA for the purposes of providing incentives in respect of the proposed improvement/development.

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Revitalizing Hamilton's Commercial Districts CIPA (formerly the Downtown and Community Renewal CIPA) (Appendix "B"):

- Minor adjustment of the Downtown CIPA boundary to include a portion of lands within the CN Rail property between John Street North and Catharine Street North.
- Inclusion of a new Commercial Corridor CIPA on Cannon Street East between Emerald Street North and Smith Avenue and along the south side of Cannon Street East between Smith Avenue and Wentworth Street North. This area was identified by staff as a contiguous set of under-utilized commercially zoned properties where revitalization could be supported through the provision of existing commercial corridor incentive programs.

The Commercial District Housing Opportunities Program (formerly the Commercial Corridor Housing Loan and Grant Program) (Appendix "C"):

- Expanded program eligibility to permit loans for the creation of new accessory dwelling units located outside of a principal building, such as laneway housing, where permitted. This change would further support the creation of new infill housing that increases local populations increase demand for walkable, local commercial services and amenities and can lead to reduced reliance on single occupancy vehicles and reduce transportation related GHG emissions.
- Removal of the Mount Hope/Airport Gateway CIPA as an eligible area for this program. The provision of this program, which is intended to support the creation of new/improved residential units, is in conflict with existing policy direction contained within the Mount Hope Secondary Plan and further implemented via applicable zoning which prohibits Dwelling Unit(s) and Multiple Dwellings within the boundary of the CIPA. No applications or approvals under this program have occurred within this CIPA.

Revitalizing Hamilton Tax Increment Grant Program (formerly the Hamilton Tax Increment Grant Program) (Appendix "E"):

- Introduction of changes to further incentivize improvements/developments that will address housing affordability and environmental sustainability and climate change priorities. As part of this proposal, projects would be identified as either a Revitalization Project or an Enhanced Revitalization Project. Revitalization Projects would include any project that generates an increase in municipal taxes while Enhanced Revitalization Projects would include projects that not only generate an increase in municipal taxes, but which achieve one of the following:

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- The improvement/development has been approved for financial assistance under a Canada Mortgage and Housing Corporation (CMHC), federal, provincial or City program for the purposes of creating residential rental housing to address housing affordability in the city.
- The improvement/development will receive certification for the achievement of environmental sustainability standards from an eligible organization/program and/or will be connected (or be designed to allow for future connection) to a district energy system

Eligible environmental certifications which would be permitted include: Canadian Home Builders Association (CHBA) Net Zero Home Labelling where Net Zero or Net Zero Ready levels of efficiency are achieved; Passive House Canada; Natural Resources Canada (NRCAN) R2000; Built Green to a Gold or higher standard in the Energy and Envelope category; or LEED to a Gold or higher standard. Where an applicant elects to incorporate building elements to allow for immediate or future connection to a district energy system, the following would be required: providing space for the sole purpose of future equipment/thermal piping; securing an easement between the mechanical room and the property line to allow for thermal piping; and including two-way pipes in the building to carry the thermal energy from the district energy network to the section in the building where the future energy transfer station will be located. These types of high-performance buildings standards directly work to achieve the Council endorsed Corporate Climate Change Task Force's Corporate Goals and Areas of Focus for Climate Mitigation and Adaptation. Specifically Goal #1: To increase the number of new and existing high-performance state-of-the-art buildings that improve energy efficiency and adapt to a changing climate.

Projects which do not achieve a priority would receive a grant at a modest reduction relative to the current program while projects that incorporate one of the above achievements would receive a grant greater than that provided under the current program. Proposed grant amounts as a percentage of the incremental municipal property taxes generated from the improvement/development are provided in Table 1.

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Table 1 – Maximum Annual Grant as a Percentage of Actual Municipal Property Tax Increment

Year of Grant	Current Program	Proposed Program	
	All Developments	Revitalization Projects	Enhanced Revitalization Projects
1	100%	100%	100%
2	80%	75%	100%
3	60%	50%	100%
4	40%	25%	100%
5	20%	-	-

The impact this change would have on the actual dollar value of the grant an applicant would receive depends on the municipal property tax increment generated as a result of the improvement/development. Table 2 provides an example scenario of the maximum grant an applicant would receive under the existing program compared with that under the proposed program structure for a project with a realized municipal property tax increment of \$100,000.00.

Table 2 – Example: \$100,000.00 Municipal Property Tax Increment

Year of Grant	Current Program	Proposed Program	
		Revitalization Project	Enhanced Revitalization Project
1	\$100,000.00	\$100,000.00	\$100,000.00
2	\$80,000.00	\$75,000.00	\$100,000.00
3	\$60,000.00	\$50,000.00	\$100,000.00
4	\$40,000.00	\$25,000.00	\$100,000.00
5	\$20,000.00	-	-
Total Grant	\$300,000.00	\$250,000.00	\$400,000.00

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The proposed decrease in the total grant for projects that do not address the identified priorities is considered by staff to be modest relative to that provided currently and not likely to serve as a deterrent to those applicants seeking to utilize the program. However, the proposed increase to the maximum grant for projects that do address the identified priorities is considered by staff to be more significant and impactful. The proposed increased grant amount is intended to both provide an increase meaningful enough for a developer/property owner to explore meeting the identified achievements as well as help to off-set increased costs to an applicant that would be incurred in order to achieve that priority.

The specific housing affordability and environmental sustainability achievements required to be met have been vetted through the Housing Services Division and Bay Area Climate Change Council respectively.

Even though staff's proposal could result in some projects receiving a larger grant than that provided currently, this would not require any new budget allocation to the Economic Development Division. Grants under this program are provided directly from the increase in municipal taxes generated as a result of the improvement/development undertaken. This is revenue that would not exist if not for the improvement/development that is being undertaken and which the City fully realizes the benefit going-forward after the grant period has concluded

Commercial District Revitalization Grant Program (formerly the Commercial Property Improvement Grant Program and Business Improvement Area Commercial Property Improvement Grant Program) (Appendix "G"):

- The current Commercial Property Improvement Grant and Business Improvement Area Commercial Property Improvement Grant programs are proposed to be merged in to a single program. These programs are largely identical except for increases to the maximum value of the grant that may be provided when a property is located within an active BIA. Merging the programs will reduce administrative duplication and inconsistent terminology across the programs. There is no proposed change in the maximum grant amount that can be provided for properties whether located within our outside of an active BIA.
- Introducing eligibility for costs associated with exterior environmentally sustainable focused building/property improvements including: depaving of existing hard surfaces where the surface area will be replaced by a porous material; installation of exterior electric vehicle charging stations; installation of sustainable electric power generating equipment such as solar panels and micro turbines; tree plantings, creation of rain gardens and the installation of green walls on street facing facades. Eligible environmental sustainability and climate change related improvements were

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developed through consultation with the Bay Area Climate Change Council, Air Quality and Climate Change Team of the Healthy and Safe Communities Department and Planning and Economic Development Department's Planning and Building Division staff.

These items are proposed to be permitted to a maximum of 50% of the total maximum grant so that these items can be undertaken in conjunction with other building/property improvements intended to improve the appearance and usability of commercial buildings/spaces by property owners and/or tenants.

As part of the effort to introduce greater opportunities for environmentally sustainable and climate positive building/property improvements, staff are also recommending the removal of currently eligible items that are not considered to be promoting environmental sustainability. These include costs associated with paving of private property, as well as costs for artificial landscaping such as artificial turf/grass.

- Increased requirements for applicants seeking a grant for exterior signage. The aesthetic design of proposed signage will now be the subject of review under all applicable urban design guidelines and continue to be evaluated in terms of compliance with the City's sign by-law. Proposed signage deemed by staff to not be in compliance with applicable design guidelines or sign by-law would not be eligible for a grant.
- Removal of the requirement for permanent patios/decks to be street facing in order to be eligible for assistance under this program. This will provide greater flexibility for businesses seeking to establish new permanent outdoor seating opportunities on a property while still supporting an improvement that contributes towards the vibrancy and appeal of these commercial districts for potential customers.

Start-up and Office Tenant Attraction Program (formerly the Office Tenancy Assistance Program) (Appendix "J"):

- Staff are proposing an additional incentive under this program whereby start-up businesses emerging from local, regional and national incubators, as well as start-up incubators themselves, who choose to locate in Hamilton may have all or a portion of their loan forgiven to a maximum of \$25,000.00 or other amount at the discretion of, and subject to approval by City Council. This proposal is intended to further support Economic Development's efforts to attract new and emerging start-up businesses and incubators to Hamilton. These businesses support entrepreneurship and innovation within the City, create the potential for new and growing job opportunities and represent a significant opportunity to attract uses that support efforts to reduce the downtown and city-wide office vacancies.

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- Clarification that financial institution retail locations as well as medical clinics are not eligible under the program.
- Introduction of a one application per property limit.

Commercial Vacancy Assistance Program (new program) (Appendix “K”):

- In response to stakeholder feedback as well as in support of the goals and objectives of the Mayor’s Task Force on Economic Recovery Final Report, staff are proposing a new temporary grant program for all commercial district CIPAs that would provide a grant to potential commercial tenants who undertake eligible, permanent interior retrofits to presently vacant at or below-grade commercial spaces. The program is intended as a direct response to stakeholder concerns about the potential for increasing commercial vacancies as a result of the COVID-19 pandemic. The grant would assist with reducing potential vacancies by incentivizing entrepreneurs and other business owners to retrofit vacant spaces to establish new businesses including exploring/testing opportunities for new commercial business in the form of ‘pop-up’ retail ventures. The program would be specifically intended to support new commercial businesses that contribute to pedestrian activity including retail and restaurant uses, but would not be applicable to residential uses, offices, medical clinics, financial institutions or vehicle-oriented commercial uses. The maximum grant provided would be \$5,000.00 for tenants who commit to a lease term of between three and six months less a day, and \$10,000.00 for those with lease commitments of six months or longer. This program would be available to authorized commercial tenants only.

This program is proposed to be provided for a temporary two-year period in order to address potential rises in commercial vacancies resulting in the immediate aftermath of the pandemic. The creation of this program does not require any new funding requirements as program funding would come from existing budget allocations to the Economic Development Division discussed in the Financial Implication section of this Report. The number of applicants which could be approved under the program will vary depending on the utilization of other grant programs in a given year. Approvals under this program are proposed to be delegated to the General Manager of Planning and Economic Development in the same manner as the City’s existing commercial property improvement grant programs.

Technical/Administrative Program Updates (Appendices “C” through “K” except I):

- Updated language to program terms, eligibility criteria and administrative processes to improve the consistency and structure of terminology contained within each program description

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- Refinement of program names to better communicate program objectives and support future marketing to the public.
- Additional language to programs subject to City Council approval which provides greater clarity regarding City Council's ability to refuse applications or provide reduced grants for all or a portion of a development that City Council does not support including those which may have been approved by another authority including the Local Planning Appeal Tribunal (LPAT) or the Minister of Municipal Affairs and Housing.

Staff believe these proposed modifications will allow the DCR CIP to further achieve the City's goals of supporting sustained revitalization of commercial district CIPAs, addressing key community priorities and allow for staff's continued efficient administration of programs.

Other Matters Addressed Through This Review

Potential Residential Tenant Displacement

On October 9, 2019 City Council approved amendments through Report PED19178-HSC19052 to the Commercial Corridor Housing Loan and Grant, Hamilton Tax Increment Grant, Barton/Kenilworth Tax Increment Grant and Barton/Kenilworth Commercial Corridor Building Improvement Grant programs intended to provide greater assurances that improvements/developments being incentivized through these programs would not contribute towards the illegal displacement of existing tenants. Measure that came in to effect on January 1, 2020 included:

- Requiring applicants to disclose which residential units, if any, are occupied at the time an application or pre-application for a financial incentive has been made to the City;
- Providing tenants of units occupied at the time of application to the City with a comprehensive education package regarding their legal rights, Hamilton rental market conditions and available resources should they be required;
- That approvals be subject to new conditions that require non-condominium residential unit(s) which are occupied at the time of application to the City to not be the subject of an approved Above Guideline Increase (AGI) request by the Landlord Tenant Board (LTB), except in certain circumstances, for at least five years; and
- Providing written notice to each occupied unit that discloses the program under which the property has been approved for a financial incentive, the estimated value of that

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incentive and the improvements the incentive is intended to facilitate for use by the tenant as needed, including as evidence at the LTB.

Since these amendments came in to effect, one application has been the subject of tenant notification measures as a result of the building containing existing tenants at the time the application was submitted.

At this time, staff have no concerns with the revised procedures and will continue to monitor their functionality/impact as more applications are subject to the provisions. All amendments approved through Report PED19178-HSC19052 have been maintained and included in the applicable program descriptions contained in the appendices to this Report.

Hamilton Heritage Property Grant Program

Through this review it has been identified that the Hamilton Heritage Property Grant Program, although included within the existing DCR CIP, is not required to be part of a CIP in order to be provided by the City. *The Ontario Heritage Act's* sub-section 39(1) authorizes the City of Hamilton to pass by-laws to enable the providing of loans or grants to an owner of a property designated under the *Ontario Heritage Act*. The City has enacted such a By-law (No. 07-346) and as a result this program is more appropriately provided in this respect. As a result, this program is proposed to be removed from the scope of this CIP to remove duplicating program authorizations and eliminate confusion. There is no impact to the program as a result of this change.

The Gore Building Improvement Grant Program

The Gore Building Improvement Grant (GBIG) Program was developed to support the maintenance, attractiveness, functionality and viability of the historic building stock that fronts on King Street East between James Street and Catharine Street, known as the "Gore". The program was intended to provide financial assistance in the form of a grant for property owners to bring existing properties to present-day property standards and sign by-law requirements and to improve the accessibility of buildings.

This GBIG program ceased at the end of 2014 save for properties which had been granted an extension to utilize the program by City Council past this date. Currently, the only properties subject to this extension are those municipally known as 18-28 King Street East. In accordance with the *Planning Act*, in order to continue to make this Program available to the subject property's owners, the GBIG Program must be reauthorized as part of this review. It should be noted that Council's reauthorization would apply only to the properties provided an extension at 18-28 King Street East and would not permit any application with respect to any other property in the city.

SUBJECT: Five-year Review of the Downtown and Community Renewal Community Improvement Plan and associated Financial Incentive Programs (PED21035) (City Wide) - Page 28 of 29

No changes have been made by staff to the program's purpose as outlined in the CIP contained in Appendix "A" nor to the program description contained in Appendix "I" to this Report.

ALTERNATIVES FOR CONSIDERATION

Not applicable.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" Proposed Revitalizing Hamilton's Commercial Districts Community Improvement Plan (formerly the Downtown and Community Renewal Community Improvement Plan)
- Appendix "B" Proposed Revitalizing Hamilton's Commercial Districts Community Improvement Project Area (formerly the Downtown and Community Renewal Community Improvement Project Area)
- Appendix "C" Proposed Program Description: Commercial District Housing Opportunities Program (formerly the Commercial Corridor Housing Loan and Grant Program)
- Appendix "D" Proposed Program Description: Downtown and Barton/Kenilworth Housing Opportunities Program (formerly the Hamilton Downtown, Barton and Kenilworth Multi-Residential Property Investment Program)
- Appendix "E" Proposed Program Description: Revitalizing Hamilton Tax Increment Grant Program (formerly the Hamilton Tax Increment Grant Investment Program)

**SUBJECT: Five-year Review of the Downtown and Community Renewal
Community Improvement Plan and associated Financial Incentive
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- Appendix “F” Proposed Program Description: Barton/Kenilworth Tax Increment Grant Program
- Appendix “G” Proposed Program Description: Commercial District Revitalization Grant Program (formerly the Commercial Property Improvement Grant Program and Business Improvement Area Commercial Property Improvement Grant Program)
- Appendix “H” Proposed Program Description: Barton/Kenilworth Revitalization Grant Program (formerly the Barton/Kenilworth Commercial Corridor Building Improvement Grant Program)
- Appendix “I” Proposed Program Description: Gore Building Improvement Grant Program
- Appendix “J” Proposed Program Description: Start-up and Office Tenant Attraction Program (formerly the Office Tenancy Assistance Program)
- Appendix “K” Proposed Program Description: Commercial Vacancy Assistance Program

Revitalizing Hamilton’s Commercial Districts Community Improvement Plan

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

ECONOMIC DEVELOPMENT DIVISION

CITY OF HAMILTON

TBD 2021



Hamilton

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2.0 INTRODUCTION

As Hamilton has grown and prospered, so too have the commercial districts that have served as important destinations for Hamiltonians to work, shop, live and play. Overtime, these areas have become an integral part of Hamilton’s urban fabric and to this day continue to serve an important role in supporting commerce in the city while also providing opportunities for a range of supporting amenities and uses including residential, institutional and recreational activities.

Today, not all commercial districts exist equally as their success ebbs and flows in response to changing commercial needs and trends. As a result, not all districts have continued to see the same level of investment and success that they once did despite the vital role these areas have in contributing to the overall prosperity of Hamilton and its residents.

This Plan, and the incentive programs it supports, are but one response to address the current and emerging issues facing Hamilton’s commercial districts.

3.0 PURPOSE OF THIS CIP

This Community Improvement Plan is intended to provide a framework for the provision of financial incentive programs that will support the revitalization of strategic urban commercial districts by minimizing financial barriers to, and stimulating new private sector investment in, the development of under-utilized properties and/or improve the appearance, functionality, marketability usability and/or safety of existing commercial buildings.

The expected outcome of this CIP is to achieve sustainable investment and growth in commercial districts that will allow these areas to emerge as more socially cohesive, economically prosperous and environmentally sustainable communities.

As an implementation tool, this plan builds upon past community improvement efforts for Hamilton’s commercial districts. Programs enabled through this CIP will complement and implement the vision and policies established in related plans and strategies including Provincial planning policies, the City of Hamilton’s Urban Hamilton Official Plan, Economic Development Action Plan and 2016-2025 Strategic Plan. These and other supporting documents are reviewed in Section 6.0 and provide rationale for the Community Improvement Project Areas described in Section 7.0 as well as the context for this Plan’s goals and objectives stated in Section 8.0.

Monitoring of this Plan’s implementation is outlined through reporting as noted in Section 10.0. This Plan may be amended from time to time in accordance with Section 11.0.

4.0 LEGISLATIVE AUTHORITY

The provision of financial incentives or other undertakings by a municipality to facilitate or carry-out community improvement in Ontario are primarily governed by the *Planning Act* and

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Municipal Act. Together these acts identify the tools, and their parameters, which municipalities may authorize and utilize for community improvement.

4.1 Provincial Legislation

Section 28 of the *Planning Act* (as amended) permits a municipality to establish a Community Improvement Plan (CIP) for the purposes of facilitating the community improvement of an area through the provision of financial incentives or actions which would otherwise be prohibited under Sub-section 106(2) of the *Municipal Act* (as amended). A CIP may be enacted by a municipality, by by-law, provided that:

- The municipalities Official Plan contains provisions relating to community improvement;
- The CIP identifies the geographic Community Improvement Project Area (CIPA) for which Council is of the opinion it is desirable to improve because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason (*Planning Act*, Subsection 28(2)) and which includes the provision of affordable housing; and
- The total of all grants, loans and/or tax assistance provided with respect to lands or buildings within the CIPA do not exceed the eligible costs as described within the CIP.

Once a CIP has come into effect, a municipality may:

- Acquire, hold, clear, grade or otherwise prepare land for community improvement;
- Construct, repair, rehabilitate or improve buildings on land acquired or held by it in the CIPA in conformity with the CIP, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;
- Sell, lease or otherwise dispose of any land acquired or held by it in the CIPA to any person or governmental authority for use in conformity with the CIP;
- Provide grants and/or loans in conformity with the CIP, to registered owners, assessed owners and tenants of lands and buildings within the CIPA, 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 CIP; and
- Provide grants and/or loans for eligible costs identified within the CIP which may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of

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land and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.

4.2 Municipal Authorization

Community improvement policies are contained in Section 1.15 of the Urban Hamilton Official Plan (UHOP) (as amended). In particular, the UHOP states the following with respect to municipal authorization of CIPs:

- It is the intent of Council through Community Improvement to promote and maintain a high-quality living and working environment throughout the City. Community Improvement shall be accomplished through (1) the upgrading and ongoing maintenance of communities or areas as characterized by obsolete buildings, and/or conflicting land uses and/or inadequate physical infrastructure and community services, and, (2) the establishment of policies and programs to address identified economic, land development and housing supply issues or needs throughout the Urban Area.”; and
- Community Improvement shall be carried out through the designation, by Council, of Community Improvement Project Areas and through the preparation and implementation of Community Improvement Plans pursuant to the Planning Act, R.S.O., 1990 c. P.13. It is the intent of Council that the entire urban area or any part of the urban area as defined in this Plan, and as subsequently amended, may by by-law be designated as a Community Improvement Project Area.

5.0 PREVIOUS PLANS, PROGRAMS AND INITIATIVES

This Plan replaces the Downtown and Community Renewal Community Improvement Plan as adopted by By-law 16-126 (as amended) and formerly known through previous iterations as the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan.

This plan is a continuation of revitalization efforts in Hamilton’s commercial districts which has occurred previously through various community improvement plans which were in place prior to the amalgamation of the Hamilton-Wentworth Region with its local area municipalities in 2001. In 2007 the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan (heron referred to as the ‘2007 Plan’) was adopted which combined twelve different CIPs into one new plan. Those individual plans and associated project areas were focused on Downtown Hamilton, the community downtowns of Dundas, Stoney Creek and Waterdown, as well as the Business Improvement Areas (BIAs). The 2007 Plan also introduced additional community improvement project areas in the Ancaster Village Core, Binbrook Community Core, and the Locke Street BIA. The 2007 Plan was then amended to

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extend programs to various commercial corridors within the City. The Plan was subsequently amended in 2014 to include the Mount Hope / Airport Gateway.

The Revitalizing Hamilton’s Commercial Districts Community Improvement Plan maintains the intent of past plans and ensures that programs being offered by the City remain relevant to current policy direction including the City’s 2016-2025 Strategic Plan, the 2016-2020 Economic Development Action Plan and the Urban Hamilton Official Plan.

As provided above, the various programs described within Section 9.0 of this Plan may be reviewed and amended from time to time, and new programs added, in accordance with Section 11.0.

In addition to this Plan, there have been other notable strategic initiatives and investments made in the Community Improvement Project Areas (CIPA) where this Plan applies. These initiatives have facilitated the creation of an environment that demonstrate the City’s on-going commitment to the revitalization of Hamilton’s commercial districts. These initiatives include:

- The partial waiving of development charges in the Downtown Hamilton Community Improvement Project Area (CIPA);
- Development charge reductions for small-scale, non-industrial developments in BIAs and other commercial areas identified as a CIPA under this Plan;
- The introduction of a program to provide rebates on City planning and building application fees in the Barton Street East and Kenilworth Avenue North corridors;
- A comprehensive review of the Downtown Hamilton Secondary Plan to guide development within the City’s Urban Growth Centre (UGC);
- Funding commitments by City Council that contributed towards the establishment of the David Braley Health Sciences Centre in Downtown Hamilton as well as various affordable housing projects;
- The approval of the Urban Hamilton Official Plan which provided the foundation for robust direction for development, particularly with respect to infill and intensification in commercial districts and corridors;
- The conversion of one-way streets to two-way streets along with streetscape improvement projects to enhance pedestrian environment and urban street life;
- The undertaking of master plans, design guidelines and studies to support improved public spaces and building design;
- The establishment of the 10-year Downtown Capital Budget Plan to identify priorities improvements to infrastructure and public spaces resulting in capital projects such as the

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Lister Block revitalization, MacNab Street Transit Terminal development and Gore Park improvements;

- Capital projects in the community downtowns/village cores including Ancaster Square, Dundas Memorial Square, Waterdown Memorial Hall and new parks in Stoney Creek and Binbrook;
- The completion and updating of Commercial Market Analysis and Action Plans for Business Improvement Areas, as well as the design and installation of BIA gateway features;
- The undertaking of the Barton-Kenilworth Commercial Corridors Study;
- The introduction of the Hamilton Downtown Public Art Reserve to promote new public art projects that improve the quality of public spaces and contribute toward an animated street life in Downtown; and
- Future improvements to downtown entertainment facilities including the FirstOntario Centre, FirstOntario Concert Hall and the Hamilton Convention Centre.

6.0 SUPPORTING POLICY FRAMEWORK

Existing Provincial and City policy frameworks contain policies that support the purpose and goals and objectives of this CIP as outlined in Sections 3.0 and 8.0 respectively as well as the associated incentive programs described in Section 9.0. The key supporting policies from applicable policy documents are outlined below.

6.1 Provincial Policy Statement (2020)

The Province of Ontario’s Provincial Policy Statement (PPS) provides policy direction for land use planning and development matters which are of Provincial interest including protecting resources, supporting public health and safety and creating high-quality natural and built environments. The PPS emphasizes the need for strong communities and identifies the need to provide sufficient housing which is affordable, and which will serve a broad range of needs within the community.

This CIP is consistent with the PPS and specifically addresses the following provincial interests identified within the PPS:

- Support land use patterns which efficiently use land and resources, efficiently use infrastructure and public services, minimize negative impacts to air quality and climate change, support active transportation and are transit-supportive (PPS, Subsection 1.1.3.2)

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- Promote opportunities for transit-supportive development and a significant supply and range of housing options through intensification and redevelopment (PPS, Subsection 1.1.3.3);
- Coordinate economic, environmental and social planning considerations to support efficient and resilient communities (PPS, Subsection 1.2.3);
- Provide for an appropriate range and mix of housing options to meet market-based and affordable housing needs for current and future residents (PPS, Subsection 1.4.3);
- Promoting green infrastructure (PPS, Subsection 1.6.2);
- Promoting opportunities for economic development and community investment-readiness (PPS, Subsection 1.7.1 (a));
- Encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce (PPS, Subsection 1.7.1 (b));
- Maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets (PPS Subsection 1.7.1 (c)); and
- Supporting energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions and preparing for the impacts of a changing climate by promoting compact form and a structure of nodes and corridors as well as encouraging transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion (PPS, Subsection 1.8.1 (a) and (e)).

6.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) provides a policy framework for implementing the Province’s vision for planning and managing growth and development within the Greater Golden Horseshoe (GGH), including Hamilton, in a way that supports complete communities, economic prosperity, protects the environment and helps communities achieve a high quality of life (Growth Plan, Section 1.2). To support this objective, the Growth Plan identifies a series of guiding principles which include, among other things, prioritizing intensification and higher density development in strategic growth areas so as to make efficient use of land and infrastructure and support transit viability (Growth Plan, Subsection 1.2.1). These principals are achieved through supporting policies and the establishment of minimum

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density targets to be achieved within the applicable planning horizon as stated in the Growth Plan.

This CIP is consistent with the Growth Plan, its guiding principles, and specifically, the following policies as identified within the Growth Plan:

- That, in Hamilton, a minimum of 50 percent of all residential development occurring annually will be within the built-up area (Growth Plan, Subsection 2.2.2 (a));
- Urban Growth Centres will be planned as focal areas for investment, serve as high-density major employment centres and accommodate significant population and employment growth (Growth Plan, Subsection 2.2.3 (1.));
- That:
 - Hamilton’s Urban Growth Centre be planned to achieve by 2031 or earlier a minimum density target of 200 residents and jobs per hectare (Growth Plan, Subsection 2.2.3 (2. b.)); and
 - Major transit station areas on priority transit corridors be planned for a minimum density target of 160 residents and jobs combined per hectare when served by light rail transit or bus rapid transit (Growth Plan, Subsection 2.2.4 (3. b.)); and

*(See Section 5.5 of this CIP for modified and additional supporting density targets as established through the Urban Hamilton Official Plan)

- Development within major transit station areas will be supported to provide a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels (Growth Plan, Subsection 2.2.4 (9. a));
- Integrating land use planning and economic development goals and strategies to retain and attract investment and employment (Growth Plan, Subsection 2.2.5 (1. d));
- Retail and office uses will be directed to locations that support active transportation and have existing or planned transit (Growth Plan, Subsection 2.2.5 (3.));
- The retail sector will be supported by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities (Growth Plan, Subsection 2.2.5 (15.));

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- Support housing choice including affordable ownership housing and rental housing through the achievement of minimum intensification and density targets of the Growth Plan and utilizing available land use planning and financial tools to achieve these targets (Growth Plan, Subsection 2.2.6 a) and b)); and
- To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes (Growth Plan, Subsection 2.2.6 (3.)).

6.3 City of Hamilton 2016-2015 Strategic Plan (2016)

The City of Hamilton’s 2016-2025 Strategic Plan (Strategic Plan) establishes a 10-year vision for the City that provides the context within which City services are provided in order to achieve the Plan’s stated mission “to provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner”. To achieve this, the Strategic Plan establishes seven priorities which were identified through community engagement and resident conversations including those that occurred through the Our Future Hamilton: Communities in Conversation initiative. These priorities are:

- Community Engagement and Participation
- Economic Prosperity and Growth
- Healthy and Safe Communities
- Clean and Green
- Building Environment and Infrastructure
- Culture and Diversity
- Our People and Performance

This CIP contributes towards the achievement of the Strategic Plan’s vision for Hamilton as further outlined in Section 10.0 Monitoring, whereby performance measures and monitoring of this CIP and its associated programs are established and linked to the achievement of the Strategic Plan’s vision.

6.4 2016-2020 Economic Development Action Plan (2016)

The 2016-2020 Economic Development Action Plan (EDAP) is a city-wide, action-oriented document that identifies areas of focus and key industry sectors that the City will concentrate resources and identify priority actions for over the next five years. The EDAP identifies nine areas of focus in order to maximize economic benefits to the city

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and its residents. Of these, this CIP most directly supports the “Commercial Area Revitalization” area of focus which concentrates on the continued revitalization and increased vitality of the city’s downtown, community downtowns, 13 BIAs, and other commercial corridors. As part of this focus, the EDAP identifies the continued provision of financial incentives to stimulate development and revitalization in these areas and is the primary focus of this CIP.

6.5 Urban Hamilton Official Plan (2013)

The Urban Hamilton Official Plan (UHOP) is the City’s long-term policy framework which establishes the City’s vision for the future in terms of managing growth, land use change and the physical development of the city as it is affected by environmental, social and economic factors. The UHOP includes land use policy that establishes an urban structure based on nodes and corridors accompanied by overlaying land use designations that guide the development and redevelopment of the city including commercial and mixed-use areas. The UHOP also contains the necessary policies to enable the creation of this CIP, in accordance with the *Planning Act*, through Chapter F, Section 1.15 of the UHOP.

This CIP is consistent with the UHOP and specifically supports the following policies of the Plan:

Density Targets:

- Achieving an increased density target for Hamilton’s Downtown Urban Growth Centre beyond that required by the Provincial Growth Plan of 250 people and jobs per hectare by 2031 (UHOP, Chapter A, Subsection 2.3.3.1);
- The City’s primary intensification areas shall be the Urban Nodes and Urban Corridors (UHOP, Chapter B, Subsection 2.4.1.2); and
- A total of 26,500 residential units are to be accommodated within the built-up area between 2001 and 2031 (UHOP, Chapter A, Subsection 2.3.3.4) with the following general distribution as per UHOP, Chapter B, Subsection 2.4.1.3:
 - 20% of the residential intensification target planned for the Downtown Urban Growth Centre;
 - 40% of the residential intensification target planned for the Urban Nodes and Urban Corridors; and
 - 40% of residential intensification target planned for the Neighbourhoods.

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- Provide for a range of housing types, forms and densities to meet the social, health and well-being requirements of all current and future residents (UHOP, Chapter B, 3.2.1.1);
- Provide housing within complete communities (UHOP, Chapter B, 3.2.1.2)
- Increase the mix of and range of housing types, forms, tenures, densities, affordability levels and housing support throughout the City’s urban area (UHOP, Chapter B, 3.2.1.6); and
- The achievement annual housing targets for both ownership and rental housing needs in the community including, market-based and affordable, low- and moderate-income targets as per UHOP, Chapter B, Subsection 3.2.2 and Tables B.3.2.1 and B.3.2.2).

Economy:

- The City will strengthen its economy by directing business activity to suitable locations (UHOP, Chapter B, Subsection 3.1.1 a)).

Environmental Sustainability/Climate Change

- The promotion of environmental sustainability through urban design including achieving compact development and resulting built forms and encouraging the use of Leadership in Energy and Environmental Design (LEED) or other environmental building rating tools for all development redevelopment (UHOP, Chapter B, Subsection 3.3.2.8 a) and d)).

In addition, the UHOP contains policies respecting existing, non-complying and non-conforming uses. Specifically, the UHOP contains the following policy:

- It is recognized there are some previously existing land uses that do not presently comply with the goals and objectives set out in this Plan. This Plan, while endeavouring to achieve a high degree of land use compatibility for new development, recognizes there is a degree of diversity in land use for existing areas where time and custom have achieved an acceptable level of tolerance. Many of these uses have been established for a considerable number of years. In some cases, it is recognized such situations exist and they can be continued in the interim. In other cases, there are some existing uses that not only do not comply with the Official Plan or conform to the Zoning By-law, and are incompatible with surrounding land uses (UHOP, Chapter F, Subsection 1.12).

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As such, all existing and proposed developments participating in programs and initiatives contained within this Plan shall conform with the policies in the Official Plan and comply with all municipal by-laws and regulation, including applicable Zoning By-laws as per Section 1.15.4 of the UHOP.

Legally non-complying or non-conforming uses and/or properties located within a Revitalizing Hamilton’s Commercial Districts CIPA may be eligible for participation in an applicable program under this Plan at the sole and absolute discretion of the City provided the use/building meets the following tests:

1. The proposed development must implement the intent and vision of the Urban Hamilton Official Plan (2013);
2. The Building Division records must validate the last recognized use as per a Zoning Verification stating the proposed use; and
3. Issuance of a Building Permit for the Legal Non-Conforming Use(s) must be qualified by the Building Division.

6.6 Secondary Plans

The following secondary plans include all or a portion of specific areas which are the subject of this Plan and identified in the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-Law.

Downtown Hamilton Secondary Plan

The Downtown Hamilton CIPA (properties located south of Cannon Street) and encompass lands which are the subject of the Downtown Hamilton Secondary Plan. The secondary plan outlines important goals and policy objectives which directly correlate to this Plan including:

- Reconnecting the Downtown to its neighbourhoods by developing vacant land and parking lots, and by rebalancing Downtown streets as attractive pedestrian places (UHOP Volume 2, Chapter B, 6.1.2 b));
- Recognizing and supporting the creation and continued development of Downtown residential neighbourhoods as key to revitalizing Downtown with residents contributing to the viability of downtown retailers and service providers (UHOP Volume 2, Chapter B, 6.1.2 c));
- Hamilton’s legacy of historic buildings and streetscapes are its greatest distinction and worthy of enhanced restoration effort (UHOP Volume 2, Chapter B, 6.1.2 d));

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- Shall accommodate a range of economic activities including retail and services that appeal to a broad Regional market and serve residents across the City and within the Downtown as well. (UHOP Volume 2, Chapter B, 6.1.3.2);
- Support Downtown Hamilton’s role as the governmental, institutional, entertainment, and cultural centre of the City (UHOP Volume 2, Chapter B, 6.1.3.2 a));
- Promote retail areas geared to the needs of residents in the Downtown and adjacent neighbourhoods (UHOP Volume 2, Chapter B, 6.1.3.2 d));
- Investigate ways to leverage green infrastructure opportunities to improve air quality, absorb stormwater, minimize the urban heat island, and expand biodiversity (UHOP Volume 2, Chapter B, 6.1.3.6 e));
- Provide for a range of housing types, forms, and densities to meet the social, health, and well-being requirements of all current and future residents (UHOP Volume 2, Chapter B, 6.1.3.7 a));
- Increase Downtown’s stock of affordable housing of all types (UHOP Volume 2, Chapter B, 6.1.3.7 c));
- The existing residential areas within the Downtown shall be maintained by encouraging the retention and adaptive re-use of existing buildings, including those identified as a built heritage resource through regulations and special programs that support the conversion of existing structures (UHOP, Volume 2, Chapter B, 6.1.5.2);
- All developments shall be encouraged to strive for LEED Gold or higher rating, or an equivalent standard (UHOP Volume 2, Chapter B, 6.1.13.1 h)); and
- Community Improvement Plans for the Downtown Hamilton Secondary Plan area shall align with the vision, principles, and objectives of the Secondary Plan (UHOP Volume 2, Chapter B, 6.1.14.2).

West Harbour (Setting Sail) Secondary Plan

The Downtown Hamilton CIPA (properties located north of Cannon Street) and the James Street North Commercial Corridor CIPA encompass lands which are the subject of the West Harbour (Setting Sail) Secondary Plan. The secondary plan outlines important goals and policy objectives which directly correlate to this Plan including:

- Encourage compatible development on abandoned, vacant and underutilized land (UHOP Volume 2, Chapter B, 6.5.2.2 c));

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- Support James Street North as the area’s main commercial street (UHOP Volume 2, Chapter B, 6.5.2.2 d));
- Encourage new commercial uses that cater to the local neighbourhood (UHOP Volume 2, Chapter B, 6.5.2.2 e));
- Preserve, restore and/or reuse buildings of historic or architectural significance (UHOP Volume 2, Chapter B, 6.5.2.2 j));
- Community Improvements Plans and other programs and initiatives may be developed to identify, guide, encourage, and track future development in the study area (UHOP Volume 2, Chapter B, 6.5.12.5); and
- The objectives and criteria for all municipal grant and loan programs established under a Community Improvement Plan for West Harbour shall conform to this Secondary Plan (UHOP Volume 2, Chapter B, 6.5.12.7).

Ainslie Wood Westdale Secondary Plan

The Westdale CIPA, King Street West Commercial Corridor CIPA and Main Street West CIPA encompass lands which are the subject of the Ainslie Wood Westdale Secondary Plan. The secondary plan outlines important goals and policy objectives which directly correlate to this Plan including:

- Provide commercial areas, especially along the King Street historic community core and along portions of other major roads. (UHOP Volume 2, Chapter B, Subsection 6.2.4 h));
- Provide for the shopping needs of residents, as well as provide specialty shopping areas for visitors. (UHOP Volume 2, Chapter B, Subsection 6.2.6);
- Enhance appearance and encourage good maintenance of commercial buildings and areas. (UHOP Volume 2, Chapter B, Subsection 6.2.6.1 c)); and
- Financial incentive programs to enhance the appearance of commercial areas shall be provided within the framework of existing planning legislation for areas designated as Business Improvement Areas (BIAs). The establishment of new BIA areas, or new funding programs, may be considered where these would be appropriate, and in keeping with relevant legislation (UHOP Volume 2, Chapter B, Subsection 6.2.6.2 g)).

Ancaster Wilson Street Secondary Plan

The Ancaster Village Core CIPA encompasses lands which are the subject of the Ancaster Wilson Street Secondary Plan. The secondary plan outlines important goals and policy objectives which directly correlate to this Plan including:

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- Provide a variety of housing opportunities for various demographics, as well as mixed use and commercial areas, which offer employment opportunities and meet the shopping and personal service needs for area residents and visitors (UHOP Volume 2, Chapter B, Subsection 2.8.2);
- Direct a majority of growth and development towards the Community Node (UHOP Volume 2, Chapter B, Subsection 2.8.3);
- Achieving efficient use of buildings and infrastructure (UHOP Volume 2, Chapter B, Subsection 2.8.4 b));
- Provide for commercial opportunities (UHOP Volume 2, Chapter B, Subsection 2.8.4 h));
- Support the destination shopping role of the Ancaster Village Core and Business Improvement Area along Wilson Street, which serves the local community, as well as a wider regional market (UHOP Volume 2, Chapter B, 2.8.5 g)); and
- Encourage adaptive reuse of buildings to maintain the historic and town character (UHOP Volume 2, Chapter B, Subsection 2.8.5 l)).

Binbrook Village Secondary Plan

The Binbrook Village CIPA encompasses lands which are the subject of the Binbrook Village Secondary Plan. The secondary plan outlines important goals and policy objectives which directly correlate to this Plan including:

- Establish the Community Core as the identifiable commercial and service centre of Binbrook Village which serves the needs of Binbrook Village and the surrounding area (UHOP Volume 2, Chapter B, Subsection 5.1.2.5); and
- Make the Community Core a destination by providing a unifying theme which will identify it as a unique and special area in Binbrook Village and ensuring it develops in a coordinated, well designed and aesthetically pleasing manner (UHOP Volume 2, Chapter B, Subsection 5.1.2.6).

Old Town (Stoney Creek) Secondary Plan

The Downtown Stoney Creek CIPA encompasses lands which are the subject of the Old Town Secondary Plan. The secondary plan outlines important goals and policy objectives which directly correlate to this Plan including:

- All development within the Old Town shall protect and maintain the economic viability of Stoney Creek’s downtown and support its revitalization through conversion, infilling and redevelopment. (UHOP Volume 2, Chapter B, Subsection 7.2.1.1).

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Mount Hope Secondary Plan

The Mount Hope / Airport Gateway CIPA encompasses a portion of lands which are the subject of the Mount Hope Secondary Plan. The secondary plan outlines important goals and policy objectives which directly correlate to this Plan including:

- Lands with District Commercial designation shall be encouraged to be redeveloped for District Commercial uses. (UHOP Volume 2, Chapter B, Subsection 5.4.4.1 c)); and
- The District Commercial designation adjacent to Airport Road West and Homestead Drive enjoys a high degree of visibility and provides a gateway to the John C. Munro International Airport. To ensure this area develops in a coordinated, well-designed and aesthetically-pleasing manner with adequate infrastructure and amenities, and to provide funding eligibility, the City shall investigate the designation of these lands as a Community Improvement Project Area (UHOP Volume 2, Chapter B, Subsection 5.4.4.1 f)).

6.7 Barton/Kenilworth Commercial Corridors Study

On September 10, 2014, Council approved the final recommendations of the Barton-Kenilworth Commercial Corridors Study. The Study identified priority actions with respect to financial incentives available in these areas in order to further facilitate the revitalization of the Barton Street East and Kenilworth Avenue North corridors. Details of the programs which apply to these corridors and which address these actions can be found in Section 9.0 of this Plan.

7.0 COMMUNITY IMPROVEMENT PROJECT AREA

This section describes the commercial districts within Hamilton’s urban area which contain sites that are in transition, under-utilized and/or in need of repair, rehabilitation and redevelopment and thus intended to be the subject of one or more programs and/or initiatives established under this Plan. The specific geographic boundaries for each Community Improvement Project Area (CIPA) described below is further delineated within the companion Revitalizing Hamilton’s Commercial Districts CIPA By-law (CIPA By-law) and should be referenced alongside this Plan.

Notwithstanding the following geographic descriptions or geographic boundaries contained within the companion CIPA By-law, the following shall apply:

- A property which is not located within a defined CIPA, but which is:
 - adjacent to an eligible CIPA property; and
 - is forming part of a comprehensive development with an adjacent eligible CIPA property

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may be considered to form part of the same CIPA and eligible for the same applicable incentive programs as the abutting eligible CIPA property except where the eligible CIPA property has been explicitly identified for inclusion in a CIPA to support an objective within the purpose of this Plan as per the policies of the Urban Hamilton Official Plan, an applicable Secondary Plan or other Council approved policy.

The determination of properties forming part of a comprehensive development shall be at the discretion of the City and will include consideration of physical elements which are required for the satisfactory functioning of both properties (such as parking facilities, points of vehicular access and egress etc.).

- Properties containing buildings designated under Part IV or Part V of the Ontario Heritage Act and located within the City of Hamilton boundary, may be eligible for one or more programs established under this Plan where it is identified that a program may apply to such properties in Section 9.0 of this Plan.

7.1 Downtown Hamilton

The strength and vitality of Hamilton’s downtown is a clear signal of the strength and vitality of the city as a whole. Downtown Hamilton has been influenced by broad economic, social and physical change over the years and continues to represent an important area where municipal investment, planning and resources have been continually dedicated to support its revitalization.

The Downtown Hamilton CIPA includes the historic core of the City of Hamilton and surrounding areas which have been the traditional centre of commercial and cultural activity, institutional uses and government for the broader city. Included within the Downtown Hamilton CIPA are the following notable areas:

- The Downtown Hamilton Urban Growth Centre (UGC), as recognized in the Urban Hamilton Official Plan, which is the City’s pre-eminent node for commercial and office development that will also accommodate a large and diverse population, major cultural facilities and entertainment uses, and function as a major transit hub. The Downtown Hamilton UGC includes properties within and abutting the area bounded by Cannon Street, Victoria Avenue, Hunter Street and Queen Street, and also includes the properties fronting onto James Street North to the CN railway and south to Charlton Avenue. This area serves as a central hub of the City’s transit system via the MacNab Transit Terminal, the Hunter Street GO Transit station, as well as the new West Harbour GO Station. Key civic features within this area include Gore Park, City Hall, the Central Public Library, Hamilton Farmers Market, the Art Gallery of Hamilton, Theatre Aquarius, First Ontario Place, First Ontario Concert Hall, as well as key commercial

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destinations including Jackson Square / City Centre, James Street and Hess Village;

- The limits of the Downtown Hamilton BIA, International Village BIA, King West BIA and Main West Esplanade BIA; and
- Specific properties which are the subject of a Master Agreement with the City where the redevelopment or intensification of which will support the advancement of improvements to the City’s First Ontario Centre, First Ontario Concert Hall and the Hamilton Convention Centre.

Although this Plan’s programs have supported notable improvements to numerous properties over the years, there continues to be a need to support the on-going revitalization of Downtown Hamilton through financial incentives due to the continued presence of a significant existing building stock in need of improvement and presence of underutilized properties which if improved/redeveloped, could further expedite the achievement of stated long-term objectives for Downtown.

7.2 Community Downtowns/Village Cores and Business Improvement Areas

Hamilton is a city of many communities. In addition to Downtown Hamilton, it features a variety of commercial districts and civic centres reflective of the past development and history of the former Hamilton-Wentworth Region. They include the Community Downtown/Village Core areas of the former municipalities of Ancaster, Dundas, Flamborough (Waterdown), Glanbrook (Binbrook) and Stoney Creek as well as the commercial corridors between them. Certain parts of these areas have established Business Improvement Areas (BIAs) to co-ordinate promotion and beautification. To varying degrees, the Community Downtowns/Village Cores and BIAs face many of the same issues as Downtown Hamilton that can be addressed through community improvement, such as the conservation / adaptive reuse of existing buildings, including heritage buildings, making better use of underutilized land and buildings through infill and redevelopment, and increasing the number of residents to support local business in mixed-use, multi-modal environments.

Each Community Downtown/Village Core, comprising Ancaster, Binbrook, Dundas, Stoney Creek and Waterdown as well as all current BIAs located outside of a Community Downtown/Village Core are identified as a CIPA for the purposes of this Plan as follows:

Community Downtowns/Village Cores:

- The Ancaster Village Core Community Improvement Project Area defined by the limits of the Ancaster BIA and which is designated “Community Node” in the Urban Hamilton Official Plan (Schedule E, Urban Structure);

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- The Binbrook Village Core Community Improvement Project Area designated as “Neighbourhoods” in the Urban Hamilton Official Plan (Schedule E, Urban Structure) and “Mixed Use Medium Density” and “Mixed Use Medium Density – Pedestrian Focus” in the Binbrook Village Secondary Plan (Land Use Plan Map B.5.1-1);
- The Downtown Dundas Community Improvement Project Area designated as “Community Node” in the Urban Hamilton Official Plan (Schedule E, Urban Structure) and which includes the limits of the Dundas BIA;
- The Downtown Stoney Creek Community Improvement Project Area designated as “Community Node” in the Urban Hamilton Official Plan (Schedule E, Urban Structure) and which includes the limits of the Stoney Creek BIA; and
- The Downtown Waterdown Community Improvement Project Area designated as “Community Node” in the Urban Hamilton Official Plan (Schedule E, Urban Structure), a portion of the area designated as “Mixed Use Medium Density” in the West Waterdown Secondary Plan (Land Use Plan Map B.4.1-1) and which includes the limits of the Waterdown BIA.

BIAs located outside of a Community Downtown/Village Core or Commercial Corridor CIPA:

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

7.3 Commercial Corridors

Throughout Hamilton’s urban area are commercial corridors with “main street” characteristics that, although not located within a downtown area or organized as part of a BIA, nonetheless exhibit similar characteristics and face similar challenges as those outlined in 6.1 and 6.2. These corridors generally have a mix of land uses predominantly

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characterized by ground-floor commercial uses, in buildings situated close to the street on relatively small properties. The identified areas are primarily located within the lower, inner City, but also include targeted corridors above the Escarpment which contain underutilized commercial properties. These properties contain opportunities for infill or redevelopment that would utilize existing infrastructure and would be located in close proximity to transit.

These corridors are collectively identified as the Commercial Corridors CIPA and generally include properties fronting on the following streets:

- Barton Street East between Sherman Avenue and Walter Avenue;
- Dundurn Street South from Aberdeen Avenue to the southerly CNR right-of-way;
- James Street North from Strachan Street to just north of Burlington Street;
- Kenilworth Avenue North between Main Street and Barton Street;
- King Street East between Main Street at the Delta and Wentworth Street;
- King Street West between Highway 403 and the Westdale BIA;
- Main Street East between Wentworth Street and Rosewood Road;
- Main Street West between Highway 403 and Osler Drive, also including abutting properties designated 'Mixed Use' on the Ainslie Wood Westdale Secondary Plan Land Use Plan;
- Parkdale Avenue North and South between Queenston Road and Barton Street;
- Queenston Road between the Queenston Traffic Circle and Reid Avenue;
- Upper James Street between Duff Street and Richwill Road (for the westerly side of Upper James Street and a portion of the east side);
- Upper Wellington Street from just south of Brucedale Avenue to just north of Inverness Avenue;
- York Boulevard between the Downtown Hamilton Community Improvement Project Area and Dundurn Street on the south side or Inchbury Street on the north side; and
- Cannon Street East between Emerald Street North and Smith Avenue and the south side of Cannon Street East between Smith Avenue and Wentworth Street North.

7.4 Mount Hope/Airport Gateway

The Mount Hope/Airport Gateway CIPA is focused on the existing and historic built up commercial and mixed-use area of Mount Hope at the intersection of Airport Road and Homestead Drive and north to Upper James Street. The area possesses building stock and properties that are in need of rehabilitation, have heritage or architectural significance; are deteriorated or contain insufficient physical infrastructure or which are the subject of encroachment from incompatible land uses or activities affecting development opportunities. Community improvement programs and initiatives may help facilitate the transition of properties from residential to other permitted uses, address long standing vacancies and poor building conditions and promote infill development of vacant lots. The Mount Hope/Airport Gateway CIPA includes a portion of the lands designated District Commercial in the Mount Hope Secondary Plan (Land Use Plan Map B.5.4-1).

8.0 GOALS AND OBJECTIVES

With consideration to the purpose of this Plan as outlined in Section 3.0, and the cited Provincial and City plans and policies detailed in Section 4.0, the goals of this Plan are to ensure Hamilton’s urban commercial districts are:

- Safe, clean, socially, economically and environmentally healthy areas where people want to work, shop, live and play;
- Contain a viable population of residents, jobs and visitors that support demand for local businesses and services in these areas;
- Continuing to grow in a manner that supports the achievement of applicable density and residential unit targets;
- Efficiently utilizing existing infrastructure;
- Places with opportunities to provide a range of housing options, in terms of affordability and tenure, that help meet the needs of current and future residents and support a strong and diverse local workforce;
- Places of investment that add value and increase assessment and property tax generation;
- A focus for improvements and redevelopment which, in addition to supporting the revitalization of the area, address current and future City priorities including, but not limited to, environmental sustainability, housing affordability and tenure options and attraction of office uses and developments; and

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- Supported in terms of maintaining and enhancing the unique attributes and roles of commercial districts within the city.

To help realize those goals, the following objectives have been identified for this Plan and its associated incentive programs:

- Increase and improve the supply of residential units and commercial business;
- Facilitate intensification and infill of appropriate and compatible redevelopment of underutilized buildings and properties;
- Improve the accessibility, functionality and marketability of urban commercial districts, including the rehabilitation, maintenance and adaptive re-use of existing buildings including cultural heritage resources;
- Improve the aesthetics of private properties to create an attractive public realm;
- Support the presence of commercial uses that create vibrant and active commercial streets;
- Facilitate the development of urban commercial districts as mixed-use areas that will encourage walking, cycling and transit use;
- Support residential developments that will support existing and future recreational and cultural amenities;
- Identify and address economic barriers and/or restrictions to development and investment opportunities;
- Provide loans, grants and other economic incentives to stimulate private property improvement and/or redevelopment; and
- Focus the co-ordination of municipal expenditures and planning and development activity.

9.0 INCENTIVE PROGRAMS AND OTHER INITIATIVES

This CIP contains incentive programs which are intended to be applied within a targeted Community Improvement Plan Area based on the specific needs, priorities and context of that area. Notwithstanding the above, some programs may be applicable across more than one CIPA contained within the Revitalizing Hamilton Community Improvement Project Area By-law. Each program described in this section will identify the intended CIPA(s) within which each program is intended to apply. Detailed program descriptions for each program described in this section are adopted by City Council resolution and contained as appendices to this Plan for reference. The applicable program descriptions shall be those that were approved by City Council and in

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effect on the date an application under any program in this section was approved by City Council or their designate.

Notwithstanding any program descriptions approved by City Council, applications under any program authorized under this Plan can be rejected by City Council for any reason. Such a decision can take into account matters not set forth in the applicable program descriptions and are within City Council’s sole, absolute and unfettered discretion.

Decisions and reasons for the City’s accepting or rejecting an application shall not act as a precedent for any other application.

Programs described in this section address a variety of themes which support the broader revitalization of commercial districts including supporting housing creation and supply, promoting property improvement/redevelopment, business sector development and other municipal actions and strategies.

9.1 Commercial District Housing Opportunities Program

The Commercial District Housing Opportunities (CDHO) Program is intended to provide financial assistance in the form of a low-interest loan and grant to promote the improvement or development of dwelling units that will create new/improved housing opportunities and support robust local commercial district populations that add vibrancy and support demand for local commercial businesses/services. Activities supported by this program include:

- Converting existing non-residential spaces into dwelling units where permitted in accordance with the applicable City zoning by-law;
- Undertaking renovations to existing dwelling units including improvements to address health and safety matters for the existing units;
- Creation of new dwelling units, including accessory Dwelling Units, via building additions or new detached accessory buildings. Including laneway housing; and/or
- Creation of new dwelling units through development of vacant land, surface parking lots or redevelopment of existing buildings.

This Program will apply within the Downtown Hamilton CIPA, the Community Downtown/Village Core CIPAs, active and dormant BIA CIPAs, Commercial Corridor CIPAs and those properties within the City boundary designated under Part IV or Part V of the *Ontario Heritage Act* as collectively defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law.

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This Program’s description including but not limited to: program terms, eligibility criteria, maximum loan amount, loan repayment requirements and administrative procedures, as adopted by City Council resolution, are contained in Appendix A

9.2 Downtown and Barton/Kenilworth Housing Opportunities Program

The Downtown and Barton/Kenilworth Housing Opportunities (DBKHO) Program is intended to provide financial assistance in the form of a low-interest loan to promote the improvement or development of multiple dwelling units that will create new/improved housing opportunities and support robust local commercial district populations that add vibrancy and support demand for local commercial businesses/services. Activities supported by this program include:

- The creation of at least three new dwelling units through the development of a multiple dwelling on vacant land, surface parking areas or the redevelopment of existing buildings;
- A building addition containing at least three new dwelling units;
- The conversion of existing non-residential space into housing consisting of at least three new dwelling units; and/or
- Undertaking renovations to existing dwelling units located in a building containing more than three dwelling units including improvements to address health and safety matters of the existing units.

The maximum loan, applicable interest rates and basis for providing a loan are contained in the program description, as adopted by City Council resolution. City Council may modify such matters without amendment to this Plan.

This Program will apply within the Downtown Hamilton CIPA, the Barton Village BIA CIPA, the Barton Street Commercial Corridor CIPA (east of the Barton Village BIA CIPA) and the Kenilworth Avenue North Commercial Corridor CIPA as collectively defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law.

This Program’s description including but not limited to: program terms, eligibility criteria, maximum loan amount, loan repayment requirements and administrative procedures, as adopted by City Council resolution, are contained in Appendix B.

9.3 Revitalizing Hamilton Tax Increment Grant Program

The Revitalizing Hamilton Tax Increment Grant (RHTIG) Program is intended to provide a grant to incentivize property owners within strategic commercial districts to develop, redevelop or otherwise improve properties and/or buildings (including designated

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heritage buildings) in a manner that will support the broader revitalization of the commercial district as well as generate new municipal property tax revenue through increased property assessments.

As a tax increment-based program, Grants are provided relative to the actual increase in municipal property taxes that are generated as a result of an improvement/ development undertaken on a property. Grants are provided over a maximum term of four annual payments and subject to City Council approval. The pre-development municipal property taxes used for determining the actual municipal property tax increment are those from either the year in which the building permit that initiated the improvement/development was issued or, for projects that do not require a building permit, the year in which City Council approved the Program application. Each annual payment is to be provided based on the municipal property tax increment generated in each of the four years.

Grants under the program may be provided through one of two streams in response to how the project addresses specific City priorities. Projects will be identified as either a Revitalization Project or an Enhanced Revitalization Project. Revitalization Projects are defined as the undertaking of improvements/developments that will generate an increase in municipal taxes while Enhanced Revitalization Projects are defined as the undertaking of improvements/developments that will generate an increase in municipal taxes and which meet one or more of the following requirements in support of City priorities:

- The improvement/development will receive certification for the achievement of environmental sustainability standards from an eligible organization/program and/or will be connected to (or be designed to allow for future connection to) a district energy system. Eligible environmental sustainability certifications as well as building standards to allow for future district energy connections required to be provided shall be established through the Program Description contained in Appendix C as amended from time to time; and/or
- The improvement/development has been approved for financial assistance under a Canada Mortgage and Housing Corporation (CMHC), provincial or City program for the purposes of creating residential rental housing that address housing affordability within the city.

The maximum grant amount prescribed for Revitalization Projects and Enhanced Revitalization Projects are identified in Table 1.

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Table 1 – Prescribed Maximum Grant as a Percentage of Actual Municipal Tax Increment

Year of Grant	Maximum annual Grant amount as a percentage of actual municipal tax increment generated	
	Revitalization Projects	Enhanced Revitalization Projects
1	100%	100%
2	75%	100%
3	50%	100%
4	25%	100%

This Program will apply within the Downtown Hamilton CIPA, the Community Downtown/Village Core CIPAs, BIA CIPAs, the Mount Hope / Airport Gateway CIPA and those properties within the City boundary designated under Part IV or Part V of the *Ontario Heritage Act* as collectively defined through the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area By-law.

This Program's description including but not limited to: program terms, eligibility criteria, ability to assign the grant, grant calculation and administrative procedures, as adopted by City Council resolution, are contained in Appendix C.

9.4 Barton/Kenilworth Tax Increment Grant Program

The Barton/Kenilworth Tax Increment Grant (BKTIG) Program is intended to provide a grant to incentivize property owners located along the Barton Street and Kenilworth Avenue North commercial corridors to develop, redevelop or otherwise improve properties and/or buildings (including designated heritage buildings) in a manner that will support the broader revitalization of these districts as well as generate new municipal property tax revenue through increased property assessments.

As a tax increment-based program, Grants are provided relative to the actual increase in municipal property taxes that are generated as a result of an improvement/ development undertaken on a property. Grants are provided over a maximum term of nine annual payments and subject to City Council approval. The pre-development municipal property taxes used for determining the actual municipal property tax increment are those from either the year in which the building permit that initiated the improvement/development was issued or, for projects that do not require a building permit, the year in which City Council approved the Program application. Each annual payment is to be provided based on the municipal property tax increment generated in each of the nine years. The maximum annual Grant prescribed under this program is identified in Table 2.

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**Table 2 – Prescribed Maximum Grant as
a Percentage of Actual Municipal Tax
Increment**

Year of Grant	Maximum annual Grant amount as a percentage of actual municipal tax increment generated from improvement/development
1	100%
2	100%
3	100%
4	100%
5	100%
6	80%
7	60%
8	40%
9	20%

This Program will apply within the Barton Village BIA CIPA, the Barton Street and Kenilworth Avenue North Commercial Corridor CIPAs and properties within the Downtown Hamilton CIPA which front on Barton Street East between James Street North and Victoria Avenue North as collectively defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law.

This Program’s description including but not limited to: program terms, eligibility criteria, ability to assign the grant, grant calculation and administrative procedures, as adopted by City Council resolution, are contained in Appendix D.

9.5 Commercial District Revitalization Grant Program

The Commercial District Revitalization Grant (CDRG) Program is intended to provide grants that will support long-lasting and predominantly exterior physical improvements to the appearance, accessibility and environmental sustainability of commercial or mixed use commercial properties located within strategic commercial districts, including Business Improvement Areas (BIA), whose visibility and long-term success contributes to Hamilton’s image for both residents and visitors. Activities supported by this program include:

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- Exterior building façade improvements;
- Exterior/interior improvements that achieve Accessibility for Ontarians with Disabilities Act (AODA) standards;
- Exterior building/property improvements which improve appearance or functionality including those that enhance environmental sustainability of the building/property; and
- Limited interior mechanical/ventilation improvements for restaurant uses.

This Program is not intended to provide support for temporary or non-permanently affixed improvements such as, but not limited to, indoor/outdoor furniture. Additional details regarding ineligible costs/improvements are provided within the Program’s description contained in Appendix E.

This Program will apply to commercial units on properties zoned to permit commercial uses which are located within the Downtown Hamilton CIPA, the Community Downtown/Village Core CIPAs, Business Improvement Area CIPAs, the Mount Hope / Airport Gateway CIPA and the Commercial Corridor CIPAs as collectively defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law.

This Program’s description including but not limited to: program terms, eligibility criteria, ability to assign the grant, grant calculation and administrative procedures, as adopted by City Council resolution, are contained in Appendix E.

9.6 Barton/Kenilworth Revitalization Grant Program

The Barton / Kenilworth Improvement Grant (BKRIG) Program is intended to support the development of properties as well as the maintenance, functionality, viability, accessibility and aesthetics of existing commercial, mixed use commercial, multi-residential or institutional use buildings within the Barton Street and Kenilworth Avenue North commercial corridors which were the subject of the Barton and Kenilworth Commercial Corridors Study.

This Program is not intended to provide support for temporary or non-permanently affixed improvements such as, but not limited to, indoor/outdoor furniture. Additional details regarding ineligible costs/improvements are provided within the Program’s description contained in Appendix F.

This Program will apply within the Barton Village BIA CIPA, the Barton Street and Kenilworth Avenue North Commercial Corridor CIPAs and properties within the Downtown Hamilton CIPA which front on Barton Street East between James Street

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North and Victoria Avenue North as collectively defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law.

This Program’s description including but not limited to: program terms, eligibility criteria, ability to assign the grant, grant calculation and administrative procedures, as adopted by City Council resolution, are contained in Appendix F.

9.7 Gore Building Improvement Grant Program

The Gore Building Improvement Grant (CBIG) Program supports the maintenance, attractiveness, functionality and viability of the historic building stock that front into Gore Park in Downtown Hamilton known as the “Gore”. Grants provided under this program are intended to support improvements to existing properties that will allow buildings to meet present-day by-laws with respect to property standards and signage requirements as well as improve building accessibility.

This Program will apply within the Downtown Hamilton CIPA on properties which front on King Street East between James Street North and Catharine Street North as defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law.

This Program’s description including but not limited to: program terms, eligibility criteria, ability to assign the grant, grant calculation and administrative procedures, as adopted by City Council resolution, are contained in Appendix G.

9.8 Start-up and Office Tenant Attraction Program

The Start-up and Office Tenant Attraction (SOTA) Program is intended to provide a low-interest loan and/or forgivable loan that will facilitate the undertaking of eligible leasehold improvements, as described in the Program Description attached as Appendix H. to office space by property owners or authorized tenants in order to support the creation of new office space and improve the marketability and attractiveness of existing office space. This Program will serve as a tool to reduce office vacancy rates in Downtown Hamilton and other eligible commercial districts and serve as a means of attracting new and expanding office uses and businesses to Hamilton.

In addition to supporting general office tenancy, this Program will also serve as a means of attracting both start-up/business incubators and individual start-up businesses who are emerging from regional, national and international start-up/business incubators seeking to establish their first permanent office location.

For the purposes of this Program, the following definitions shall apply:

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- An Office shall mean a use which would meet the definition of an ‘Office’ or ‘Production Studio’ as defined under Hamilton Zoning By-law 05-200 as amended.
- A Start-up shall mean a business who is a current tenant of a start-up/business incubator, where support services/resources for new or growing businesses are provided as a component of one’s tenancy. For the purposes of this Program a Start-up shall also include a start-up/business incubator that provides space and services to new businesses and entrepreneurs.
- An Educational Establishment shall mean a non-for-profit university or college (established pursuant to the *Ontario Colleges of Applied Arts and Technology Act, 2002*, and its regulations) for academic instruction receiving funds from the Province of Ontario and shall include a hospital or institution, including the associated offices of such uses.

City Council, in its sole and absolute discretion may, at the time of initially approving a loan commitment:

- Increase the maximum loan amount being provided; and/or
- Provide all or portion of the Loan in the form of a Forgivable Loan to a maximum of \$25,000.00, or such other amount at the discretion of City Council, where:
 - the applicant is an Educational Establishment establishing a presence within the Downtown Hamilton CIPA; or
 - the applicant is a Start-up.

This Program will apply within the Downtown Hamilton CIPA, the Community Downtown/Village Core CIPAs, Business Improvement Area CIPAs, the Mount Hope / Airport Gateway CIPA and the Barton Street and Kenilworth Avenue North Commercial Corridor CIPAs as collectively defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law.

This Program’s description including but not limited to: program terms, eligibility criteria, ability to assign the grant, grant calculation, maximum loan amount, loan repayment requirements and administrative procedures, as adopted by City Council resolution, are contained in Appendix H.

9.9 Commercial Vacancy Assistance Program

The Commercial Vacancy Assistance (CVA) Program is intended as a temporary program that is a direct response to minimize potential commercial vacancies arising during,

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and/or in the immediate recovery from, the COVID-19 pandemic and its impact on the local, provincial and national economy.

This Program will provide financial assistance in the form of a grant to new permanent or ‘pop-up’ commercial tenants of a presently vacant at, or below grade, commercial space so as to make permanent interior improvements for the purposes of improving the attractiveness and usability of the space for the intended commercial use. To be eligible, the intended commercial use must be accessible to the public/customers and may include, but not be limited to, retail uses, artists studios/galleries containing a retail component and/or dine-in or take-out restaurants but shall not include office uses, medical clinics, financial institutions, any residential use or any vehicle-oriented commercial service uses.

This Program is not intended to provide support for temporary or non-permanently affixed improvements such as, but not limited to, indoor/outdoor furniture. Additional details regarding ineligible costs/improvements are provided within the Program’s description contained in Appendix I.

This Program will cease two years from the date this Plan is adopted by City Council unless an extension is provided by City Council via resolution. Such an extension shall not require an amendment to this Plan.

This Program will apply to commercial units on properties zoned to permit commercial uses within the Downtown Hamilton CIPA, the Community Downtown/Village Core CIPAs, Business Improvement Area CIPAs, the Mount Hope / Airport Gateway CIPA and the Commercial Corridor CIPAs as collectively defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law.

This Program’s description including but not limited to: program terms, eligibility criteria, ability to assign the grant, grant calculation and administrative procedures, as adopted by City Council resolution, are contained in Appendix I.

9.10 Other Strategies

The following programs and initiatives are provided under the authority of subsection 106(3) of the Municipal Act and are intended to augment and support the goals, objectives and financial incentive programs contained in this Plan.

9.10.1 Relief from Fees and Charges

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

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9.10.2 Co-operation / Participation with Private Sector Entities

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

9.10.3 Capital Improvements

The City of Hamilton may undertake capital improvements in order to enhance the attractiveness of the pedestrian environment along streets and public spaces within areas identified in Section 7.0 of this Plan. These improvements may include but are not limited to expanding the Urban Braille system, providing street furniture, street lighting and pole upgrades, and wayfinding signage, among other public realm improvements. The entrances to the downtown areas and BIAs will be identified by appropriately designed and located gateway features.

9.10.4 Housing Affordability

The need for low to moderate and affordable housing is of paramount importance in many North American cities. This issue is at the forefront in many communities, including the City of Hamilton. The concerns of homelessness and gentrification are often tied to how we address the housing needs throughout the City. The need to address these concerns is reflective of the current housing market, and the potential for displacement as a result of the demand of housing in Hamilton.

To assist in addressing this, the Economic Development and Housing Services Division staff have been working collaboratively to ensure incentive programs under this CIP and City actions are addressing matters of gentrification and housing affordability.

In 2019 amendments were introduced to incentive programs authorized under the then titled Downtown and Community Renewal Community Improvement Plan which were intended to ensure City incentives were not being used to undertake renovations or redevelopment of residential units in such a way that would result in the illegal eviction of tenants and/or result in tenants being subject to increases in rents beyond that permitted on an annual basis by the Province of Ontario. These amendments also included new notification procedures to tenants of buildings which were the subject of an application to an applicable City incentive program and to provide information and resources to ensure tenants were aware of their rights under Provincial legislation. It is the intention that

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those amendment introduced in 2019 be maintained within the applicable program descriptions contained as appendices to this Plan.

In addition, this CIP further highlights housing affordability as a priority through the introduction of an enhanced project classification under the Revitalizing Hamilton Tax Increment Grant Program to further incentive the creation of new housing that will support a mix and range of housing affordability options within applicable commercial districts.

Economic Development and Housing Services Division staff will continue to work collaboratively to identify additional opportunities for the use of Community Improvement Plans, financial incentives and other tools available to the City to further address housing affordability in Hamilton.

9.10.5 Arts and Culture

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

The City’s Public Art Master Plan identifies and prioritizes potential sites and opportunities for new public art projects, including locations within this Community Improvement Plan’s Project Areas. The Public Art Master Plan also recommends the use of partnerships with the other public institutions, local cultural organizations and the private sector to facilitate the development of public art. To this end, community improvement initiatives such as the arts component of the applicable Programs under this Plan will promote partnerships with the private sector for the purpose of implementing exterior art works on privately owned land accessible to the public.

To increase the opportunity of public art, the Economic Development Division has also established the Hamilton Downtown Public Art Reserve. Public art projects funded from this reserve will be focused within the Downtown Hamilton CIPA to improve the quality of public space, animate street life and contribute to the evolving image of Downtown Hamilton as a place for the arts and cultural innovation.

9.10.6 Marketing and Promotion

In accordance with the Economic Development Division’s Marketing Plan, the City of Hamilton may promote and advertise or contribute to the promotion or

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advertisement of programs, initiatives and events in Downtown Hamilton, the Community Downtown/Village Cores and various commercial districts for the purpose of achieving the goals and objectives of this Plan.

9.10.7 Neighbourhood Action Strategy

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

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

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

10.0 MONITORING

Monitoring the Plan’s implementation is undertaken through the City’s performance measurement reporting and annual reports prepared by the Economic Development Division within the Planning and Economic Development Department.

Performance measures will be based on the objectives and desired outcomes as identified in this Plan, key activities set out in the Department’s business plan and the City’s 2016-2025 Strategic Plan. Performance measures which may be evaluated include, but may not be limited to:

- Increasing the overall number of residential units and local resident population in commercial districts;
- Improving non-residential assessment ratio;
- Increasing the number of housing units accessible to low and moderate-income households;
- Increasing the number of new businesses;

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- Increasing taxable assessment growth in commercial districts;
- Decreasing the vacancy rates for commercial spaces;
- Supporting the achievement of Provincial and City population and employment growth targets;
- Decreasing office vacancy rates in the Downtown Hamilton Urban Growth Centre; and
- Increasing alternative transportation usage in including transit, walking and cycling.

11.0 AMENDMENTS AND TRANSITIONAL MATTERS

This Plan will be reviewed from time to time to ensure that it is adequately reflecting existing City policies and priorities, Provincial policies and community needs. Community and applicant feedback regarding this CIP and its associated incentive programs may also lead to amendments and / or minor revisions to the detailed incentive program descriptions contained in the Appendices to this Plan.

11.1 Formal Amendments

A formal amendment to this CIP is required in the following instances:

- To introduce new financial incentive programs;
- To increase the amount of financial assistance that may be provided to registered owners, assessed owners, tenants and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan except where the maximum amount of assistance is not referenced in Section 9.0 or the conditions under which increased assistance under a program may be provided is already established within this same section; or
- To add, extend, remove or otherwise change the Community Improvement Project Area’s which are the subject of this CIP.

Formal amendments will require approval by City Council and shall be undertaken in accordance with Section 28 of the *Planning Act* and the City’s Public Participation and Notification Policies contained in Chapter F – Implementation, Section 1.17.2 of the Urban Hamilton Official Plan. In addition, the City may undertake other communication methods to provide information and seek input, such as public information open houses, workshops, public meetings, the City’s web site and direct or electronic mail outs and surveys.

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11.2 Other Amendments

Detailed program descriptions providing for the efficient administration of each incentive program will be adopted, through resolution, by City Council. The program descriptions shall include, but not be limited to, program terms, eligibility criteria, maximum grant amounts, grant calculations, assignability, maximum loan amounts, repayment requirements and detailed administrative procedures terms and will form appendices to this CIP. Changes to the appendices will be adopted by City Council through resolution. In addition, City Council may discontinue any of the programs contained in this Plan, without amendment to this Plan. Formal amendments, including public meetings under the *Planning Act*, shall not be required for updates or amendments to program descriptions attached to this Plan as appendices. Minor administrative amendments to this Plan such as format changes, typographical errors, grammatical errors and policy number changes shall not require a formal amendment.

11.3 Transitional Matters

Program applications will be processed under the terms of the program in effect at the time the application was submitted. When program terms are revised, applications submitted and approved under the former terms of the program will be subject to and processed under the revised terms.

12.0 APPENDICES

The following appendices are provided under separate cover.

Appendix A – Commercial District Housing Opportunities Program Description

Appendix B – Downtown and Barton/Kenilworth Housing Opportunities Program Description

Appendix C – Revitalizing Hamilton Tax Increment Grant Program Description

Appendix D – Barton/Kenilworth Tax Increment Grant Program Description

Appendix E – Commercial District Revitalization Grant Program Description

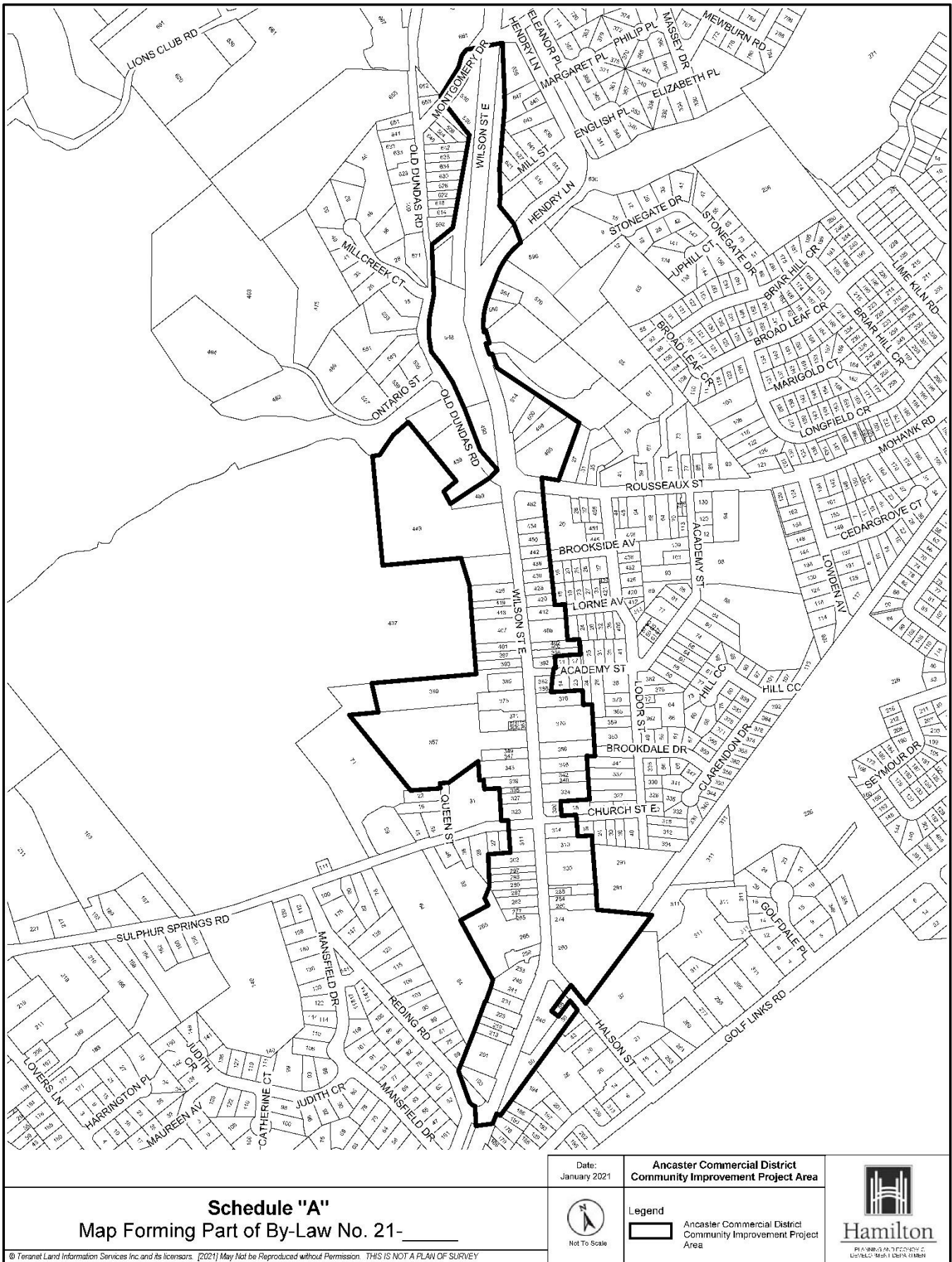
Appendix F – Barton/Kenilworth Revitalization Grant Program Description

Appendix G – Gore Building Improvement Grant Program Description

Appendix H – Start-up & Office Tenancy Assistance Program Description


Appendix I – Commercial Vacancy Assistance Program Description

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
Date:
January 2021



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**Ancaster Commercial District
Community Improvement Project Area**

Legend

 Ancaster Commercial District
Community Improvement Project
Area



Hamilton

BY-LAW 21-2021
LOCAL GOVERNMENT

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**Barton Village Commercial District
Community Improvement Project Area**

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Barton Village Commercial District Community Improvement Project Area

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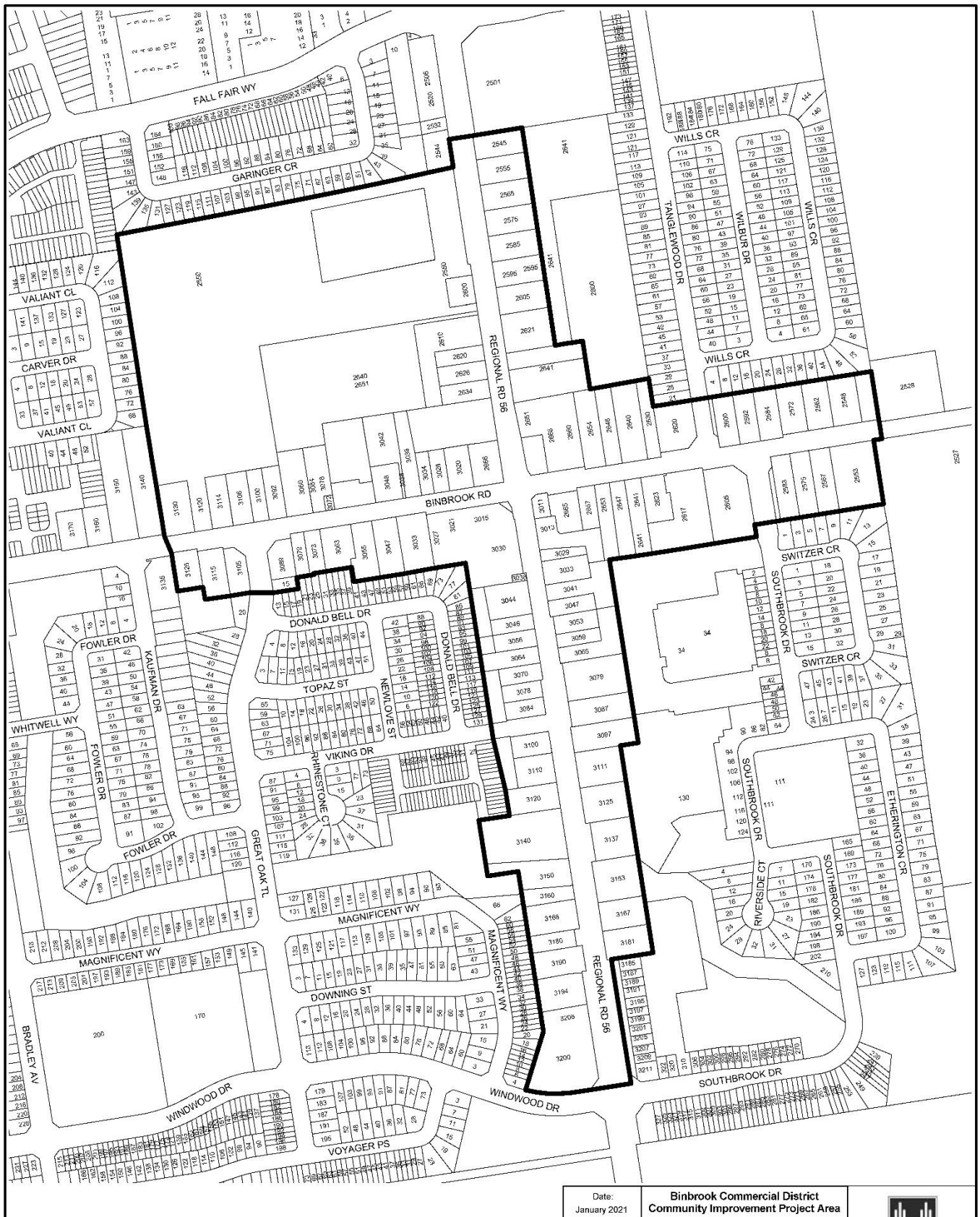
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Binbrook Commercial District
Community Improvement Project Area



Legend
[Thick black line symbol] Binbrook Commercial District
Community Improvement Project
Area



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**Concession Street Commercial District
Community Improvement Project Area**

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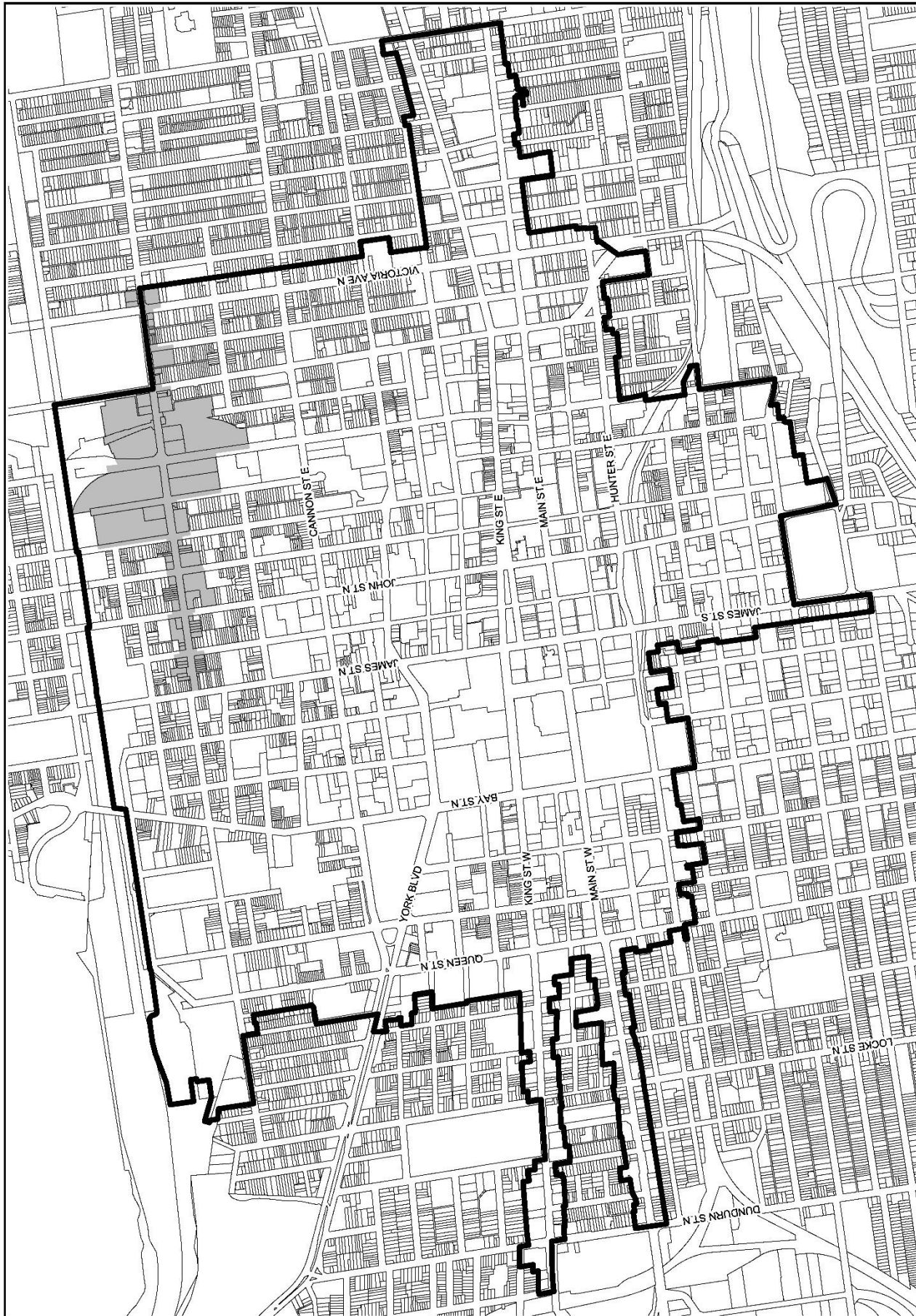
- Concession Street Commercial District Community Improvement Project Area

Date: January 2021

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Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Revitalizing Hamilton's Commercial District Community Improvement Project Area

Date: January 2021

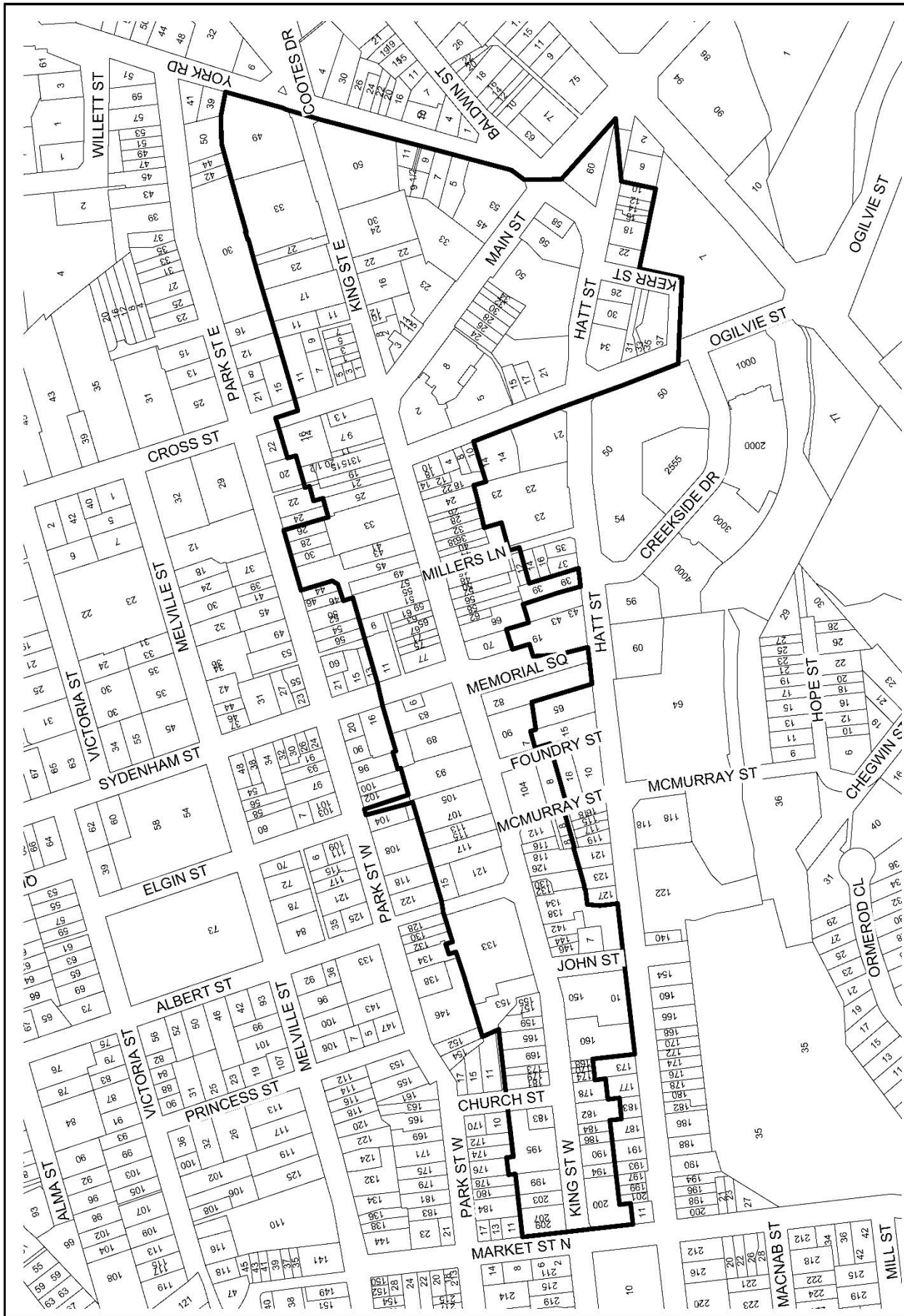
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- Downtown Hamilton Community Improvement Project Area
- Area also available for Benton/Kentworth Commercial Corridor Building Improvement Grant Program

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Dundas Commercial District
Community Improvement Project Area

Dundas Commercial District
Community Improvement Project Area

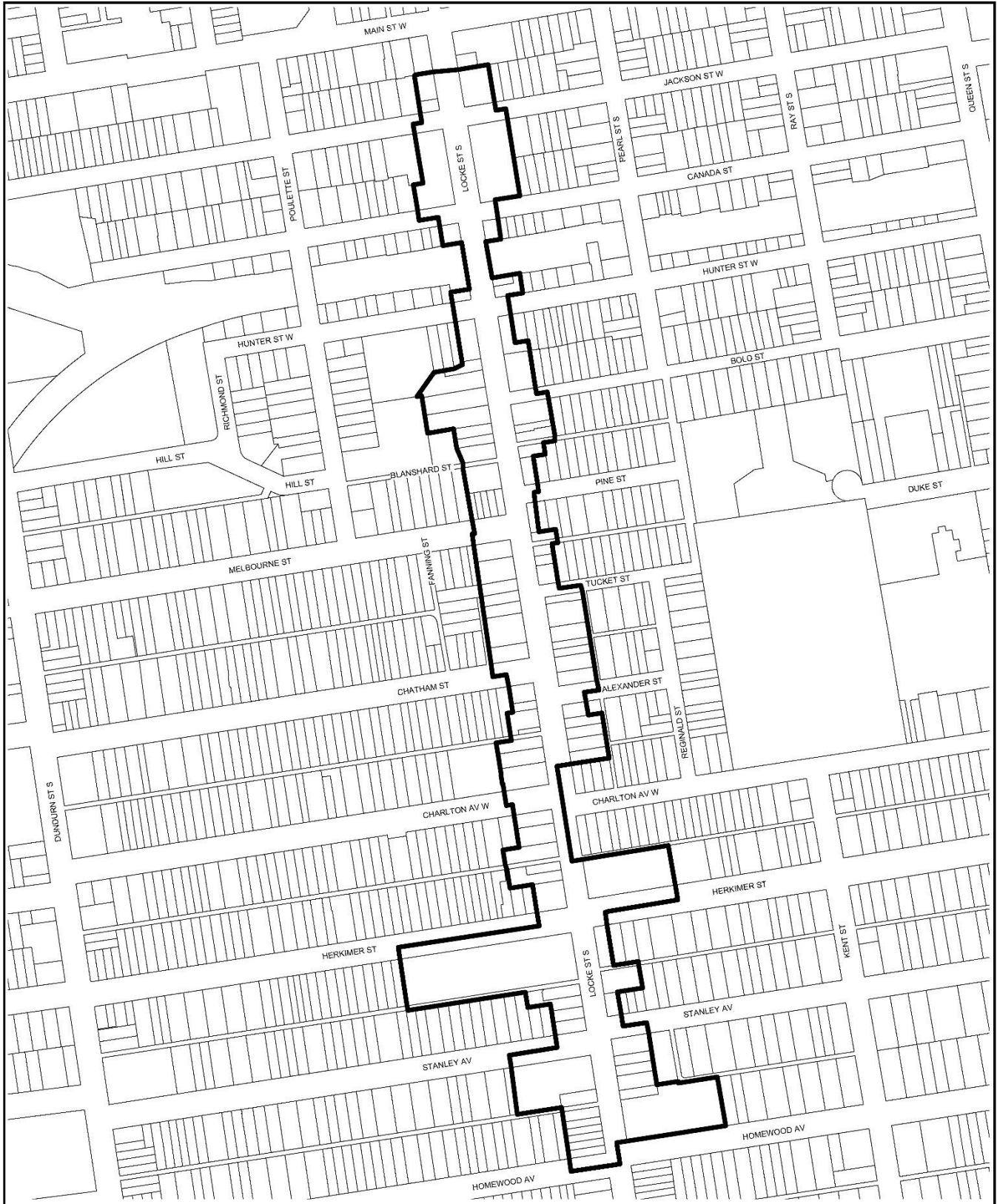


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**Locke Street Commercial District
Community Improvement Project Area**

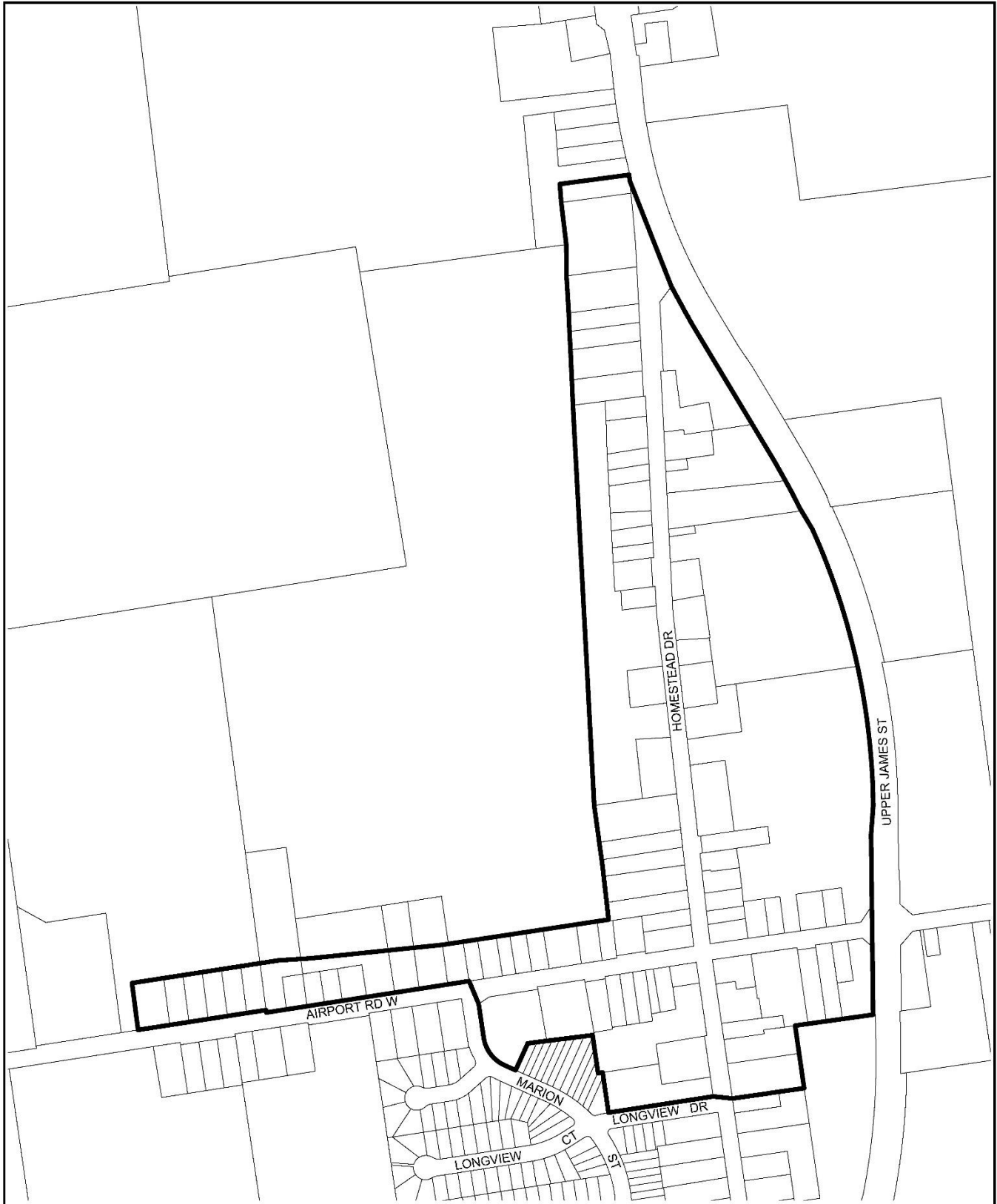
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 Locke Street Commercial District
Community Improvement Project
Area



Hamilton
PLANNING AND ECONOMIC
DEVELOPMENT DEPARTMENT

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January 2021

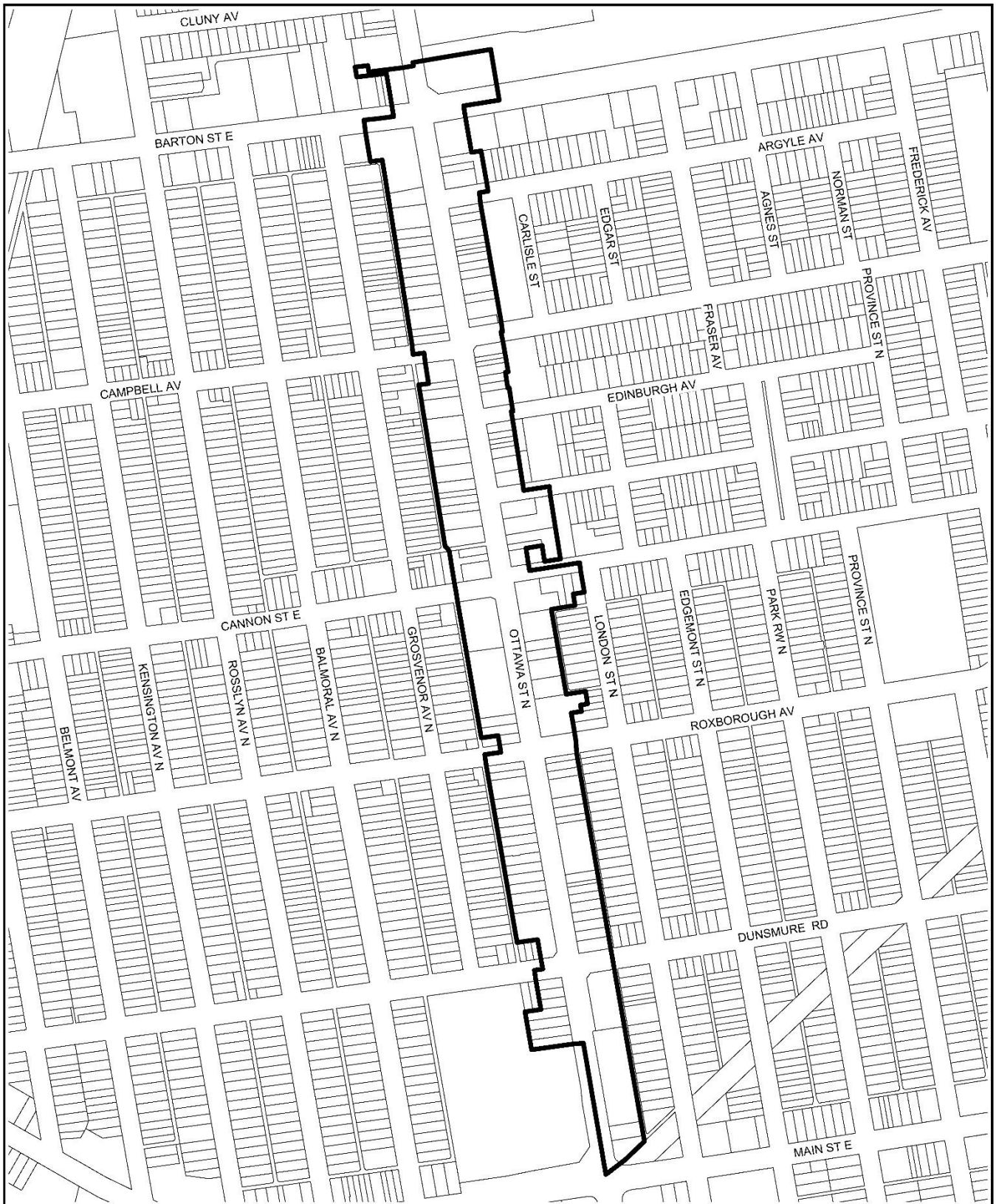
Revitalizing Hamilton's Commercial District
Community Improvement Project Area



Legend
[Thick black line symbol] Mount Hope / Airport Gateway
Commercial District Community
Improvement Project Area



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**Ottawa Street Commercial District
Community Improvement Project Area**



Legend

 Ottawa Street Community Improvement Project Area



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



**Stoney Creek Commercial District
Community Improvement Project Area**

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 [Thick black outline] Downtown Stoney Creek
 [Thin black outline] Community Improvement Project Area

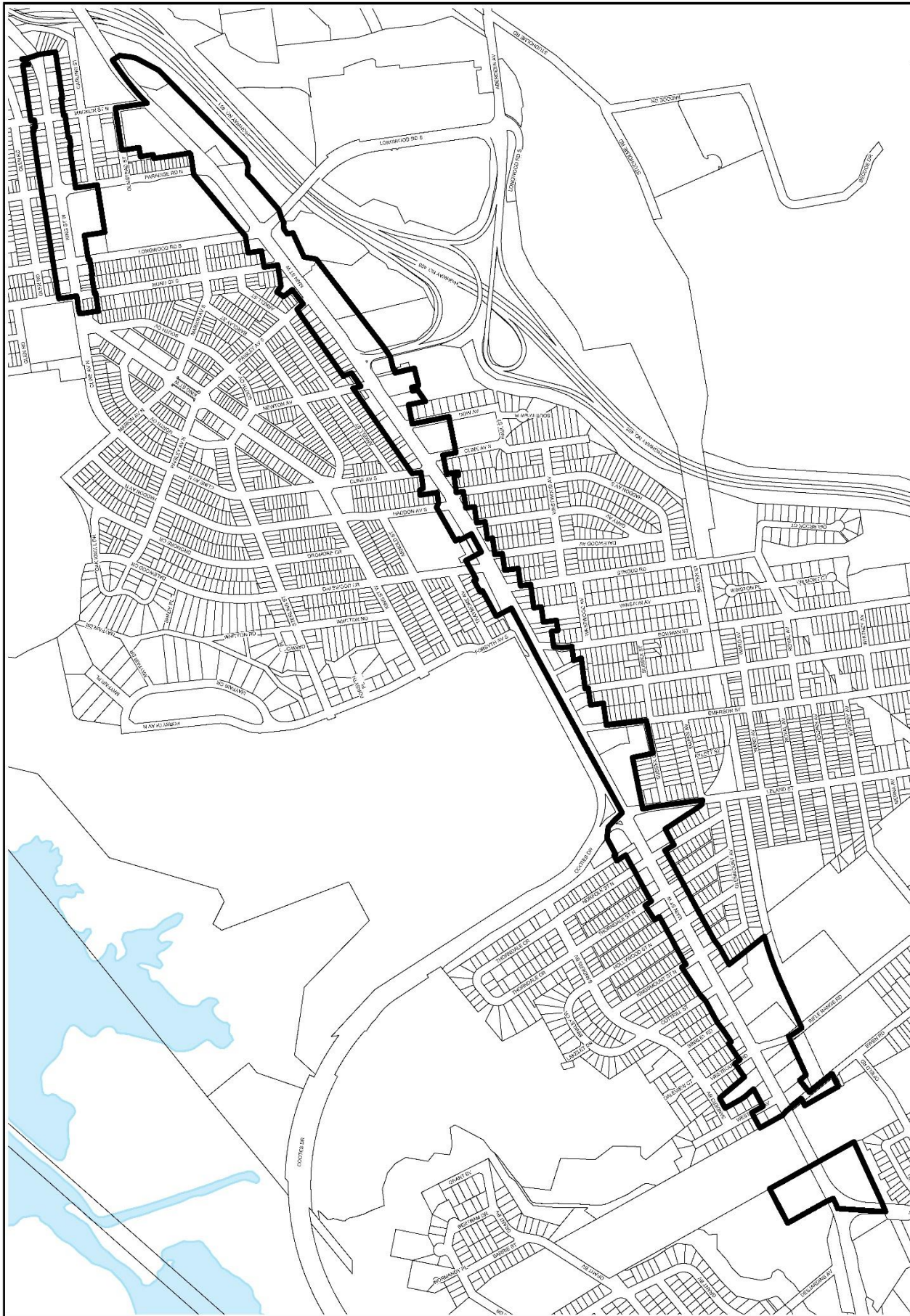
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Revitalizing Hamilton's Commercial District
Community Improvement Project Area

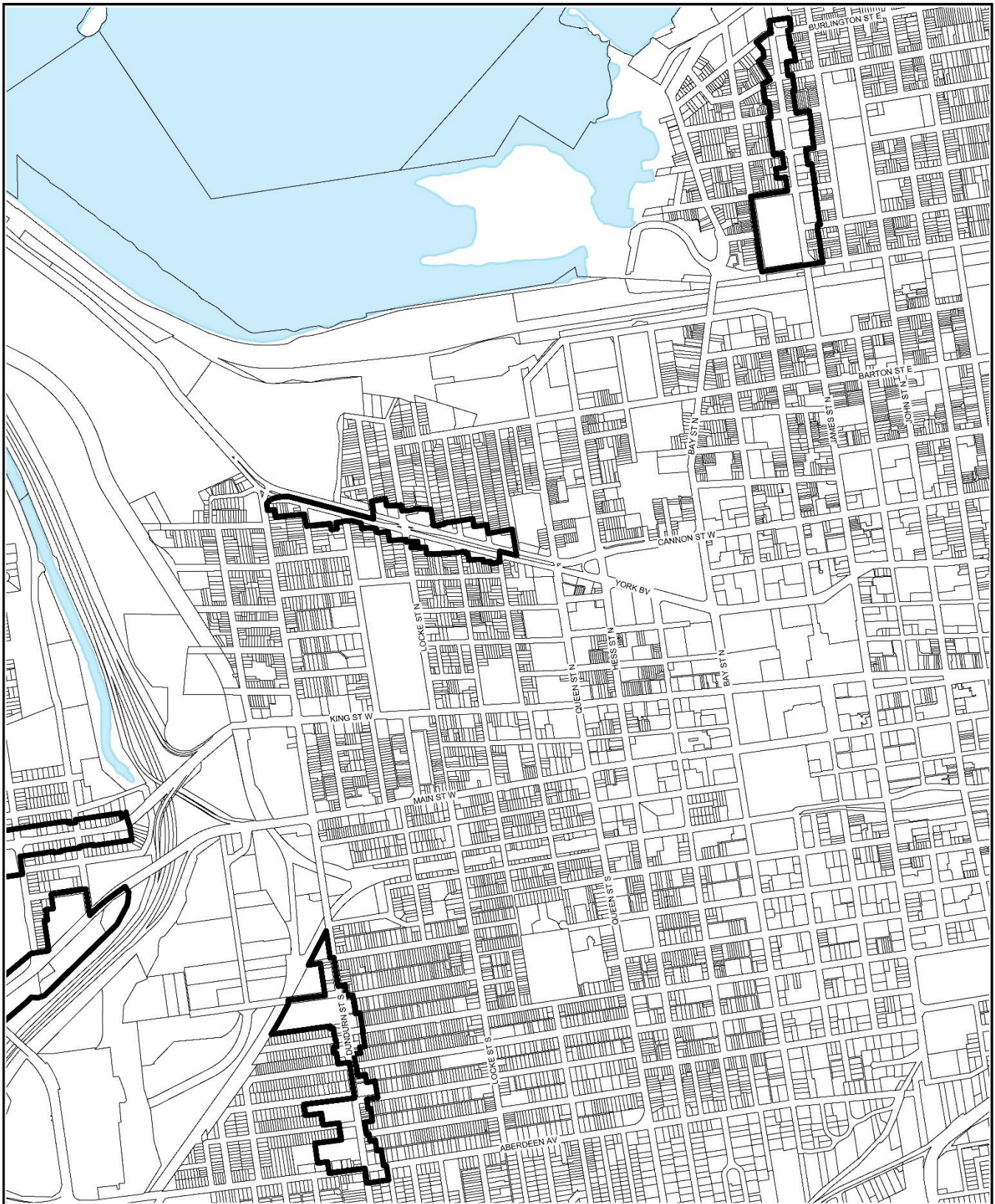
Legend
 Strategic Commercial Corridors
 Community Improvement Project Area (Map 1)

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January 2021

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Revitalizing Hamilton's Commercial District
Community Improvement Project Area

Legend

 Strategic Commercial Corridors
Community Improvement Project
Area (Map 2)




Hamilton
PLANNING AND ECONOMIC
DEVELOPMENT SERVICES


**Revitalizing Hamilton's Commercial District
Community Improvement Project Area**

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Strategic Commercial Corridors
Community Improvement Project Area (Map 5)



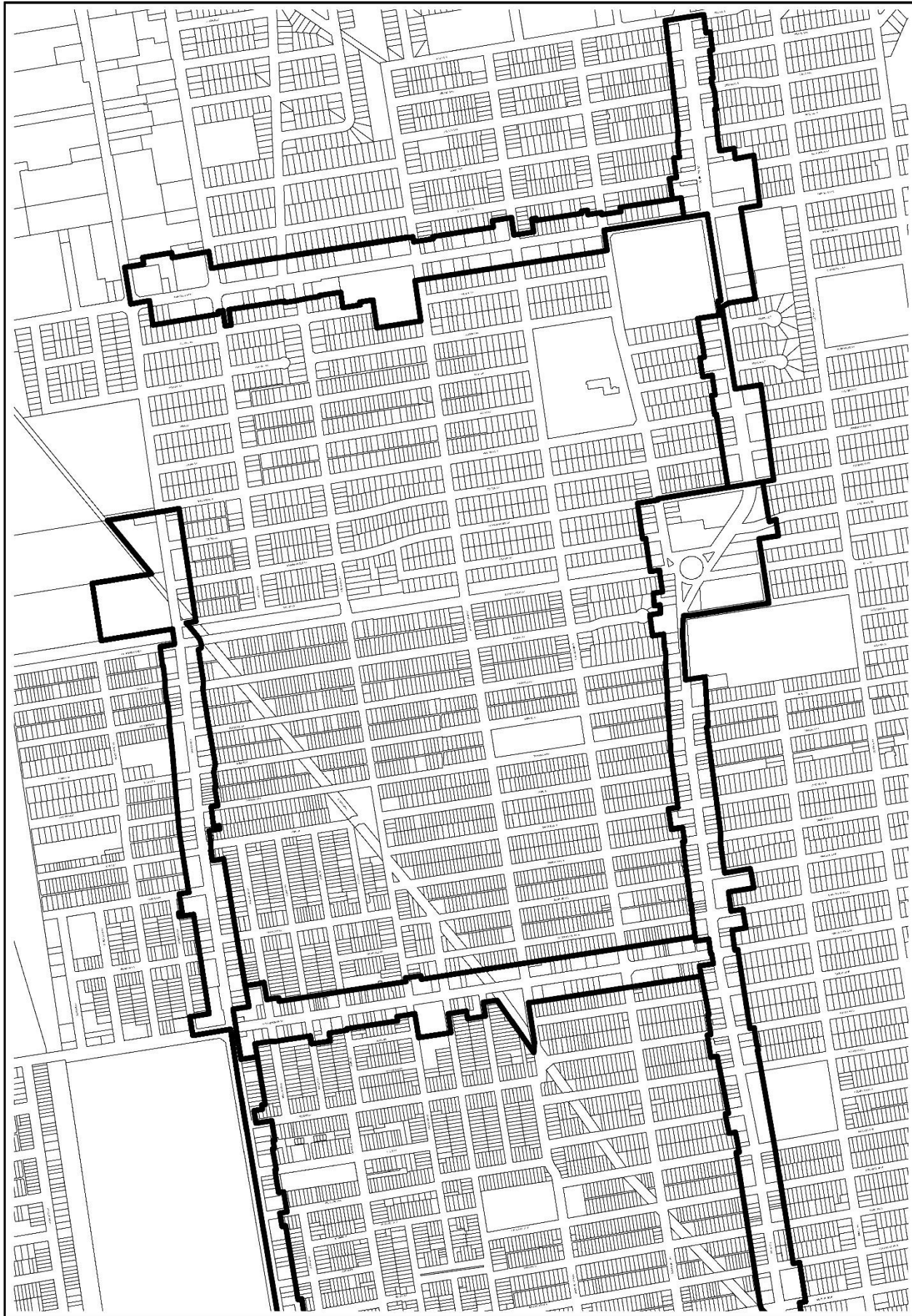
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Revitalizing Hamilton's Commercial District
Community Improvement Project Area

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Strategic Commercial Corridors
Community Improvement Project
Area (Map A)

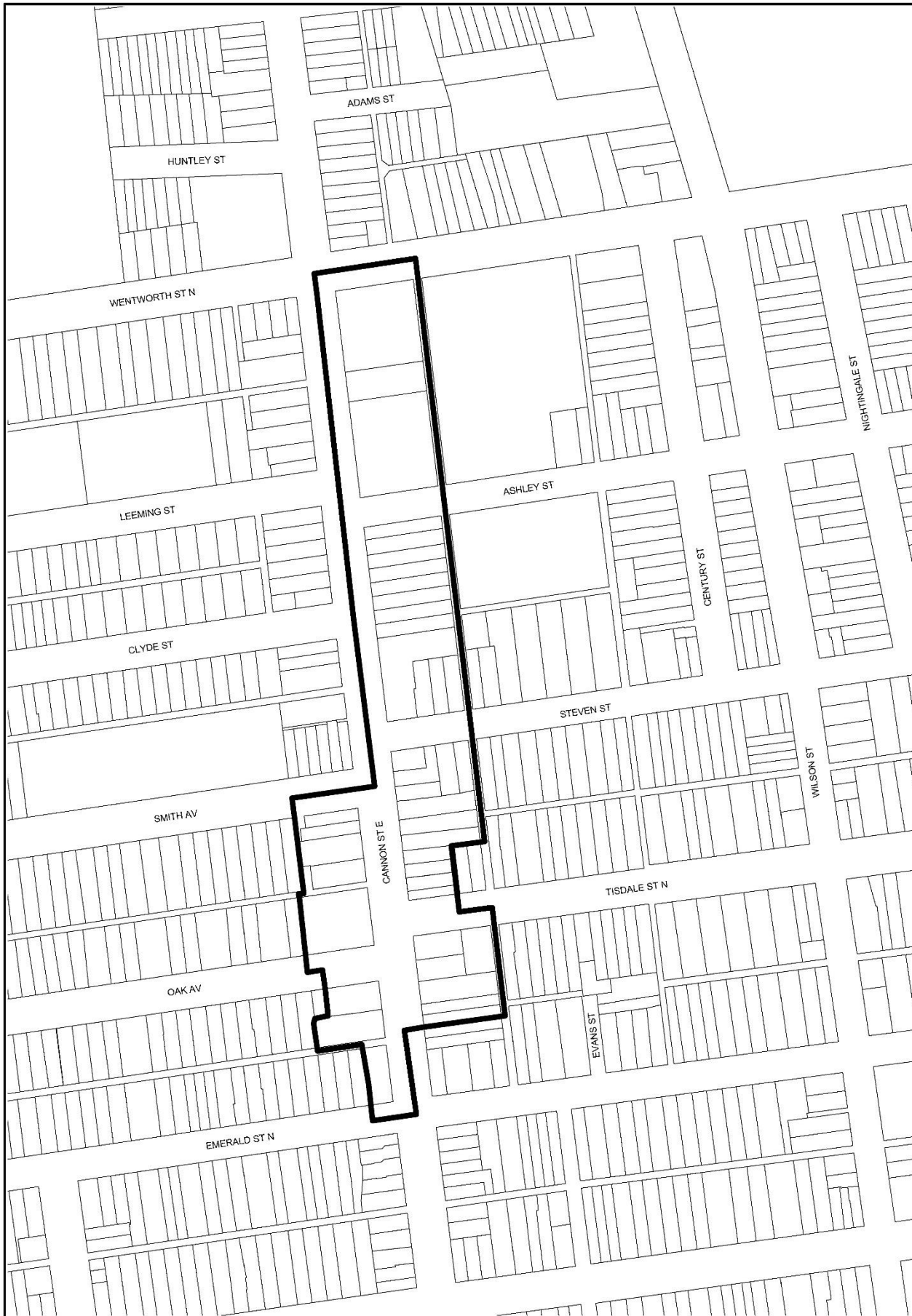
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Revitalizing Hamilton's Commercial District
Community Improvement Project Area

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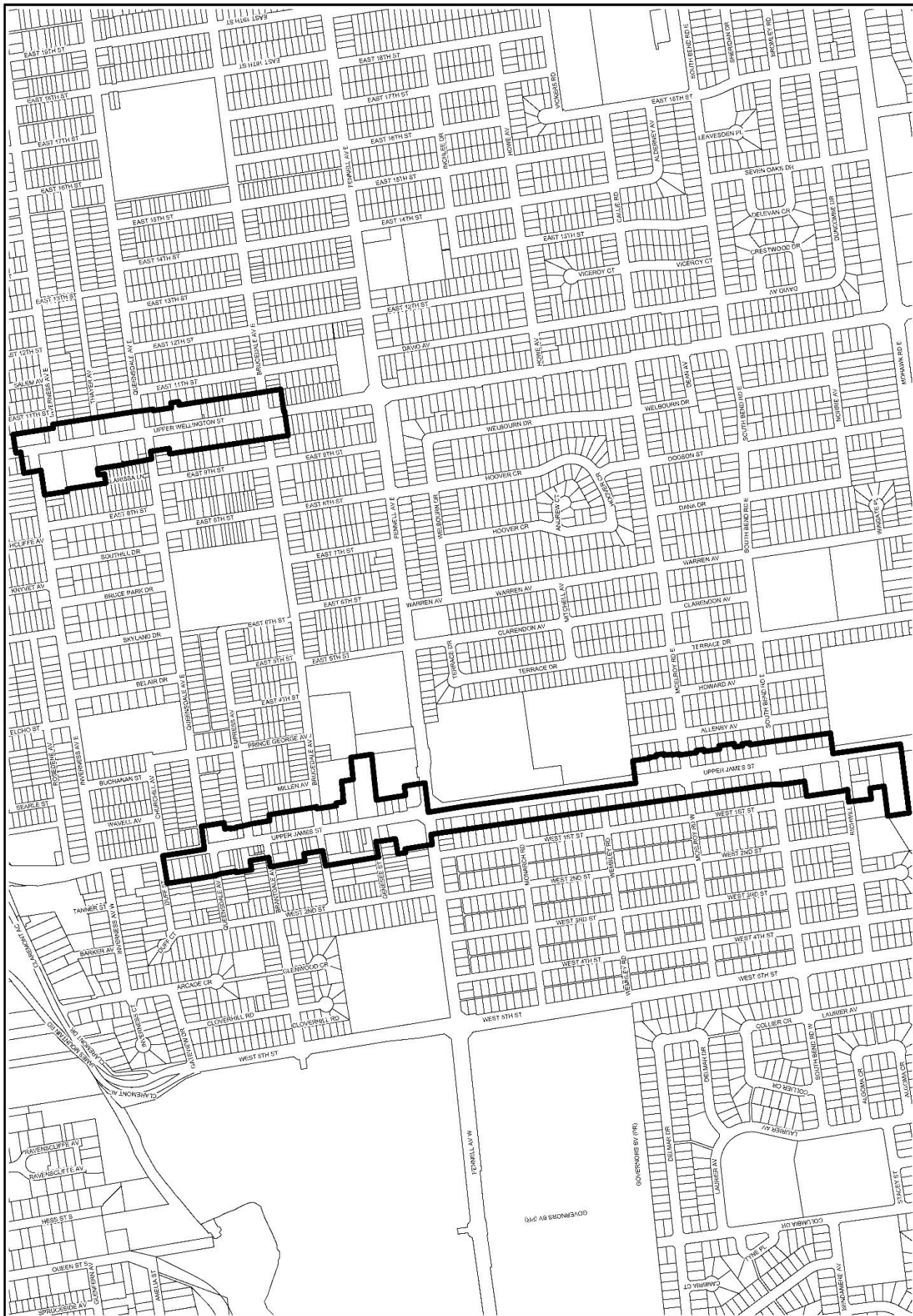

Strategic Commercial Corridors
Community Improvement Project
Area (Map 5)

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**Revitalizing Hamilton's Commercial District
Community Improvement Project Area**

Date: January 2021

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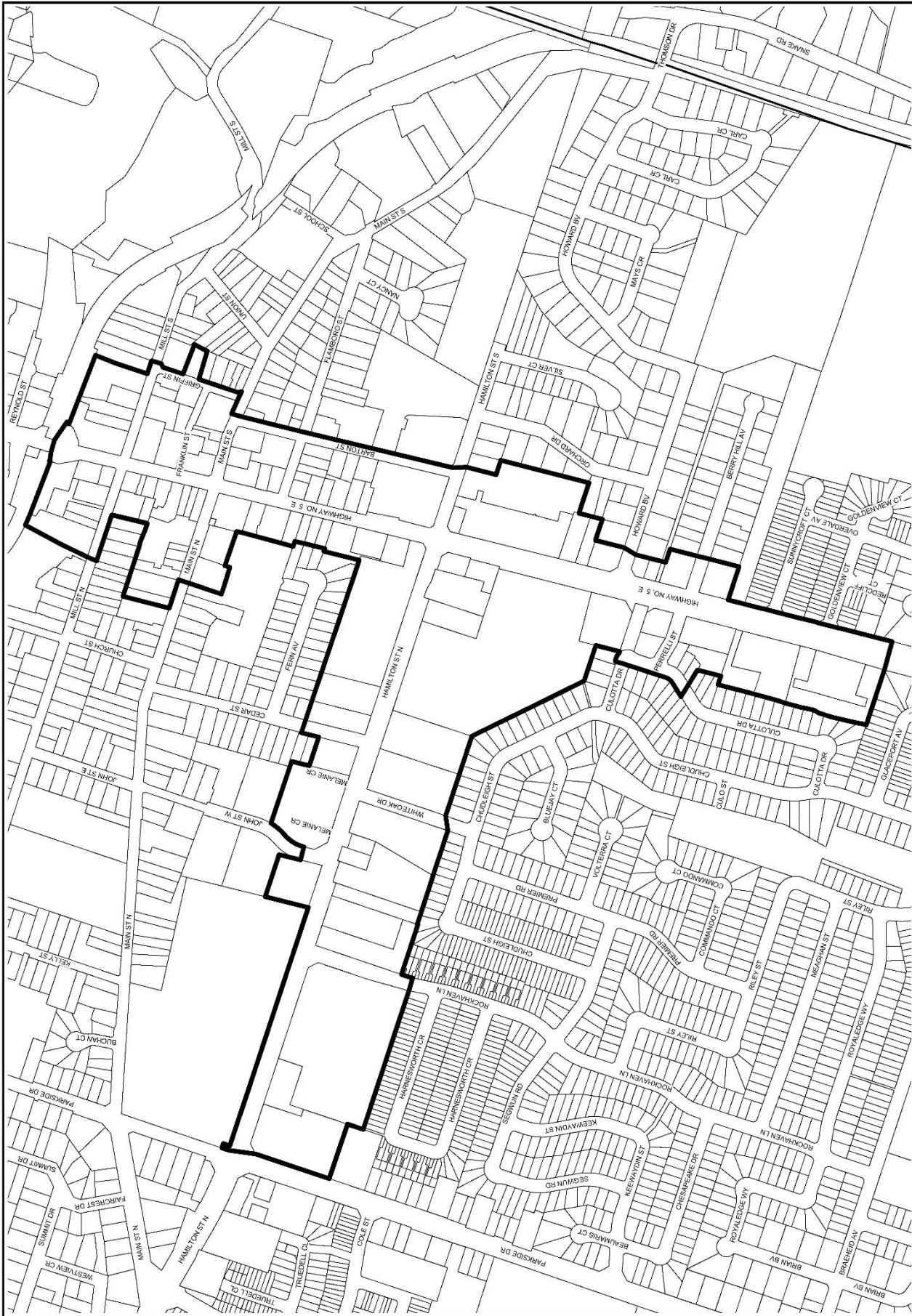
Strategic Commercial Corridors
Community Improvement Project
Area (Map 6)

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Hamilton
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**Waterdown Commercial District
Community Improvement Project Area**

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- Waterdown Community Improvement Project Area

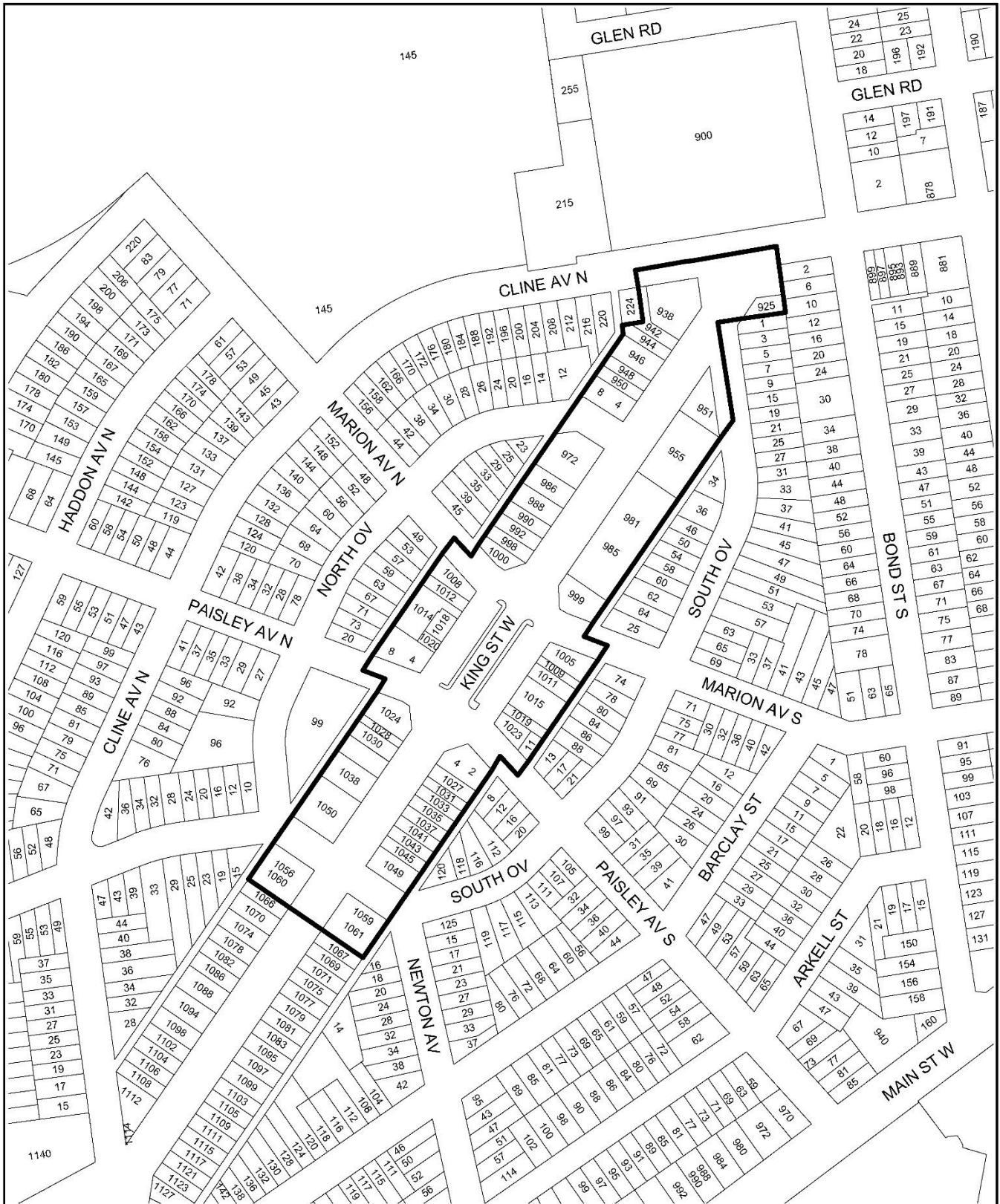
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Westdale Commercial District
Community Improvement Project Area



Legend
 Westdale Community Improvement Project Area



Hamilton
 PLANNING AND ECONOMIC
 DEVELOPMENT DEPARTMENT

COMMERCIAL DISTRICT HOUSING OPPORTUNITIES (CDHO) PROGRAM



A. PROGRAM DESCRIPTION

The Commercial District Housing Opportunities Program (the Program) is intended to provide financial assistance in the form of a low-interest Loan and Grant to promote the improvement or development of dwelling units that will create new/improved housing opportunities support robust local commercial district populations that add vibrancy and support demand for local commercial businesses/services. Activities supported by this program include:

- Converting existing non-residential spaces into dwelling units where permitted in accordance with the applicable City zoning by-law;
- Undertaking renovations to existing dwelling units including improvements to address health and safety matters for the existing units;
- Creation of new dwelling units, including accessory Dwelling Units, via building additions or new detached accessory buildings, including laneway housing; and/or
- Creation of new dwelling units through development of vacant land, surface parking lots or redevelopment of existing buildings.

Approval under this Program may also qualify the Applicant for additional incentives with respect to rental units that meet housing affordability needs, subject to availability. Additional incentives may include any combination of Development Charge and parkland dedication exemptions, capital funding contributions and any other incentive as may be available from time to time for the purposes of encouraging the development of new affordable rental housing. In order to be eligible for additional affordable housing incentives, rental units must meet the definition and criteria established in the City of Hamilton By-law 03-148 to Adopt a Municipal Housing Facility By-law. When affordable housing is developed in conjunction with this Program, this Program constitutes a City affordable housing program for the purposes of the City of Hamilton’s Development Charges By-law 19-142.

This Program will apply within the Downtown Hamilton Community Improvement Project Area (CIPA), the Community Downtown/Village Core CIPAs, Business Improvement Area (BIA) CIPAs, Commercial Corridor CIPAs and those properties within the City boundary designated under Part IV or Part V of the Ontario Heritage Act as collectively defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law.

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Loans and Grants provided under this Program shall be provided to the Applicant who is the Owner registered on title and who will be undertaking the improvement/development that is the subject of the Program application.

The Economic Development Division will periodically review the terms and availability of this Program and undertake updates from time to time subject to City Council approval and/or direction.

All costs associated with the improvement/development and the requirements of this Program are to be borne by the Applicant including construction, design, development charges, administration fees, appraisals, inspections, legal, discharge and registration fees (plus applicable taxes), where applicable.

The City retains the right to assess the reasonableness of costs and which costs are eligible for funding under the terms of the Program.

B. PROGRAM ELIGIBILITY AND LOAN CRITERIA

1. Applications to this Program must meet the goals of the Revitalizing Hamilton's Commercial Districts Community Improvement Plan (RHCD CIP).
2. This Program is to apply within the Downtown Hamilton CIPA, the Community Downtown/Village Core CIPAs, BIA CIPAs, Commercial Corridor CIPAs and those properties within the City boundary designated under Part IV or Part V of the *Ontario Heritage Act* as collectively defined through the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area By-law.
3. Notwithstanding paragraph two, this program shall not apply to a currently operating or proposed adult entertainment parlour, body rub establishment correctional facility, corrections residence, emergency shelter, lodging house or residential care facility as defined in the applicable Zoning By-law or to a property where a designated heritage building has been demolished.
4. The maximum Loan amount is \$20,000 per dwelling unit to a maximum of \$600,000 per property.
5. Only residential units comprising the necessary facilities to meet the definition of a 'Dwelling Unit' or 'Dwelling Unit in Conjunction with a Commercial Use' as contained within Zoning By-law No. 05-200 as amended shall be eligible under this Program and may include units in the form of a secondary residential unit such as a basement or detached laneway unit.

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6. Notwithstanding paragraph five herein, the creation or improvement of a ‘Single Detached Dwelling’ or individual ‘Street Townhouse Dwelling’, as defined under Zoning By-law No. 05-200 as amended, with the exception of a secondary residential unit, shall not be eligible under this Program.
7. A minimum of 50% of the Loan per unit must be spent on developing / renovating the unit. The remaining 50% may cover the cost of common elements of the property e.g. roofing, HVAC, central air conditioning, fire escapes, foundations, furnaces, entranceways or other improvements deemed eligible by the General Manager of Planning and Economic Development (GM). Improvement of common elements shall not be funded in the absence of the creation or improvement to individual dwelling units.
8. In addition to the Loan, this Program has a Grant portion of \$5,000 per application allocated to professional fees and City of Hamilton fees only. The Grant portion is paid upon presentation of paid receipts to the City’s satisfaction. Professional fees will include: architects; BCIN designers; lawyers; engineers; surveyors’ fees, title insurance, etc. City of Hamilton fees will include: building permit, site plan application, road occupancy permit, street occupancy permit and encroachment agreement fees. Eligible fees will be determined at the absolute discretion of the GM. Applicants must have achieved the 60% completion stage and must have submitted the request for loan advance for the 60% completion stage of the renovation project to be eligible for the Grant.
9. Prior to any Loan or Grant being provided:
 - a. Any outstanding building code, fire code or property standards orders or any other order applicable to the property(s) or the project by any governmental authority shall be rectified; and
 - b. Any tax arrears on the subject property(s) as well as tax arrears on other properties owned by the Applicant within the City of Hamilton shall be paid.
10. Approval and the receiving of financial assistance under this Program shall not preclude eligibility, approval and the receiving of financial assistance for the same subject property(s) under any other available municipal program with the exception of the Downtown and Barton/Kenilworth Housing Opportunities Program which shall not be permitted to be combined with assistance under this Program.
11. The maximum Loan term is five years and six months (subject to prior termination on default) commencing from the date of the final advance exclusive of holdback. No extension or renewal shall be granted.
12. Financial assistance under this Program will be provided to an approved Applicant if all terms and conditions of this Program have been satisfied including payment of all property taxes and all eligible works have been completed at the discretion of the GM.

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13. The Loan interest rate will be at 0% interest for the first five years. For the last six months of the Loan, interest shall be payable on the principal outstanding at the then prevailing rate established by Council for interest on tax arrears, such interest to be calculated and payable monthly, not in advance.
14. The Loan will be secured through a mortgage registered on title upon the lands to be developed (the "Property") in a position no less than second in priority prior to the first advance of funds. In addition, the Applicant will enter into a Loan Agreement which includes (but is not limited to) the terms and conditions of this program description. The City's insurance requirements as well as all other security required shall be in place prior to advancing funds (i.e. personal / corporate guarantees).
15. The City will request security required to secure a commercial loan, which may include the following: Loan agreement; and / or promissory note; and / or personal property security; and / or personal guarantees; and / or corporate guarantees; and / or lien on the property to be improved; and / or collateral mortgage charge registered on the property to be improved; and / or letter of credit in lieu of a second mortgage charge on the property (subject to City's minimum equity requirements); and / or such other security which may be appropriate or available in the circumstance. The City will request net worth statements or variations thereof as the City may determine.
16. Interest on arrears will be charged per annum at the then prevailing rate established by Council.
17. Applicants shall have no less than 25% equity based upon the appraised value of the property upon completion of the project that is the subject of the Program application including cost of improvements being financed. All mortgages registered on title, including collateral mortgages and non-registered debt, as determined by the City will be included in the equity calculation. The City at its discretion will determine whether an appraisal is required or whether it will accept a drive-by appraisal, tax assessment or other proof of value, depending on the amount of the Loan and the extent of construction or renovation.
18. Unless waived at the sole, absolute and unfettered discretion of the City, the Applicant must provide supervision of the Project by a Project Monitor acceptable to the City. The Project Monitor will, at the cost of the Applicant and prior to each advance, provide proof that is satisfactory to the City that the structural, mechanical and electrical work complies with the approved plans and specifications and all Applicable Law.
19. Advances are made by the City, upon proof that is satisfactory to the City is provided confirming the value of the work completed, the equity requirement has been satisfied, there are no tax arrears on the subject property and on other properties owned by the

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Applicant within the City of Hamilton and such other conditions as may be required by the City Solicitor.

20. The City may retain from any advance, including the final advance, such holdbacks including but not limited to the basic holdback, finishing holdback, and notice holdbacks as provided for under the *Construction Act* as the City deems prudent. Notwithstanding the foregoing the City will hold back a minimum of 10% of an advance.
21. The City's funding will be advanced in three stages, upon completion of 60%, 80% and substantial completion of the project. Upon proof satisfactory to the City that the proposed development is 60% complete based upon the value of the construction and that equity and / or financing required to that stage of completion has been injected into the development, then the approved City funds will be made available and released proportionately based upon the approved source of funds (equity / financing / City funds). The calculation of the proportion to be advanced will reflect that the first 60% of funding is from non-City sources. Advances will be made in conjunction with financing advances or after proof, satisfactory to the City, of equity injections. At the 60% completion stage of the project, 60% of the loan commitment will be advanced less the Holdback and the per unit administration fee. At the 80% completion stage of the project, 20% of the loan commitment will be advanced less the Holdback. At substantial completion of the project, another 20% of the loan commitment will be advanced less the Holdback.
22. Unless waived at the sole, absolute and unfettered discretion of the City, confirmation of publication of the Certificate of Substantial Performance will be required. Where the requirement for confirmation of publication of the Certificate of Substantial Performance has been waived by the City, the Contractors must supply a Declaration of Last Supply. The Holdback will be released 60 days following the date of publication of substantial completion or, where the City has waived the requirement for the publication of the Certificate of Substantial Performance, the Holdback will be released 60 days following the Declaration of Last Supply from the Contractors and following receipt of a written report to the City satisfactory to the GM that will include but not be limited to an updated statement of project costs, confirmation that all of the Units in the Project can be occupied, receipt of statutory declaration(s) in a form satisfactory to the GM and sworn to by the Contractor(s) that states: "All accounts for labour, contracts, subcontracts, products, services, machinery and equipment which have been incurred in the Project, have been paid in full" and there are no notices of liens and lien rights have expired
23. Repayment of the Loan shall occur as follows:
 - a. If the development is not a condominium, principal is repayable in annual amounts of ten percent (10%), in 12 equal monthly payments, of the principal Loan amount. Payments will commence one year following the substantial completion advance, exclusive of any required holdback. The balance

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outstanding will be paid by a balloon payment at the end of the Five Year and Six-Month Term. Monthly principal payments will continue during the last six months of the repayment term with interest calculated and payable monthly, not in advance, if not paid earlier and including applicable discharge and registration fees (plus applicable taxes). Any tax arrears on the subject property(s) as well as tax arrears on other properties owned by the Applicant within the City of Hamilton shall be paid; or

- b. If the development is a condominium, the repayment regime is as follows: upon sale of individual condominium units, the City will be repaid \$25,000 per unit, until the Loan is paid in full. In addition to repayment upon sale of individual condominium units, commencing in the second year following the substantial completion advance, ten percent of the principal Loan amount is repayable annually in the second, third, fourth and fifth years following substantial completion, unless repayments made upon sale of the individual condominium units are equal to or greater than ten percent of the principal Loan amount in each of the second, third, fourth and fifth years. On the last day of the fifth year following the date of the substantial completion advance, a single payment of the balance outstanding, as well as applicable discharge and registration fees (plus applicable taxes) will be required. This single payment as well as applicable discharge and registration fees (plus applicable taxes) can be made up to six months from the last day of the fifth year following the date of the substantial completion advance. Interest shall be charged and payable on the single payment if made after the last day of the fifth year following the date of the substantial completion advance. Interest shall be calculated monthly, not in advance.
24. The Loan may be prepaid at any time without notice, bonus or penalty. Discharge and registration fees (plus applicable taxes) will be required to be paid at such time as the prepayment occurs.
 25. Improvements/developments shall commence no longer than one year following the date the Loan is approved by the GM or City Council or the Loan/Grant will be cancelled. The one-year period may be extended by the GM at their absolute discretion.
 26. The deadline for 60% completion of the proposed redevelopment / development will be subject to a date as applicable discharge and registration fees (plus applicable taxes).
 27. A per unit administration fee is to be charged to the Applicant. The administration fees will be paid out of the first advance of funds provided by the City. All fees will be authorized through a user-fee by-law passed by City Council. The rate of the fees may be changed from time to time as approved by City Council.

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28. All property taxes as billed must be paid current and in good standing throughout the development process and term of the Loan.
29. The City will require, at its sole discretion, specific insurance terms to be met to protect the City's interest.
30. Where a Program application has been submitted by a property owner and accepted by the City but not yet approved by City Council (or City Council's designate), and the subject property(s) are to be transferred to a new property owner, the City may permit the transfer or assignment of the application to the new owner at the sole, absolute and unfettered discretion of the GM. The future owner who has been requested to become the Program Applicant and receive financial assistance under this Program shall be subject to appropriate due diligence for the purposes of paragraph 34, 35, 36 and 37 herein. An assignment or transfer may require the assignee or transferee to submit an application, assignment or transfer agreement and/or such other documents as determined by the GM in their sole, absolute and unfettered discretion.
31. In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property all monies secured by the mortgage to the City shall forthwith become due and payable.
32. In the event of a Change of Corporate Control where the Owner is a corporation, the Owner covenants and agrees that in the event that:
 - a. the Owner fails to supply the City, in a form satisfactory to the City such information relating to the ownership of its shares as the City may from time to time require or;
 - b. without the written consent of the City first had and obtained:
 - i. the Owner issues or redeems any of its shares or transfers any of its shares;
 - ii. there is a sale or sales of the shares of the Owner which result in the transfer of the legal or beneficial interest of any of the shares of the Owner; or
 - iii. the Owner amalgamates, merges or consolidates with any other corporation; and

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

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33. Approval of an application under this Program is at the absolute discretion of the GM for a Loan and Grant to a maximum of \$200,000 and, City Council for a Loans and Grant above \$200,000 and subject to the availability of funds.
34. Without limiting the discretion as set out in paragraph 33 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and, if a corporation, any person or entity with an interest in the corporation or any officer or director of the corporation as determined by the City in its sole, absolute and unfettered discretion.
35. Without limiting the discretion as set out in paragraph 33 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application without further consideration where due diligence undertaken by the City identifies property tax arrears owed on the subject property(s) or other properties owned by the Applicant within the City of Hamilton, non-compliance with respect to Zoning By-law regulations or there exist outstanding property standards, building code or fire code orders on the subject property(s).
36. Without limiting the discretion as set out in paragraph 33 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application where the City determines in its sole discretion that there is a financial risk to the City in terms of the financial capabilities of the Applicant to complete the improvement/development subject to the Program application.
37. Without limiting the discretion as set out in paragraph 33, herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where there is credible information that the Applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that they will not conduct themselves with honesty and integrity in undertaking the activity, operation or business for which a Loan and Grant under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this paragraph 37, will be considered to be the corporation, the officers and directors of the corporation and the shareholders and this paragraph 37 shall apply jointly and severally to each of them.
38. Improvements/developments commenced prior to submitting an application are ineligible for funding under this Program. Work commenced after submitting an application but prior to approval may be eligible for funding under the Program with eligibility determined

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by the GM in their sole, absolute and unfettered discretion. An Applicant shall assume the risk of any costs incurred after an application has been submitted but prior to approval under this Program having been received.

39. Buildings uses and improvements/developments shall conform to the City's Official Plan(s), applicable Secondary Plan(s), Zoning By-Laws(s), Site Plan approval and any other applicable and approved municipal policies, by-laws or guidelines (e.g. urban design guidelines) and any other laws applicable to the improvement/development.
40. Applicants shall disclose if any residential units are occupied at the time an application has been submitted to the City and, if so, identify the specific units occupied. For additional clarity, the City is not requesting or requiring the disclosure of tenant names or any other personal contact information.
41. Where this program will provide a financial incentive to facilitate the undertaking of external and/or internal property improvements which are not for the sole benefit of a non-residential use, and where the subject property contains occupied unit(s) at the time of application to the City, the occupied unit(s) shall not be the subject of an approved Above Guideline Increase (AGI) request (also referred to as an L5 request) to the Landlord and Tenant Board (LTB) for a period beginning from the date the application is received by the City and ending upon completion of the prescribed term of the incentive to be provided, or five years from the date of the initial financial disbursement, whichever is greater. This condition will continue to apply whether or not the tenancy of the unit(s) changes during this period. Exceptions to this condition may be provided where it can be demonstrated, to the City's satisfaction, that:
 - a. The affected tenant(s) have consented to the proposed AGI. Where there is more than one occupied unit in the building at the time of application to the City, this exception only applies where all affected tenants have consented to the proposed AGI request;
 - b. That the requested AGI is a result of improvements or other matters not related to those improvements facilitated by the City's financial incentive; and
 - c. Notwithstanding the provision of a financial incentive by the City, an AGI request would be required to facilitate the property improvements due to site or building specific circumstances.

In the event an AGI request is approved by the LTB and determined to be in contravention of the City's condition, and this approval occurs after the City's approval under this incentive program but prior to the entering into any agreement required by this program, the application approval will be deemed to be rescinded, no incentive will be provided, and no agreement will be entered into by the City. Where the AGI approval occurs after the City's approval and after the execution of any agreement required by this program, any

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remaining incentive yet to be provided over the remaining term of the program will be cancelled and enforcement action will be initiated to recoup financial incentives provided to-date.

This condition shall not apply to units registered as a condominium.

42. A Program application may be denied by City Council if the improvement/development is not supported by Council notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Local Planning Appeal Tribunal or the Minister of Municipal Affairs and Housing, and that City Council’s decision on the Program application will not fetter its discretion on *Planning Act* applications.
43. City Council’s approval of a Program application can provide for a reduced Loan/Grant amount so that no Loan/Grant is provided in respect of any portion of the improvement/development which Council does not support notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Local Planning Appeal Tribunal or the Minister of Municipal Affairs and Housing, and that Council’s decision on the application will not fetter its discretion on *Planning Act* applications. In such cases, the Applicant shall be required to provide additional supporting documentation, at the Applicant’s own expense, to support the providing of financial assistance in accordance with City Council’s approval/direction.

C. PROGRAM APPLICATION CRITERIA

A Pre-Application Form must be completed and forwarded to the Economic Development Division prior to completing a Final Application Form. The Pre-Application Form is required so that staff can review property details and determine appropriate next steps.

Applicants to the Program will then submit a complete final Program application to the Economic Development Division prior to the issuance of an above-grade Building Permit for construction. Exceptions may be made at the discretion of the GM.

An application fee is payable upon submission of application. The fee will be authorized through a user-fee by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council and will be identified on the Program’s application form.

Approval of an application under this Program is at the absolute discretion of the GM for a Loan and Grant to a maximum of \$200,000 and, City Council for a Loan and Grant above \$200,000 and, subject to the availability of funds.

Applications shall include plans, estimates, contracts and other details as may be required to satisfy the City as to the cost of the improvement/development and conformity with the objectives of the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan.

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Applicants shall be required to submit information to assist with determining the financial capabilities of the Applicant to complete the improvement/development subject to the Program application and to identify any potential financial risks to the City. Information required to be submitted is at the discretion of the City and may include but may not be limited to, a financial risk assessment, personal/corporate net worth statements and/or business plan.

D. PROGRAM ADMINISTRATION

Economic Development Division staff will review applications for eligibility in collaboration with other City departments as required with approval of applications subject to a decision by the GM or City Council in their sole and unfettered discretion.

Applicants and properties will be the subject of due diligence undertaken by the City prior to any approval being provided or payment of a Loan/Grant under this Program. This will include, but may not be limited to, confirmation of the following: all property taxes are paid and current on the subject property(s) or other properties owned by the Applicant within the City of Hamilton, the property is in compliance with Zoning By-law regulations, that there are no outstanding property standards, building code or fire code orders on the subject property(s) and that the Applicant is not in litigation with the City. Failure to comply with any of the above will result in an application not being approved or, if the application is approved, non-payment of a Loan/Grant under this Program.

Approved Applicants shall be required to enter into a Loan Agreement with the City.

The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program and the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan are met.

Applications to this Program not yet approved by City Council (or its delegate) shall be subject to any changes to the terms of this Program which are approved by Council prior to the application being approved.

DOWNTOWN & BARTON / KENILWORTH HOUSING OPPORTUNITIES (DBKHO) PROGRAM



Hamilton

A. PROGRAM DESCRIPTION

The Downtown and Barton/Kenilworth Housing Opportunities Program (the Program) is intended to provide financial assistance in the form of a low-interest Loan to promote the improvement or development of multiple dwelling units that will create new/improved housing opportunities and support robust local commercial district populations that add vibrancy and support demand for local commercial businesses/services. Activities supported by this program include:

- The creation of at least three new dwelling units through the development of a multiple dwelling on vacant land, surface parking areas or the redevelopment of existing buildings;
- A building addition containing at least three new dwelling units;
- The conversion of existing non-residential space into housing consisting of at least three new dwelling units; and/or
- Undertaking renovations to existing dwelling units located in a building containing more than three dwelling units including improvements to address health and safety matters of the existing units.

Approval under this Program may also qualify the Applicant for additional incentives with respect to rental units that meet housing affordability needs, subject to availability. Additional incentives may include any combination of Development Charge and parkland dedication exemptions, capital funding contributions and any other incentive as may be available from time to time for the purposes of encouraging the development of new affordable rental housing. In order to be eligible for additional affordable housing incentives, rental units must meet the definition and criteria established in the City of Hamilton By-law 03-148 to Adopt a Municipal Housing Facility By-law. When affordable housing is developed in conjunction with this Program, this Program constitutes a City affordable housing program for the purposes of the City of Hamilton’s Development Charges By-law 19-142.

This Program will apply within the Downtown Hamilton Community Improvement Project Area (CIPA), the Barton Village Business Improvement Area (BIA) CIPA, the Barton Street Commercial Corridor CIPA (east of the Barton Village BIA CIPA) and the Kenilworth Avenue North Commercial Corridor CIPA as collectively defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law.

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A Loan provided under this Program shall be provided to the Applicant who is the Owner registered on title and who will be undertaking the improvement/development that is the subject of the Program application.

The Economic Development Division will periodically review the terms and availability of this Program and undertake updates from time to time subject to City Council approval and/or direction.

All costs associated with the improvement/development and the requirements of this Program are to be borne by the Applicant including construction, design, development charges, administration fees, appraisals, professional services, inspections, legal and discharge and registration fees (plus applicable taxes), where applicable.

The City retains the right to assess the reasonableness of costs and which costs are eligible for funding under the terms of the Program.

B. PROGRAM ELIGIBILITY AND LOAN CRITERIA

1. Applications to this Program must meet the goals of the Revitalizing Hamilton's Commercial Districts Community Improvement Plan (RHCD CIP).
2. This Program is to apply within the Downtown Hamilton CIPA, the Barton Village BIA CIPA, the Barton Street Commercial Corridor CIPA (east of the Barton Village BIA CIPA) and the Kenilworth Avenue North Commercial Corridor CIPA as collectively defined through the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area By-law.
3. Notwithstanding paragraph two, this program shall not apply to a currently operating or proposed adult entertainment parlour, body rub establishment, correctional facility, corrections residence, emergency shelter, lodging house or residential care facility as defined in the applicable Zoning By-law or to a property where a designated heritage building has been demolished.
4. The maximum Loan is the lesser of \$4M or 25% of the Cost to Construct Budget for the development that is the subject of the Program application as prepared by an architect / engineer and addressed to the City of Hamilton and dated within six months of the date of application to the satisfaction of the General Manager of Planning and Economic Development (GM). For Loans of \$1M or more, a letter addressed to the City from a third-party quantity surveyor approving the Cost to Construct Budget must accompany the application. For all Loans an estimated appraisal of the completed project as further defined in the Program application shall be submitted at time of application addressed to the City of Hamilton and shall include the replacement cost. All of the aforementioned documents are at the expense of the Applicant.

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5. Notwithstanding paragraph four herein, the maximum loan amount outstanding (advances less amounts that have been repaid) under the program to a single developer or related group will not exceed \$10M at one time. Unless waived by the City, the amount equivalent to the remaining loan commitment on partially advanced loans will reduce the maximum loan amount available. At the discretion of the City, the aggregate of the loans approved to a single developer or related group at one time can exceed \$10M.
6. Only residential units comprising the necessary facilities to meet the definition of a 'Dwelling Unit' or 'Dwelling Unit in Conjunction with a Commercial Use' as contained within Zoning By-law No. 05-200 as amended shall be eligible under this Program.
7. Notwithstanding paragraph two herein, a 'Hotel' and buildings containing less than three 'Dwelling Units', including 'Single Detached Dwellings', 'Semi-detached Dwellings' and 'Duplex Dwellings', as defined under Zoning By-law No. 05-200 as amended are not eligible for funding under this Program.
8. A minimum of 50% of the Loan per unit must be spent on developing /renovating the unit. The remaining 50% may cover the cost of common elements of the property e.g. roofing, HVAC, central air conditioning, fire escapes, foundations, furnaces, entranceways or other improvements deemed eligible by the GM. Improvement of common elements shall not be funded in the absence of the creation or improvement to individual dwelling units.
9. Prior to any Loan Grant being provided:
 - a. Any outstanding building code, fire code or property standards orders or any other order applicable to the property(s) or the project by any governmental authority shall be rectified; and
 - b. Any tax arrears on the subject property(s) as well as tax arrears on other properties owned by the Applicant within the City of Hamilton shall be paid.
10. Approval and the receiving of financial assistance under this Program shall not preclude eligibility, approval and the receiving of financial assistance for the same subject property(s) under any other available municipal program with the exception of the Downtown and Barton/Kenilworth Housing Opportunities Program which shall not be permitted to be combined with assistance under this Program.
11. The maximum Loan term is five years and six months (subject to prior termination on default) commencing from the date of the final advance exclusive of holdback. No extension or renewal shall be granted.
12. Financial assistance under this Program will be provided to an approved Applicant if all terms and conditions of this Program have been satisfied including payment of all property taxes and all eligible works have been completed at the discretion of the GM.

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13. The Loan interest rate will be at 0% interest for the first five years. For the last six months of the Loan, interest shall be payable on the principal outstanding at the then prevailing rate established by Council for interest on tax arrears, such interest to be calculated and payable monthly, not in advance.
14. The Loan will be secured through a mortgage registered on title upon the lands to be developed (the “Property”) in a position no less than second in priority prior to the first advance of funds. In addition, the Applicant will enter into a Loan Agreement which includes (but is not limited to) the terms and conditions of this program description. The City’s insurance requirements as well as all other security required shall be in place prior to advancing funds (i.e. personal / corporate guarantees).
15. The City will request security required to secure a commercial loan, which may include the following: Loan agreement; and / or promissory note; and / or personal property security; and / or personal guarantees; and / or corporate guarantees; and / or lien on the property to be improved; and / or collateral mortgage charge registered on the property to be improved; and / or letter of credit in lieu of a second mortgage charge on the property (subject to City’s minimum equity requirements); and / or such other security which may be appropriate or available in the circumstance. In the instance where a personal guarantee is required a personal net-worth statement will also be required.
16. Interest on arrears will be charged per annum at the then prevailing rate established by Council.
17. Applicants shall have no less than 25% equity based upon the appraised value of the property upon completion of the development that is the subject of the Program application including cost of improvements being financed. All mortgages registered on title, including collateral mortgages and non-registered debt as determined by the City, will be included in the equity calculation. The appraisal must be addressed to the City of Hamilton, dated within six months of the date of the application, include replacement cost, be prepared by an accredited member of the Appraisal Institute of Canada (AIC) and, must accompany the application. The cost of the appraisal is at the total expense of the owner.
18. The Applicant must provide supervision of the Project by a Project Monitor acceptable to the City. The Project Monitor will at the cost of the Applicant, and prior to each advance provide proof that is satisfactory to the City that the structural, mechanical and electrical work complies with the approved plans and specifications and all applicable law.
19. Advances are made by the City, upon proof by a third-party quantity surveyor for Loans \$1M or above confirming the value of the work completed. Loans under \$1M require an architect / engineer to confirm the value of the work completed. Advances will also be subject to equity requirements having been satisfied and confirmation that there are no

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tax arrears on the subject property and on other properties owned by the Applicant within the City of Hamilton and such other conditions as may be required by the City Solicitor.

20. The City may retain from any advance, including the final advance, such holdbacks including but not limited to the basic holdback, finishing holdback, and notice holdbacks as provided for under the *Construction Act* as the City deems prudent. Notwithstanding the foregoing the City will hold back a minimum of 10% of an advance.
21. The City’s funding will be advanced in three stages, upon completion of 60%, 80% and substantial completion of the project. Upon proof satisfactory to the City that the proposed development is 60% complete based upon the value of the construction and that equity and / or financing required to that stage of completion has been injected into the development, then the approved City funds will be made available and released proportionately based upon the approved source of funds (equity / financing / City funds). The calculation of the proportion to be advanced will reflect that the first 60% of funding is from non-City sources. Advances will be made in conjunction with financing advances or after proof, satisfactory to the City, of equity injections. At the 60% completion stage of the project, 60% of the loan commitment will be advanced less the Holdback and the per unit administration fee. At the 80% completion stage of the project, 20% of the loan commitment will be advanced less the Holdback. At substantial completion of the project, another 20% of the loan commitment will be advanced less the Holdback.
22. The Holdback will be released following receipt of a written report to the City, satisfactory to the GM, that will include but not be limited to, an updated statement of project costs, confirmation that all of the Units in the Project can be occupied, confirmation of publication of the Certificate of Substantial performance, receipt of statutory declaration(s) in a form satisfactory to the GM and sworn to by the Contractor that states: “All accounts for labour, contracts, subcontracts, products, services, machinery and equipment which have been incurred in the Project, have been paid in full”, there are no notices of liens and lien rights have expired and the passage of 60 days since the publication of the Certificate of Substantial Performance.
23. Repayment of the Loan shall occur as follows:
 - a. If the development is not a condominium, If the development is not a condominium, principal is repayable in annual amounts of ten percent (10%), in 12 equal monthly payments, of the principal Loan amount. Payments will commence one year following the substantial completion advance, exclusive of any required holdback. The balance outstanding will be paid by a balloon payment at the end of the Five Year and Six-Month Term. Monthly principal payments will continue during the last six months of the repayment term with interest calculated and payable monthly, not in advance, if not paid earlier and including applicable discharge and registration fees (plus applicable taxes); or

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- b. If the development is a condominium, the repayment regime is as follows: upon sale of individual condominium units, the City will be repaid upon closing 25% of the sale price of the unit until the total Loan amount has been paid in full. In addition to repayment upon sale of individual condominium units, commencing in the second year following the substantial completion advance, ten percent of the principal Loan amount is repayable annually in the second, third, fourth and fifth years following substantial completion unless payments made upon sale of the individual condominium units are equal to or greater than ten percent of the principal Loan amount in each of the second, third, fourth and fifth years. On the last day of the fifth year following the date of substantial completion advance, a single payment of the balance outstanding, as well as applicable discharge and registration fee (plus applicable taxes) will be required. This single payment as well as applicable discharge and registration fee (plus applicable taxes) can be made up to six months from the last day of the fifth year following the date of the substantial completion advance. Interest shall be charged and payable on the single payment if made after the last day of the fifth year following the date of the substantial completion advance. Interest shall be calculated monthly, not in advance.
24. The Loan may be prepaid at any time without notice, bonus or penalty. Discharge and registration fees (plus applicable taxes) will be required to be paid at such time as the prepayment occurs.
25. Improvements/developments shall commence no longer than two years following the date the Loan is approved by City Council or the Loan will be cancelled. The two-year period may be extended by City Council at their absolute discretion.
26. The deadline for 60% completion of the proposed redevelopment / development will be subject to a date established through consultation with the Applicant and approved by the GM.
27. A per unit administration fee is to be charged to the borrower and will be eligible to be paid out of the Loan proceeds. The administration fees will be paid out of the first Loan advance that flows from the City of Hamilton. All fees will be authorized through a user-fee by-law passed by City Council. The rate of the fees may be changed from time to time as approved by City Council.
28. All property taxes as billed must be paid current and in good standing throughout the development process and term of the Loan.
29. The City will require, at its sole discretion, specific insurance terms to be met to protect the City's interest.

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30. Where a Program application has been submitted by a property owner and accepted by the City but not yet approved by City Council (or City Council’s designate), and the subject property(s) are transferred to a new property owner, the City may permit the transfer or assignment of the ofthe application to the new owner at the sole, absolute and unfettered discretion of the GM. The future owner who has been requested to become the Program Applicant and receive financial assistance under this Program shall be subject to appropriate due diligence for the purposes of paragraph 35, 36, 37 and 38. An assignment or transfer may require the assignee or transferee to submit an application, assignment or transfer agreement and/or such other documents as determined by the GM in their sole, absolute and unfettered discretion.
31. Deadlines for the submission and approval of building permits and construction start dates are established following a report to Council for approved applications.
32. In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property all monies secured by the mortgage to the City shall forthwith become due and payable.
33. In the event of a Change of Corporate Control where the Owner is a corporation, the Owner covenants and agrees that in the event that:
 - a. the Owner fails to supply the City, in a form satisfactory to the City such information relating to the ownership of its shares as the City may from time to time require or;
 - b. without the written consent of the City first had and obtained:
 - i. the Owner issues or redeems any of its shares or transfers any of its shares;
 - ii. there is a sale or sales of the shares of the Owner which result in the transfer of the legal or beneficial interest of any of the shares of the Owner; or
 - iii. the Owner amalgamates, merges or consolidates with any other corporation; and

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

34. Approval of an application under this Program is at the absolute discretion of City Council and subject to the availability of funds.

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35. Without limiting the discretion as set out in paragraph 34 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and, if a corporation, any person or entity with an interest in the corporation or any officer or director of the corporation as determined by the City in its sole, absolute and unfettered discretion.
36. Without limiting the discretion as set out in paragraph 34 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application without further consideration where due diligence undertaken by the City identifies property tax arrears owed on the subject property(s) or other properties owned by the Applicant within the City of Hamilton, non-compliance with respect to Zoning By-law regulations or there exist outstanding property standards, building code or fire code orders on the subject property(s).
37. Without limiting the discretion as set out in paragraph 34 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application where the City determines in its sole discretion that there is a financial risk to the City in terms of the financial capabilities of the Applicant to complete the improvement/development subject to the Program application.
38. Without limiting the discretion as set out in paragraph 34, herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where there is credible information that the Applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that they will not conduct themselves with honesty and integrity in undertaking the activity, operation or business for which a Loan under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this paragraph 38 will be considered to be the corporation, the officers and directors of the corporation and the shareholders and this paragraph 38 shall apply jointly and severally to each of them.
39. Improvements/developments commenced prior to submitting an application are ineligible for funding under this Program. Work commenced after submitting an application but prior to approval may be eligible for funding under the Program with eligibility determined by the GM in their sole, absolute and unfettered discretion. An Applicant shall assume the risk of any costs incurred after an application has been submitted but prior to approval under this Program having been received.

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40. Buildings uses and improvements/developments shall conform to the City’s Official Plan(s), applicable Secondary Plan(s), Zoning By-Laws(s), Site Plan approval and any other applicable and approved municipal policies, by-laws or guidelines (e.g. urban design guidelines) and any other laws applicable to the improvement/development.
41. A Program application may be denied by City Council if the improvement/development is not supported by Council notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Local Planning Appeal Tribunal or the Minister of Municipal Affairs and Housing, and that City Council’s decision on the Program application will not fetter its discretion on *Planning Act* applications.
42. City Council’s approval of a Program application can provide for a reduced Loan amount so that no Loan is provided in respect of any portion of the improvement/development which Council does not support notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Local Planning Appeal Tribunal or the Minister of Municipal Affairs and Housing, and that City Council’s decision on the application will not fetter its discretion on *Planning Act* applications. In such cases, the Applicant shall be required to provide additional supporting documentation, at the Applicant’s own expense, to support the providing of financial assistance in accordance with City Council’s approval/direction.

C. PROGRAM APPLICATION CRITERIA

A complete Program application shall be submitted to the Economic Development Division prior to the issuance of an above-grade Building Permit for construction. Exceptions may be made at the discretion of the GM.

An application fee is payable upon submission of application. The fee will be authorized through a user-fee by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council and will be identified on the Program’s application form.

Approval of an application under this Program is at the absolute discretion of City Council and subject to the availability of funds.

Applications shall include plans, estimates, contracts and other details as may be required to satisfy the City as to the cost of the improvement/development and conformity with the objectives of the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan.

Applicants shall be required to submit information to assist with determining the financial capabilities of the Applicant to complete the improvement/development subject to the Program application and to identify any potential financial risks to the City. Information required to be submitted is at the discretion of the City and may include but may not be limited to, a financial risk assessment, personal/corporate net worth statements and/or business plan.

D. PROGRAM ADMINISTRATION

Economic Development Division staff will review applications for eligibility in collaboration with other City departments as required with approval of applications subject to a decision by City Council in their sole and unfettered discretion.

Applicants and properties will be the subject of due diligence undertaken by the City prior to any approval being provided or payment of a Loan under this Program. This will include, but may not be limited to, confirmation of the following: all property taxes are paid and current on the subject property(s) or other properties owned by the Applicant within the City of Hamilton, the property is in compliance with Zoning By-law regulations, that there are no outstanding property standards, building code or fire code orders on the subject property(s) and that the Applicant is not in litigation with the City. Failure to comply with any of the above will result in an application not being approved or, if the application is approved, non-payment of a Loan under this Program.

Approved Applicants shall be required to enter into a Loan Agreement with the City.

The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program and the Revitalizing Hamilton's Commercial Districts Community Improvement Plan are met.

Applications to this Program not yet approved by City Council (or its delegate) shall be subject to any changes to the terms of this Program which are approved by Council prior to the application being approved.

REVITALIZING HAMILTON TAX INCREMENT GRANT (RHTIG) PROGRAM



A. PROGRAM DESCRIPTION

The Revitalizing Hamilton Tax Increment Grant Program (the Program) is intended to provide a Grant to incentivize property owners within strategic commercial districts to develop, redevelop or otherwise improve properties and/or buildings (including designated heritage buildings) in a manner that will support the broader revitalization of the commercial district as well as generate new municipal property tax revenue through increased property assessments.

As a tax increment-based program, Grants are provided relative to the actual increase in municipal property taxes that are generated as a result of an improvement/development undertaken on a property. Grants are provided over a maximum term of four annual payments and subject to City Council approval. The pre-development municipal property taxes used for determining the actual municipal property tax increment are those from either the year in which the building permit that initiated the improvement/development was issued or, for projects that do not require a building permit, the year in which City Council approved the Program application. Each annual payment is to be provided based on the municipal property tax increment generated in each of the four years.

Grants under the Program may be provided through one of two streams depending on how the project addresses specific City priorities. Projects will be identified as either a Revitalization Project or an Enhanced Revitalization Project. Revitalization Projects are defined as the undertaking of improvements/developments that will generate an increase in municipal taxes while Enhanced Revitalization Projects are defined as the undertaking of improvements/developments that will generate an increase in municipal taxes and which meet one or more of the following requirements in support of City objectives:

- The improvement/development will receive certification for the achievement of environmental sustainability standards from an eligible organization/program and/or will be connected to (or be designed to allow for future connection to) a district energy system. Eligible environmental sustainability certifications as well as building standards required to be provided for future district energy connections shall be in accordance with Section B, paragraph six and seven; and/or
- The improvement/development has been approved for financial assistance under a Canada Mortgage and Housing Corporation (CMHC), federal, provincial or City

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program for the purposes of creating residential rental housing that address housing affordability within the city.

The maximum Grant amount prescribed for Revitalization Projects and Enhanced Revitalization Projects are identified in the following Table 1:

Table 1 – Prescribed Maximum Grant as a Percentage of Actual Municipal Tax Increment

Year of Grant	Maximum annual Grant amount as a percentage of actual municipal tax increment generated from an improvement / development	
	Revitalization Projects	Enhanced Revitalization Projects
1	100%	100%
2	75%	100%
3	50%	100%
4	25%	100%

This Program will apply within the Downtown Hamilton Community Improvement Project Area (CIPA), the Community Downtown/Village Core CIPAs, Business Improvement Area (BIA) CIPAs, the Mount Hope / Airport Gateway CIPA and those properties within the City boundary designated under Part IV or Part V of the *Ontario Heritage Act* as collectively defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law.

Grants provided under this program shall be provided to the Applicant who is the Owner registered on title and who will be undertaking the improvement/development that is the subject of the Program application except where provided for, and in accordance with, Section B, paragraph 23 and 24.

The Economic Development Division will periodically review the terms and availability of this Program, including the identification of new or emerging priorities, and undertake updates from time to time subject to City Council approval and/or direction.

All costs associated with the improvement/development and the requirements of this Program are to be borne by the Applicant including construction, design, development charges, administration fees, appraisals, inspections, Municipal Property Assessment Corporation (MPAC) post development assessment estimates, legal and registration fees, where applicable.

B. PROGRAM ELIGIBILITY AND GRANT CRITERIA

1. Applications to this Program must meet the goals of the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan (RHCD CIP).

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2. The improvement/development must be undertaken on a property located within the Downtown Hamilton CIPA, the Community Downtown/Village Core CIPAs, BIA CIPAs, the Mount Hope/Airport Gateway CIPA and those properties within the City boundary designated under Part IV or Part V of the *Ontario Heritage Act* as described in the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan and collectively defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law.
3. Notwithstanding paragraph two, this program shall not apply to a currently operating or proposed adult entertainment parlour, body rub establishment, correctional facility, corrections residence, emergency shelter, lodging house or residential care facility as defined in the applicable Zoning By-law or to a property where a designated heritage building has been demolished.
4. This Program shall not apply where the improvement/development does not generate an increase in municipal property taxes.
5. Prior to any Grant being provided:
 - a. Any outstanding building code, fire code or property standards orders or any other order applicable to the property(s) or the project by any governmental authority shall be rectified; and
 - b. Any tax arrears on the subject property(s) as well as tax arrears on other properties owned by the Applicant within the City of Hamilton shall be paid.
6. Environmental sustainability certifications eligible under this Program for consideration of an improvement/development as an Enhanced Revitalization Project include: Canadian Home Builders Association (CHBA) Net Zero Home Labelling where Net Zero or Net Zero Ready levels of efficiency are achieved; Passive House Canada; Natural Resources Canada (NRCAN) R2000; Built Green to a Gold or higher standard in the Energy and Envelope category; or Leadership in Energy and Environmental Design (LEED) to a Gold or higher standard.
7. Building standards with respect to enabling current or future district energy connections for consideration of an improvement/development as an Enhanced Revitalization Project shall include all of the following:
 - a. Providing space for the sole purpose of future equipment and thermal piping;
 - b. Securing an easement between the mechanical room and the property line to allow for thermal piping; and
 - c. Including two-way pipes in the building to carry the thermal energy from the district energy network to the section in the building where the future energy transfer station will be located.

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The inclusion of such building standards shall be subject to confirmation by a Building Inspector or other means at the discretion, and to the satisfaction of, the General Manager of Planning and Economic Development (GM).

8. The Applicant will be required to enter into a Grant Payment Agreement with the City of Hamilton that sets out the conditions of the annual Grant. Before any Grant is provided, the Applicant and subject property(s) shall be in compliance with the Program’s requirements and conditions as set out in the Grant Payment Agreement. Conditions in the Agreement include, but are not limited to, the following:
 - a. The total value of the eligible Grant provided under the Program will be reduced by:
 - i. the amount by which property taxes have been cancelled or reduced for the subject property pursuant to any other City programs and/or tax appeals under Sections 357 and 358 of the *Municipal Act*;
 - ii. the amount by which property taxes have been cancelled or reduced for the subject property pursuant to a Request for Reconsideration; and
 - iii. the amount by which property taxes have been reduced or cancelled for the property pursuant to any relief or reduction permitted under any legislation or order of any court or the Assessment Review Board; and
 - b. If the Applicant, third party or the municipality has appealed the change in the property assessment, the Grant will not be advanced until the appeal has been finally determined through the Assessment Review Board or Courts and revised property taxes have been calculated and adjusted.
9. The pre-development municipal property taxes used for determining the actual municipal property tax increment shall be those from either the year in which the building permit that initiated the improvement/development was issued or, for projects that do not require a building permit, the year in which City Council approved the Program application.
10. The first year of the Grant is payable in accordance with the following:
 - a. At the end of the calendar year in the first full year of reassessment, post completion of the improvement/development (subject to property taxes being paid in full and no pending appeal or confirmation that the assessment will not be appealed). An Applicant has the option of receiving the Grant at the end of the first year of reassessment, however they will forfeit the Grant for the months of the year the reassessment does not apply i.e. if reassessment occurs on the 1st of March of a year, the first year of the Grant will be based on March-December (ten months) of the year only. (Calculation is based on actual taxes, therefore the post development taxes in year one would include the first part of the year at a lower assessment and the remaining part of the year at the higher assessment – which

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would result in minimal to no Grant for the period January 1 to the reassessment date);

- b. For commercial projects, the first year of the Grant is payable at the end of the first full year of reassessment, post completion, of the improvement/development regardless of the number of commercial units occupied;
- c. For condominium projects, the first year of the Grant is payable by the end of the calendar year in which 75% of the condominium units within the project are fully assessed. In years previous to 75% of the condominium units being fully assessed within the project, taxes are to be paid as billed and no Grants will be payable;
- d. For mixed-use projects (including commercial, residential or industrial condominiums), the first year of the Grant is payable by the end of the calendar year in which 75% of the condominium units within the project are fully assessed. In years previous to 75% of the condominium units being fully assessed within the project, taxes are to be paid as billed and no Grants will be payable; and
- e. For residential rental or mixed-use rental residential projects the first year of the Grant is payable at the end of the first full year of reassessment, post completion, of the improvement/development regardless of the number of residential units occupied.

For the purposes of this Program, the completion of a development shall be when a building/space is capable of being occupied, subject to tenant improvements and, in the case of a condominium development, the Plan of Condominium having been registered.

11. The eligible amount of the increase in municipal property taxes shall exclude special charges, including BIA levies, from the calculation.
12. Annual grant payments shall be adjusted to reflect changes in the municipal property taxes levied for each year that a grant payment is to be provided.
13. For residential condominium projects, the units must be assessed as residential condominiums. If the development is assessed as multi-residential or new-multi-residential, no Grant will be payable.
14. For condominium and mixed-use condominium projects, the Grant will not be calculated on a per unit basis.
15. The annual Grant will be calculated by taking the difference between the sum of the post-project municipal taxes (for each year the Grant is payable) and the pre-project municipal

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taxes in accordance with paragraph nine herein and applying the percentage based on the applicable stream and year of the Grant as described in Section A, Table 1.

16. If the one year period following the date of registration of the Plan of Condominium for the project expires after December 31 of the year in which 75% of the condominium units within the project are fully assessed, the Grant will be payable to the Applicant by the end of the first quarter of the year following the year in which 75% of the condominium units within the project are fully assessed.
17. Work on the portion of the improvement/development that is at or above grade shall commence no longer than two years from the date an application under this Program was approved by City Council and the improvement/development shall be completed and capable of being fully occupied, and, in the case of a condominium development also have a Plan of Condominium registered, within five years from the date an application under this Program was approved by City Council. Extensions may be granted for phased/comprehensive developments or due to development specific extenuating circumstances outlined in a formal request submitted by the Applicant to the City and considered at the discretion of the General Manager of Planning and Economic Development (GM).
18. Approval and the receiving of Grants under this Program shall not preclude eligibility, approval and the receiving of Grants/Loans for the same subject property(s) under any other available municipal program with the exception of any other tax increment-based program which shall not be permitted to be combined with assistance under this Program.
19. A Grant provided with respect to an Enhanced Revitalization Project which achieves the housing affordability objective described in Section A shall:
 - a. Be based on the entire development’s tax-increment notwithstanding if the development contains residential units with mixed rent levels and/or is a mixed use development containing non-residential uses; and
 - b. In the event that the terms under which financial assistance being provided under a CMHC, federal, provincial or City program have been broken or are not provided for any reason the following shall apply:
 - i. If Grant payments have already commenced or reached the maximum term under this Program, the difference in the Grant amount provided relative to that which would have been provided a Revitalization Project as prescribed in Section A, Table 1 shall become repayable and any remaining Grant payments, if applicable, shall be provided in the amount prescribed for a Revitalization Project; or

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- ii. If Grant payments under this Program have not yet commenced, the Grant will be provided in the amount prescribed for a Revitalization Project as prescribed in Section A, Table 1.
20. The total Grant provided over the maximum four-year term of this Program shall not exceed the total cost of the property's improvement/development.
21. A Grant under this Program will be provided to an approved Applicant if all terms and conditions of this Program have been satisfied including payment of all property taxes.
22. For condominium developments, the annual Grant to the Applicant will be reduced by 25% if an appeal has been filed with MPAC by any of the condominium unit owners, whether such owner is the initial purchaser or a subsequent purchaser. The 25% holdback will not be released until the appeals are finally determined through the Assessment Review Board or Courts, and the revised property taxes have been calculated. The first year of the Grant is payable during the calendar year in which 75% of the condominium units within the project are fully assessed. The Grant is calculated by taking the difference between the post and pre-project municipal taxes. The post-project municipal taxes are calculated by taking the sum of the municipal taxes of each of the condominium units within the project. The Grant is calculated as a whole, and not calculated on a per condominium unit basis.
23. A Grant under this Program may be assigned to the City of Hamilton except where an Applicant has been approved for a loan under the Downtown Hamilton/West Harbourfront Remediation Loan Program (RLP) in which case the Applicant shall be required to assign the Grant under this Program to the City of Hamilton as payment towards their loan under the RLP. Any Grant amount under this Program in excess of the total loan outstanding under the RLP shall be provided to the Applicant in accordance with the criteria of this Program.
24. In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property (for projects other than condominium or mixed use condominium projects), any future Grants will be terminated except in extenuating circumstances where the current Applicant has submitted a written request to the City with accompanying rationale subject to acceptance at the sole discretion of the GM. The future owner who has been requested to become the Program Applicant and receive future grant payment shall be subject to appropriate due diligence for the purposes of paragraph 27, 28 and 29 herein. An assignment or transfer may require the assignee or transferee to submit an application, assignment or transfer agreement and/or such other documents as determined by the GM in their sole, absolute and unfettered discretion. The assignment of an application submitted but not yet approved may be permitted at the sole, absolute and unfettered discretion of the GM. The assignment of an approved application will be at the discretion of City Council.

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

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

26. Approval of the Program application is at the absolute discretion of City Council and subject to the availability of funds.
27. Without limiting the discretion as set out in paragraph 26 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: The Applicant identified on the application form and, if a corporation, any person or entity with an interest in the corporation or any officer or director of the Corporation as determined by the City in its sole, absolute and unfettered discretion.
28. Without limiting the discretion as set out in paragraph 26 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application without further consideration where due diligence undertaken by the City identifies property tax arrears owed on the subject property(s) or other properties owned by the Applicant within the City of Hamilton, non-compliance with respect to Zoning By-law regulations or there exist outstanding property standards, building code or fire code orders on the subject property(s).
29. Without limiting the discretion as set out in paragraph 26, herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in

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its sole discretion, reject any application received from an Applicant where there is credible information that the Applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that they will not conduct themselves with honesty and integrity in undertaking the activity, operation or business for which a Loan and Grant under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this paragraph 29, will be considered to be the corporation, the officers and directors of the corporation and the shareholders and this paragraph 29 shall apply jointly and severally to each of them.

30. Above grade improvements/developments commenced prior to submitting an application are ineligible under this Program. An Applicant shall assume the risk of any costs incurred after an application has been submitted but prior to approval under this Program having been received.
31. If an Applicant is redeveloping a portion of their property only, the Grant will be based on that portion of the property. The Applicant will be required to provide an estimate of the annual property assessment valuation for the portion of the property subject to the Program application from the MPAC for each year in which a Grant payment is to be provided for calculation purposes.
32. Buildings uses and improvements/developments shall conform to the City’s Official Plan(s), applicable Secondary Plan(s), Zoning By-Laws(s), Site Plan approval and any other applicable and approved municipal policies, by-laws or guidelines (e.g. urban design guidelines) and any other laws applicable to the improvement/development.
33. Applicants shall disclose if any residential units are occupied at the time an application has been submitted to the City and, if so, identify the specific units occupied. For additional clarity, the City is not requesting or requiring the disclosure of tenant names or any other personal contact information.
34. Where this program will provide a financial incentive to facilitate the undertaking of external and/or internal property improvements which are not for the sole benefit of a non-residential use, and where the subject property contains occupied unit(s) at the time of application to the City, the occupied unit(s) shall not be the subject of an approved Above Guideline Increase (AGI) request (also referred to as an L5 request) to the Landlord and Tenant Board (LTB) for a period beginning from the date the application is received by the City and ending upon completion of the prescribed term of the incentive to be provided, or five years from the date of the initial financial disbursement, whichever is greater. This condition will continue to apply whether or not the tenancy of the unit(s) changes during this period. Exceptions to this condition may be provided where it can be demonstrated, to the City’s satisfaction, that:

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- a. The affected tenant(s) have consented to the proposed AGI. Where there is more than one occupied unit in the building at the time of application to the City, this exception only applies where all affected tenants have consented to the proposed AGI request;
- b. That the requested AGI is a result of improvements or other matters not related to those improvements facilitated by the City’s financial incentive; and
- c. Notwithstanding the provision of a financial incentive by the City, an AGI request would be required to facilitate the property improvements due to site or building specific circumstances.

In the event an AGI request is approved by the LTB and determined to be in contravention of the City’s condition, and this approval occurs after the City’s approval under this incentive program but prior to the entering into any agreement required by this program, the application approval will be deemed to be rescinded, no incentive will be provided, and no agreement will be entered into by the City. Where the AGI approval occurs after the City’s approval and after the execution of any agreement required by this program, any remaining incentive yet to be provided over the remaining term of the program will be cancelled and enforcement action will be initiated to recoup financial incentives provided to-date.

This condition shall not apply to units registered as a condominium.

35. A Program application may be denied by City Council if the improvement/development is not supported by Council notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to, the Local Planning Appeal Tribunal or the Minister of Municipal Affairs and Housing, and that City Council’s decision on the Program application will not fetter its discretion on *Planning Act* applications.
36. City Council’s approval of a Program application can provide for a reduced grant amount so that no grant is payable in respect of any portion of the improvement/development that is the subject of the grant application which City Council does not support notwithstanding any approval of *Planning Act* applications by any other authority including, but not limited to, the Local Planning Appeal Tribunal or the Minister of Municipal Affairs and Housing, and that City Council’s decision on the Program application will not fetter its discretion on *Planning Act* applications. In such cases, the Applicant shall be required to provide additional supporting documentation, at the Applicant’s own expense, to support the providing of financial assistance in accordance with City Council’s approval/direction, including but not limited to, all MPAC post development assessment estimates required by the City.

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C. PROGRAM APPLICATION CRITERIA

A complete Program application shall be submitted to the Economic Development Division prior to the issuance of a Building Permit for above-grade construction. Required documents and information forming a complete application shall be identified within the Program’s application form.

An application fee is payable upon submission of application. The fee will be authorized through a user-fee by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council and will be identified on the Program’s application form.

Applications to this program are subject to the approval of City Council in their sole discretion and subject to the availability of funds.

Applications will not be accepted if there is an outstanding Request for Reconsideration through the MPAC, outstanding Assessment Review Board appeal, outstanding divisional court appeal or an outstanding *Municipal Act* appeal, relating to the assessment of the Property or in respect of taxes related to the Property. The Grant application will only be accepted once the above has been settled and the revised (if applicable) property taxes have been calculated.

Applications 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 Revitalizing Hamilton’s Commercial Districts Community Improvement Plan.

Applicants may be required to obtain a post-development assessment estimate from the MPAC as part of submitting a Program application. Developments which are the subject of this requirement will be identified in the Program’s application form.

D. PROGRAM ADMINISTRATION

Economic Development Division staff will review applications for eligibility in collaboration with other City departments as required with approval of applications subject to a decision by City Council in their sole and unfettered discretion.

Applicants and properties will be the subject of due diligence undertaken by the City prior to any approval being provided or payment of a Grant under this Program. This will include, but may not be limited to, confirmation of the following: all property taxes are paid and current on the subject property(s) or other properties owned by the Applicant within the City of Hamilton, the property is in compliance with Zoning By-law regulations, that there are no outstanding property standards, building code or fire code orders on the subject property(s) and that the Applicant is not in litigation with the City. Failure to comply with any of the above will result in an application not being approved or, if the application is approved, non-payment of a Grant under this Program.

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Where the improvements/development requires approval of a Site Plan, a conditional Site Plan approval shall have been obtained from the City prior to City Council consideration of an application under this Program. Where a conditional Site Plan approval contains conditions which, until satisfied, may impact a post-development assessment of the project including but not limited, requirements to obtain Minor Variances through the Committee of Adjustment, the City may require these conditions to be satisfied prior to City Council consideration of the application. Where no Site Plan is required for the improvement/development, City Council's consideration of an application will occur after such time as the Economic Development Division is satisfied that all necessary information has been provided to inform an estimate of the resulting post-development assessment and municipal property taxes.

Improvements/developments identified as an Enhanced Revitalization Projects shall be required to provide documentation to the City in support of this determination prior to Grant payments commencing. Supporting documentation may include, but is not limited to, certificates/accreditations issued by a recognized environmental sustainability organization, a signed declaration of a financial commitment issued for the subject improvement/development from the Canadian Mortgage and Housing Corporation (CMHC), Province of Ontario or associated agency and/or City of Hamilton. Applicants who do not submit required documentation prior to the initial Grant payment being provided, the timing of which is described in Section B, may continue to be provided a Grant over the same four-year term with a value equal to that afforded a Revitalization Project, in accordance with Section A, Table 1, and subject to all the same applicable requirements associated with that classification. If required documentation necessary to confirm the status of a development as an Enhanced Revitalization Project for the purposes of this Program is obtained after the Grant payments have commenced, the corresponding increase to Grant payments shall commence with the next annual Grant payment and shall not be retroactive.

Approved Applicants shall be required to enter into a Grant Payment Agreement with the City.

The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program and the Revitalizing Hamilton's Commercial Districts Community Improvement Plan are met.

Applications to this Program not yet approved by City Council (or its delegate) shall be subject to any changes to the terms of this Program which are approved by Council prior to the application being approved.

COMMERCIAL DISTRICT REVITALIZATION GRANT (CDRG) PROGRAM



A. PROGRAM DESCRIPTION

The Commercial District Revitalization Grant Program (the Program) is intended to provide Grants that will support long-lasting and predominantly exterior physical improvements to the appearance, accessibility and environmental sustainability of commercial or mixed-use commercial properties located within strategic commercial districts, including Business Improvement Areas (BIA), whose visibility and long-term success contributes to Hamilton’s image for both residents and visitors. Activities supported by this program include:

- Exterior building façade improvements;
- Exterior/interior improvements that achieve Accessibility for Ontarians with Disabilities Act (AODA) standards;
- Exterior building/property improvements which improve appearance or functionality including those that enhance environmental sustainability of the building/property; and
- Limited interior mechanical/ventilation improvements for restaurant uses.

This Program is not intended to provide support for temporary or non-permanently affixed improvements. Additional details regarding ineligible costs/improvements are provided in Section C.

This Program will apply to commercial units on properties zoned to permit commercial uses which are located within the Downtown Hamilton Community Improvement Project Area (CIPA), the Community Downtown/Village Core CIPAs, BIA CIPAs, the Mount Hope / Airport Gateway CIPA and the Commercial Corridor CIPAs as collectively defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law.

Grants provided under this Program shall be provided to the Applicant who is the Owner registered on title of the property that is the subject of the Program application or an authorized commercial tenant of said property.

The Economic Development Division will periodically review the terms and availability of this Program and undertake updates from time to time subject to City Council approval and/or direction.

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All costs associated with the improvement/development and the requirements of this Program are to be borne by the Applicant including construction, design, development charges, administration fees, professional services, appraisals, inspections, legal and registration fees, where applicable except where deemed eligible within Section C herein.

The City retains the right to assess the reasonableness of costs and which costs are eligible for funding under the terms of the Program.

B. PROGRAM ELIGIBILITY AND GRANT CRITERIA

1. Applications to this Program must meet the goals of the Revitalizing Hamilton's Commercial Districts Community Improvement Plan (RHCD CIP).
2. This Program is intended to apply to commercial units on properties zoned to permit commercial uses which are located within the Downtown Hamilton CIPA, the Community Downtown/Village Core CIPAs, BIA CIPAs, the Mount Hope / Airport Gateway CIPA and the Commercial Corridor CIPAs as collectively defined through the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area By-law.
3. Notwithstanding paragraph two, this program shall not apply to a currently operating or proposed adult entertainment parlour, body rub establishment, correctional facility, corrections residence, emergency shelter, lodging house or residential care facility as defined in the applicable Zoning By-law or to a property where a designated heritage building has been demolished.
4. The maximum Grant amount under this Program is paid on a matching basis (50%-50%) for eligible work to a maximum of:
 - a. \$10,000 per municipal address applying to a commercial space/building or \$12,500 per municipal address applying to a corner commercial space/building; or
 - b. For properties located within a BIA and eligible CIPA with the exception of dormant BIAs as defined by the Dormant Business Improvement Area Status Procedure:
 - i. For municipal addresses applying to a commercial space/building with a linear foot street frontage greater than twenty-five feet (25' or 7.6 metres), grants will be paid on a matching basis of \$400 per linear foot of street frontage up to a maximum of \$20,000 with the actual grant being the lesser of 50% of the estimated cost for the proposed work and the amount of street frontage multiplied by \$400 per linear foot; or
 - ii. For municipal addresses applying to a commercial space/building with a linear foot street frontage of twenty-five feet (25' or 7.6 metres) or less,

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Grant amounts will be paid on a matching basis to a maximum of \$10,000;
or

- iii. For municipal addresses applying to a corner commercial space/building the maximum Grant amount is \$25,000 with the Grant amount determined by the measurement of the street frontage and the measurement of the corner / exposed wall multiplied by \$400 per linear foot.
5. A maximum Grant in accordance with paragraph four herein may be provided for each commercial unit within a building which has its own municipal address and separate ground floor street entrance.
 6. For properties located within a BIA and eligible CIPA with the exception of dormant BIAs as defined by the Dormant Business Improvement Area Status Procedure, an additional matching Grant above and beyond that provided for in paragraph four b. to a maximum of \$10,000 may be provided for artfully designed façade improvements or art pieces placed on private property that can be viewed by the public in accordance with paragraph eight herein.
 7. Eligible interior improvements shall not exceed:
 - a. \$5,000 of the total Grant provided; or
 - b. 50% of the eligible maximum grant when located within an active BIA.
 8. Costs associated with artfully designed façade improvements or art pieces to be located on private property are eligible under this Program with eligibility determined at the discretion of the General Manager of Planning and Economic Development (GM).

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

The City will review and evaluate all proposed art projects.

The City may consult with the following when determining eligibility of art pieces: Commercial Districts and Small Business Section and/or the Director of Culture and Tourism or representative. When located within an active BIA, the BIA’s Board of Management will be consulted.

The City will reserve the right to deem what is eligible for funding under the arts component.

Murals/art pieces shall not contain any advertising or identification of a product or business.

Murals must be appropriate for public display, must not fall under the definition of a sign under Sign By-law No. 10-197 as amended and must not be subject to royalty rights. The

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9. Prior to any Grant being provided:
 - a. Any outstanding building code, fire code or property standards orders or any other order applicable to the property(s) or the project by any governmental authority shall be rectified; and
 - b. Any tax arrears on the subject property(s) as well as tax arrears on other properties owned by the Applicant within the City of Hamilton shall be paid.
10. Commercial property owners / authorized tenants are eligible for a maximum Grant per eligible municipal address during a five-year period (i.e. multiple applications or one application could be submitted however the sum of the Grant amounts approved will be no more than the maximum amount allowed per eligible municipal address).
11. Notwithstanding paragraph 10 herein, exceptions may be made at the sole discretion of the GM if:
 - a. A new tenant / owner is occupying the commercial space/building and applies for new signage; or
 - b. The commercial space/building has been damaged due to fire, vandalism or a natural disaster such as a flood, earthquake or hurricane.

Eligible cost items under this Program when a commercial space/building has been damaged for one of the aforementioned reasons are identified in Section C herein.

Assisting commercial property owners / authorized tenants to repair damage due to fire, vandalism (not including graffiti) or a natural disaster such as a flood, earthquake or hurricane will help mitigate some of the capital improvements costs involved during the recovery phase. The Grant is not intended to replace property insurance claims, rather, it is to assist a property owner / authorized tenant with eligible costs that are not covered by their insurer due to the deductible amount or due to limits set by their insurance policy. All Grants are subject to the availability of funding.

In recognition that a property owner / authorized tenant may have work completed within hours or days of the damage occurring for safety reasons or in order to prevent further damage to the commercial space/building i.e. replacement of broken windows, an exception to the requirement that applications be submitted prior to works commencing will be allowed only in the instance when a commercial space/building has been damaged due to fire, vandalism (not including graffiti) or a natural disaster such as a flood, earthquake or hurricane. If the work has commenced or has been completed, applications must be submitted within seven days of the date the damage occurred. Completed works must meet the requirements of the City of Hamilton By-law 07-170, as amended, being a by-law to license and regulate various businesses and dictating when a contractor must be licensed with the City of Hamilton to complete works i.e. a contractor must hold a valid Building Repair license with the City of Hamilton to replace a window with a window frame

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(however if only the glazing being replaced the contractor is not required to be licensed with the City of Hamilton). All quotes / invoices submitted with the application will be reviewed by a Building Inspector to ensure the cost is at the industry standard.

Where funding is requested for a commercial space/building that has been damaged due to fire, vandalism or a natural disaster such as a flood, earthquake or hurricane earthquake or hurricane, each Applicant shall provide the following documentation to support the application:

- a. Evidence of property insurance coverage for the subject property in force as of the date of the damage. Evidence shall be provided by way of a copy of the Declaration Page of the property insurance policy or a Certificate of Insurance. Evidence shall include the following information: subject property address, deductible amount;
 - b. Copy of Proof of Loss (or other proof of settlement) from the Applicant’s Insurer, along with supporting damage estimate / invoices to support their application; and
 - c. A police report where required at the discretion of the City.
12. A Grant provided under this Program shall exclude any damage that is caused by the property owner or occupant (i.e. a tenant) of that property. For example, costs incurred because of self-inflicted damage such as vandalism or arson would not be covered by this Program.
- A refund of any Grant under this Program to the City of Hamilton would be required if it is determined after the Grant has been paid that the damage was caused by the property owner and/or occupant (i.e. a tenant) of the property.
13. A Grant provided under this Program cannot be used to pay the costs resulting from any damage or vandalism where those costs are also reimbursed to the tenant or owner because such costs are covered under any insurance policy. A refund of any Grant under this Program to the City of Hamilton would be required if it is determined after the Grant has been paid that such a reimbursement has been received.
14. Commercial property owners registered on title as well as tenants authorized in writing by the registered property owner are eligible to apply for a Grant under the Program.
15. Commercial properties are to be identified by municipal address to identify multiple and separate commercial units with separate ground floor street entrances.
16. Eligibility requirements for the Program relating to the work to be funded will be specifically identified. Two separate cost estimates for the work are to be provided. Please note a contractor licensed with the City of Hamilton may be required to undertake the

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work. For more information on work that requires a licensed contractor please refer to the Application Form or contact the Building Division at (905) 546-2424 Ext. 2720.

In the case where the Applicant is the owner of a contracting company and wishes to utilize their company to undertake the improvements, one cost estimate from an arms-length contractor will also be required. The owner may present an estimate based on material only.

Grants will be calculated based upon lowest cost estimate.

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

17. Relative to the proposed improvements, a Building Inspector will perform an initial and final inspection / investigation to confirm compliance with various Acts, Regulations and City By-laws, but not limited to including the Ontario Building Code, Property Standards By-Law, Trade Licensing By-Law and Sign By-law.
18. Approval and the receiving of financial assistance under this Program shall not preclude eligibility, approval and the receiving of financial assistance for the same subject property under any other available municipal program. However, where specific work is the subject of this Program and any other Program the total Grant for the work across all applicable programs shall not exceed 50% of the total cost of the specific work.
19. Proposed improvements are to be completed within one year from the date the Program application was approved in order to be eligible for payment. A one-year extension may be authorized by the Manager of Commercial Districts and Small Business if an Applicant has extenuating circumstances which would warrant an extension.
20. Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Manager of Commercial Districts and Small Business.
21. The Applicant shall provide to the City's Commercial Districts and Small Business Section copies of paid invoices and proof of payment to the satisfaction of the GM for all work undertaken for the commercial space/building for which the Grant is applicable. This documentation is to be provided prior to the final inspection.
22. A City Building Inspector's final inspection report confirming all works have been carried out satisfactorily must be provided prior to release of any Grant monies.
23. A Grant under this Program will be provided to an approved Applicant if all terms and conditions of this Program have been satisfied including payment of all property taxes and all eligible works have been completed at the discretion of the GM.

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24. At the sole discretion of the Manager of Commercial Districts and Small Business, partial payments for works completed can be processed consistent with the payment process described herein.
25. At the sole discretion of the Manager of Commercial Districts and Small Business, the Grant cheque can be made jointly payable to the Applicant and the contractor if such a request has been received from the Applicant.
26. A successful Applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.
27. Improvements/developments commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program with eligibility determined by the GM in their sole, absolute and unfettered discretion. An Applicant shall assume the risk of any costs incurred after an application has been submitted but prior to approval under this Program having been received.
28. Where a Program application has been submitted by a property owner and accepted by the City but not yet approved, and the subject property(s) are to be transferred to a new property owner, the City may permit the transfer or assignment of the application to the new owner at the sole, absolute and unfettered discretion of the GM. The future owner who has been requested to become the Program Applicant and receive funding under this Program shall be subject to appropriate due diligence for the purposes of paragraph 30, 31 and 32 herein. An assignment or transfer may require the assignee or transferee to submit an application, assignment or transfer agreement and/or such other documents as determined by the GM in their sole, absolute and unfettered discretion.
29. Approval of the Program application is at the absolute discretion of the GM and subject to the availability of funds.
30. Without limiting the discretion as set out in paragraph 29 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and, if a corporation, any person or entity with an interest in the corporation or any officer or director of the corporation as determined by the City in its sole, absolute and unfettered discretion.
31. Without limiting the discretion as set out in paragraph 29 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in

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its sole discretion, reject any application without further consideration where due diligence undertaken by the City identifies property tax arrears owed on the subject property(s) or other properties owned by the Applicant within the City of Hamilton, non-compliance with respect to Zoning By-law regulations or there exist outstanding property standards, building code or fire code orders on the subject property(s).

32. Without limiting the discretion as set out in paragraph 29, herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where there is credible information that the Applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that they will not conduct themselves with honesty and integrity in undertaking the activity, operation or business for which a Loan and Grant under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this paragraph 32, will be considered to be the corporation, the officers and directors of the corporation and the shareholders and this paragraph 32 shall apply jointly and severally to each of them.
33. Buildings, uses and improvements/developments shall conform to the City’s Official Plan(s), applicable Secondary Plan(s), Zoning By-Laws(s), Site Plan approval and any other applicable and approved municipal policies, by-laws or guidelines (e.g. urban design guidelines) and any other laws applicable to the improvement/development.
34. Eligibility of costs associated with exterior signage will be evaluated in terms of:
 - a. Compliance with the City’s Sign By-law No. 10-197 as amended; and
 - b. Design and aesthetics in accordance with all applicable City urban design policies and guidelines.

Signage deemed by the City to not meet one or both of these criteria shall not be eligible under this Program.

C. ELIGIBLE/INELIGIBLE IMPROVEMENTS AND COSTS

Eligible exterior improvements include:

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

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- Brick repairs and / or pointing;
- Painting and façade treatments;
- Installation or improvement of signage (in accordance with Section B, paragraph 34 herein);
- Permanent fencing;
- Permanent decks/patios located on private property;
- Surveillance cameras affixed to the exterior of the property (must comply to the Fortification By-law No. 10-122, as amended);
- Long-lasting landscaping on private property including tree plantings, statuary, rain gardens and perennial vegetation to a maximum of \$3,000 per application as part of the total Grant awarded;
- installation of permanent exterior electric vehicle charging stations to a maximum of 50% of the total Grant available under this Program;
- Depaving of existing hard surfaces (excluding areas containing required parking spaces) where the surface area will be replaced by a porous material to a maximum of 50% of the total Grant available under this Program;
- Installation of sustainable electric power generating equipment, including solar panels and micro-wind turbines, to a maximum of 50% of the total Grant available under this Program;
- Installation of an exterior living green wall covering a minimum 50% of a street facing façade to a maximum 50% of the total Grant available under this Program; and
- Other permanent exterior improvements deemed eligible at the sole discretion of the GM.

Eligible interior improvements include only the following:

- Barrier-free washrooms;
- Ramps to access barrier-free washrooms;
- Widening of doors to meet Accessibility for Ontarians with Disabilities Act (AODA) requirements;
- Interior signage to meet AODA requirements;
- Commercial kitchen cooking exhaust / ventilation systems;
- Sprinkler systems; and
- Other improvements deemed health, safety and accessible issues eligible at the sole discretion of the GM.

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Eligible improvements when a property has been damaged due to fire, vandalism (not including graffiti) or a natural disaster such as a flood, earthquake or hurricane:

- Façade Improvements: windows, doors, storefronts, awnings, signage, surveillance cameras or other items deemed eligible at the sole discretion of the GM; and
- Limited Interior Improvements: barrier-free washrooms or commercial kitchen cooking exhaust / ventilation systems (the Grant will be no more than 50% of the maximum Grant per municipal address for interior improvements).

Other eligible costs include only the following:

- Architectural, engineering, lawyer’s, BCIN designer, building permit, sign permit, site plan application, road occupancy permit, street occupancy permit and encroachment agreement application fees are eligible up to 100% of the cost to a maximum of \$3,000 per application as part of the total grant awarded for completed works; and
- Public art/mural located on private property (in accordance with Section B, paragraph eight herein).

Ineligible costs/improvements include:

- Any temporary or non-permanently affixed improvement such as, but not limited to, outdoor patio furniture, interior furniture, plexiglass partitions or display case equipment;
- Artificial landscaping elements including trees, plants and grass;
- Roofing (apart from mansard roofs above the eligible frontage);
- Sandblasting;
- Outdoor heating and cooling equipment;
- Program application fees;
- Business interruption expenses;
- Business equipment;
- Sewer/drain repair;
- Paving;
- Tools;
- Restoration/conservation specifically related to heritage features on commercial properties designated under the *Ontario Heritage Act*;
- Any other cost where a property has been damaged for one of the aforementioned reasons contained in Section B, paragraph 11 herein at the sole discretion of the GM; and

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- Any other cost/improvement deemed not to meet the intent of this Program at the sole discretion of the GM.

D. PROGRAM APPLICATION CRITERIA

A complete Program application shall be submitted to the Economic Development Division prior to the commencement of works that are the subject of a Program application. Required documents and information forming a complete application shall be identified within the Program’s application form.

An application fee is payable upon submission of application. The fee will be authorized through a user-fee by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council and will be identified on the Program’s application form.

Commercial properties are to be identified in the application by municipal address to identify multiple and separate commercial units with separate ground floor street entrances.

Applications to this program are subject to the approval of GM in their sole discretion and subject to the availability of funding.

Applications shall include plans, estimates, contracts and other details as may be required to satisfy the City as to the cost of the improvement/development and conformity with the objectives of the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan.

E. PROGRAM ADMINISTRATION

Economic Development Division staff will review applications for eligibility in collaboration with other City departments as required with approval of applications subject to a decision by the GM in their sole and unfettered discretion.

Applicants and properties will be the subject of due diligence undertaken by the City prior to any approval being provided or payment of a Grant under this Program. This will include, but may not be limited to, confirmation of the following: all property taxes are paid and current on the subject property(s) or other properties owned by the Applicant within the City of Hamilton, the property is in compliance with Zoning By-law regulations, that there are no outstanding property standards, building code or fire code orders on the subject property(s) and that the Applicant is not in litigation with the City. Failure to comply with any of the above will result in an application not being approved or, if the application is approved, non-payment of a Grant under this Program.

Approved Applicants shall be required to enter into a Grant Payment Agreement with the City.

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The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program and the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan are met.

Applications to this Program not yet approved by City Council (or its delegate) shall be subject to any changes to the terms of this Program which are approved by Council prior to the application being approved.

BARTON / KENILWORTH REVITALIZATION GRANT (BKRG) PROGRAM



A. PROGRAM DESCRIPTION

The Barton / Kenilworth Improvement Grant Program is intended to support the development of properties as well as the maintenance, functionality, viability, accessibility and aesthetics of existing commercial, mixed use commercial, multi-residential or institutional use buildings within the Barton Street and Kenilworth Avenue North commercial corridors which were the subject of the Barton and Kenilworth Commercial Corridors Study.

This Program is not intended to provide support for temporary or non-permanently affixed improvements. Additional details regarding ineligible items are provided within Section C herein.

This Program will apply within the Barton Village Business Improvement Area (BIA) Community Improvement Project Area (CIPA), the Barton Street and Kenilworth Avenue North Commercial Corridor CIPAs and properties within the Downtown Hamilton CIPA which front on Barton Street East between James Street North and Victoria Avenue North as collectively defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law.

Grants provided under this Program shall be provided to the Applicant who is the Owner registered on title of the property that is the subject of the Program application or an authorized commercial tenant of said property.

The Economic Development Division will periodically review the terms and availability of this Program and undertake updates from time to time subject to City Council approval and/or direction.

All costs associated with the improvement/development and the requirements of this Program are to be borne by the Applicant including construction, design, development charges, administration fees, professional services, appraisals, inspections, legal and registration fees, where applicable except where deemed eligible within Section C herein.

The City retains the right to assess the reasonableness of costs and which costs are eligible for funding under the terms of the Program.

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B. PROGRAM ELIGIBILITY AND GRANT CRITERIA

1. Applications to this Program must meet the goals of the Revitalizing Hamilton's Commercial Districts Community Improvement Plan (RHCD CIP).
2. This Program is intended to apply within the Barton Village BIA CIPA, the Barton Street and Kenilworth Avenue North Commercial Corridor CIPAs and properties within the Downtown Hamilton CIPA which front on Barton Street East between James Street North and Victoria Avenue North as collectively defined through the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area By-law.
3. Notwithstanding paragraph two, this program shall not apply to a currently operating or proposed adult entertainment parlour, body rub establishment, correctional facility, corrections residence, emergency shelter, lodging house or residential care facility as defined in the applicable Zoning By-law or to a property where a designated heritage building has been demolished.
4. The maximum Grant amount under this Program is paid on a matching basis (50%-50%) for eligible work to a maximum of \$50,000.
5. A maximum Grant in accordance with paragraph four herein may be provided per deeded property. This maximum may be achieved through more than one application for the same property.
6. Commercial property owners registered on title as well as tenants authorized in writing by the registered property owner are eligible to apply for a Grant under the Program.
7. Applicants will be required to provide a business case that identifies how the improvement/development will improve the marketability of the property for prospective tenants and/or improve the business vitality and/or utilize formerly under-utilized properties and will be subject to acceptance at the sole discretion of the General Manager of Planning and Economic Development (GM).
8. Prior to any Grant being provided:
 - a. Any outstanding building code, fire code or property standards orders or any other order applicable to the property(s) or the project by any governmental authority shall be rectified; and
 - b. Any tax arrears on the subject property(s) as well as tax arrears on other properties owned by the Applicant within the City of Hamilton shall be paid.
9. Eligibility requirements for the Program relating to the work to be funded will be specifically identified. Two separate cost estimates for the work are to be provided. Please note a contractor licensed with the City of Hamilton may be required to undertake the

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work. For more information on work that requires a licensed contractor please refer to the Application Form or contact the Building Division at (905) 546-2424 Ext. 2720.

In the case where the Applicant is the owner of a contracting company and wishes to utilize their company to undertake the improvements, one cost estimate from an arms-length contractor will also be required. The owner may present an estimate based on material only.

Grants will be calculated based upon lowest cost estimate.

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

10. Relative to the proposed improvements, a Building Inspector will perform an initial and final inspection / investigation to confirm compliance with various Acts, Regulations and City By-laws, but not limited to including the Ontario Building Code, Property Standards By-Law, Trade Licensing By-Law and Sign By-law.
11. Approval and the receiving of financial assistance under this Program shall not preclude eligibility, approval and the receiving of financial assistance for the same subject property under any other available municipal program. However, where specific work is the subject of this Program and any other Program the total Grant for the work across all applicable programs shall not exceed 50% of the total cost of the specific work.
12. Proposed improvement/development are to be completed within one year from the date the Program application was approved in order to be eligible for payment. A one-year extension may be authorized by the Manager of Commercial Districts and Small Business if an Applicant has extenuating circumstances which would warrant an extension.
13. Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Manager of Commercial Districts and Small Business.
14. The Applicant shall provide to the City’s Commercial Districts and Small Business Section copies of paid invoices and proof of payment to the satisfaction of the GM for all work undertaken on the property for which the Grant is applicable. This documentation is to be provided prior to the final inspection.
15. A City Building Inspector’s final inspection report confirming all works have been carried out satisfactorily must be provided prior to release of any Grant monies.
16. A Grant under this Program will be provided to an approved Applicant if all terms and conditions of this Program have been satisfied including payment of all property taxes and all eligible works have been completed at the discretion of the GM.

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17. At the sole discretion of the Manager of Commercial Districts and Small Business, partial payments for works completed can be processed consistent with the payment process described herein.
18. At the sole discretion of the Manager of Commercial Districts and Small Business, the Grant cheque can be made jointly payable to the Applicant and the contractor if such a request has been received from the Applicant.
19. The Grant is not transferable upon sale of the property.
20. A successful Applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.
21. Improvements/developments commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program with eligibility determined by the GM in their sole, absolute and unfettered discretion. An Applicant shall assume the risk of any costs incurred after an application has been submitted but prior to approval under this Program having been received.
22. Approval of the Program application is at the absolute discretion of the GM and subject to the availability of funds.
23. Without limiting the discretion as set out in paragraph 22 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and, if a corporation, any person or entity with an interest in the corporation or any officer or director of the corporation as determined by the City in its sole, absolute and unfettered discretion.
24. Without limiting the discretion as set out in paragraph 22 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application without further consideration where due diligence undertaken by the City identifies property tax arrears owed on the subject property(s) or other properties owned by the Applicant within the City of Hamilton, non-compliance with respect to Zoning By-law regulations or there exist outstanding property standards, building code or fire code orders on the subject property(s).
25. Without limiting the discretion as set out in paragraph 22, herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in

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its sole discretion, reject any application received from an Applicant where there is credible information that the Applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that they will not conduct themselves with honesty and integrity in undertaking the activity, operation or business for which a Loan and Grant under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this paragraph 25, will be considered to be the corporation, the officers and directors of the corporation and the shareholders and this paragraph 25 shall apply jointly and severally to each of them.

26. Buildings, uses and improvements/developments shall conform to the City's Official Plan(s), applicable Secondary Plan(s), Zoning By-Laws(s), Site Plan approval and any other applicable and approved municipal policies, by-laws or guidelines (e.g. urban design guidelines) and any other laws applicable to the improvement/development.
27. Eligibility of costs associated with exterior signage will be evaluated in terms of:
 - a. Compliance with the City's Sign By-law No. 10-197 as amended; and
 - b. Design and aesthetics in accordance with all applicable City urban design policies and guidelines.

Signage deemed by the City to not meet one or both of these criteria shall not be eligible under this Program.

28. Applicants shall disclose if any residential units are occupied at the time an application has been submitted to the City and, if so, identify the specific units occupied. For additional clarity, the City is not requesting or requiring the disclosure of tenant names or any other personal contact information.
29. Where this program will provide a financial incentive to facilitate the undertaking of external and/or internal property improvements which are not for the sole benefit of a non-residential use, and where the subject property contains occupied unit(s) at the time of application to the City, the occupied unit(s) shall not be the subject of an approved Above Guideline Increase (AGI) request (also referred to as an L5 request) to the Landlord and Tenant Board (LTB) for a period beginning from the date the application is received by the City and ending upon completion of the prescribed term of the incentive to be provided, or five years from the date of the initial financial disbursement, whichever is greater. This condition will continue to apply whether or not the tenancy of the unit(s) changes during this period. Exceptions to this condition may be provided where it can be demonstrated, to the City's satisfaction, that:
 - a. The affected tenant(s) have consented to the proposed AGI. Where there is more than one occupied unit in the building at the time of application to the City, this exception only applies where all affected tenants have consented to the proposed AGI request;

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- b. That the requested AGI is a result of improvements or other matters not related to those improvements facilitated by the City’s financial incentive; and,
- c. Notwithstanding the provision of a financial incentive by the City, an AGI request would be required to facilitate the property improvements due to site or building specific circumstances.

In the event an AGI request is approved by the LTB and determined to be in contravention of the City’s condition, and this approval occurs after the City’s approval under this incentive program but prior to the entering into any agreement required by this program, the application approval will be deemed to be rescinded, no incentive will be provided, and no agreement will be entered into by the City. Where the AGI approval occurs after the City’s approval and after the execution of any agreement required by this program, any remaining incentive yet to be provided over the remaining term of the program will be cancelled and enforcement action will be initiated to recoup financial incentives provided to-date.

This condition shall not apply to units registered as a condominium.

C. ELIGIBLE/INELIGIBLE IMPROVEMENTS AND COSTS

Eligible improvements include:

- Construction of a new building;
- Façade improvements;
- Reinforcement of floors, walls, ceilings and foundations;
- Construction or alteration of stairs, guardrails, handrails;
- Installation or improvement of signage (in accordance with Section B, paragraph 27 herein);
- Roofing;
- Improvements or installation to electrical, ventilation, heating, cooling and plumbing supply systems;
- Installation or alteration of required window openings;
- Installation or alteration of fire protection systems; fire separations; fire doors, fire shutters and other fire protection devices;
- Improvements for barrier-free accessibility including elevators;
- Long-lasting landscaping on private property including tree plantings, shrubs, soil, mulch, grass, statuary, rain gardens and perennial vegetation to a maximum of \$3,000 per application as part of the total Grant awarded; and

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- Other improvements deemed health, safety and accessible issues eligible at the sole discretion of the GM.

Other eligible costs include only the following:

- Architectural, engineering, lawyer’s, BCIN designer, building permit, sign permit, site plan application, road occupancy permit, street occupancy permit and encroachment agreement application fees are eligible up to 100% of the cost to a maximum of \$3,000 per application as part of the total grant awarded for completed works.

Ineligible costs/improvements include:

- Any temporary or non-permanently affixed improvement such as, but not limited to, outdoor patio furniture, interior furniture, plexiglass partitions or display case equipment;
- Artificial landscaping elements including trees, plants and grass;
- Outdoor heating and cooling equipment;
- Program application fees;
- Business interruption expenses;
- Business equipment;
- Paving;
- Tools; and
- Any other cost/improvement deemed not to meet the intent of this Program at the sole discretion of the GM.

D. PROGRAM APPLICATION CRITERIA

A complete Program application shall be submitted to the Economic Development Division prior to works that are the subject of the Program application have commenced. Required documents and information forming a complete application shall be identified within the Program’s application form.

An application fee is payable upon submission of application. The fee will be authorized through a user-fee by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council and will be identified on the Program’s application form.

Applications to this program are subject to the approval of the GM in their sole discretion and subject to the availability of funding.

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Applications shall include plans, estimates, contracts and other details as may be required to satisfy the City as to the cost of the improvement/development and conformity with the objectives of the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan.

E. PROGRAM ADMINISTRATION

Economic Development Division staff will review applications for eligibility in collaboration with other City departments as required with approval of applications subject to a decision by the GM in their sole and unfettered discretion.

Applicants and properties will be the subject of due diligence undertaken by the City prior to any approval being provided or payment of a Grant under this Program. This will include, but may not be limited to, confirmation of the following: all property taxes are paid and current on the subject property(s) or other properties owned by the Applicant within the City of Hamilton, the property is in compliance with Zoning By-law regulations, that there are no outstanding property standards, building code or fire code orders on the subject property(s) and that the Applicant is not in litigation with the City. Failure to comply with any of the above will result in an application not being approved or, if the application is approved, non-payment of a Grant under this Program.

Approved Applicants shall be required to enter into a Grant Payment Agreement with the City.

The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program and the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan are met.

Applications to this Program not yet approved by City Council (or its delegate) shall be subject to any changes to the terms of this Program which are approved by Council prior to the application being approved.

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Hamilton

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

THE “GORE” BUILDING IMPROVEMENT GRANT PROGRAM

PROGRAM DESCRIPTION

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

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

Applications under the Program are subject to the availability of funding. Applications will be accepted to the end of December 2014* (with the exception of applicants granted an extension by Council).

PROGRAM TERMS

1. Property owners, and tenants authorized in writing by the owner, are eligible to apply for a grant under the program.
2. Grants will be paid on a matching basis up to a maximum of \$50,000 for eligible work under the Program.
3. Grants will be based on municipal addresses, identifying multiple and separate units with ground floor street frontages and entranceways and will be up to a maximum of \$50,000 per municipal address for eligible work under the terms of the Program.
4. Two separate cost estimates for the work are to be provided. Please note a contractor licensed with the City of Hamilton may be required to undertake the work. For more information on work that requires a licensed contractor

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

An owner may present an estimate based on material only.

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

Grants will be calculated based upon lowest cost estimate.

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

5. Applicants will be required to provide a business case that identifies how the improvements will improve the marketability of the property for prospective tenants and/or improve the business vitality and/or utilize formerly under-utilized upper floors.
6. A building inspector will perform initial inspection relative to the proposed improvements, and subsequent final inspection to assure compliance with Property Standards.
7. Approval of the grant is at the sole discretion of the General Manager of the Planning and Economic Development Department and subject to the availability of funds.
8. Proposed improvements to be completed within one year to be eligible for payment. A one-year extension can be authorized by the Manager of Commercial Districts and Small Business.
9. Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Commercial Districts and Small Business Section.
10. The Applicant shall provide to the City’s Commercial Districts and Small Business Section copies of paid invoices for all work undertaken on the property for which the grant is applicable. This documentation is to be provided prior to the final inspection.
11. A City Building Inspector’s final inspection report confirming all works have been carried out satisfactorily will be provided prior to release of any grant monies.

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12. At the sole discretion of the Manager of Commercial Districts and Small Business, partial payments for works completed can be processed consistent with the payment process described above.
13. At the sole discretion of the Manager of Commercial Districts and Small Business, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.
14. The grant is not transferable upon sale of the property.
15. The grant may also be received by an owner in conjunction with any other available City program in support of the redevelopment/development of the property with the exception of the Commercial Property Improvement Grant Program.
16. An application fee of \$423.75 for grants greater than \$12.5 K, or \$271.20 for grants less than or equal to \$12.5 K must be submitted at the time of application.
17. Without limiting the discretion as set out in paragraph seven, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and if a corporation any person or entity with an interest in the corporation as determined by the City in its sole, absolute and unfettered discretion.
18. Without limiting the discretion as set out in paragraph 6 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.
19. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.

ELIGIBILITY REQUIREMENTS

- Property owners and authorized tenants are eligible.
- Property taxes must be paid current.
- The improvements shall be in accordance with Property Standards and in compliance with all applicable City by-laws, official plans, zoning regulations, design guidelines and site plan approvals.

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- Works commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program and eligibility will be determined by the General Manager of Planning and Economic Development Department, in his sole, absolute and unfettered discretion. An applicant shall assume the risk of paying for work commenced after an application has been submitted but prior to approval.
- Properties must front on King Street between James Street and Catharine Street.
- Existing use must be in conformity with the applicable Zoning By-law regulations (including the Heritage Character Zone), and other relevant planning controls.
- This program shall not apply to an existing or proposed Adult Entertainment Parlour, Body Rub Establishment as defined in the Zoning By-law.

ELIGIBLE IMPROVEMENTS

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

START-UP & OFFICE TENANT ATTRACTION (SOTA) PROGRAM



A. PROGRAM DESCRIPTION

The Start-up and Office Tenant Attraction (SOTA) Program (the Program) is intended to provide low-interest Loans or Forgivable Loans that will facilitate the undertaking of eligible leasehold improvements to office space by property owners or authorized tenants in order to support the creation of new office space and improve the marketability and attractiveness of existing office space. This Program will serve as a tool to reduce office vacancy rates in Downtown Hamilton and other eligible commercial districts and serve as a means of attracting new and expanding office uses and businesses to Hamilton.

In addition to supporting general office tenancy, this Program will also serve as a means of attracting both start-up/business incubators and individual start-up businesses who are emerging from regional, national and international start-up/business incubators seeking to establish their first permanent office location.

This Program will apply within the Downtown Hamilton Community Improvement Project Area (CIPA), the Community Downtown/Village Core CIPAs, Business Improvement Area (BIA) CIPAs, the Mount Hope / Airport Gateway CIPA and the Barton Street and Kenilworth Avenue North Commercial Corridor CIPAs as collectively defined through the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area By-law.

Loans provided under this Program shall be provided to the Applicant who is the Owner registered on title of the property that is the subject of the Program application or an authorized commercial tenant of said property and who will be undertaking the improvement/development.

The Economic Development Division will periodically review the terms and availability of this Program and undertake updates from time to time subject to City Council approval and/or direction.

All costs associated with the improvement/development and the requirements of this Program are to be borne by the Applicant including construction, design, development charges, administration fees, appraisals, inspections, legal, discharge and registration fees (plus applicable taxes), where applicable.

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The City retains the right to assess the reasonableness of costs and which costs are eligible for funding under the terms of the Program.

B. PROGRAM ELIGIBILITY AND LOAN CRITERIA

1. Applications to this Program must meet the goals of the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan (RHCD CIP).
2. This Program is to apply within the Downtown Hamilton CIPA, the Community Downtown/Village Core CIPAs, BIA CIPAs, the Mount Hope / Airport Gateway CIPA and the Barton Street and Kenilworth Avenue North Commercial Corridor CIPAs as collectively defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law.
3. Notwithstanding paragraph two, this program shall not apply to a currently operating or proposed adult entertainment parlour, body rub establishment-, correctional facility, corrections residence, emergency shelter, lodging house or residential care facility as defined in the applicable Zoning By-law or to a property where a designated heritage building has been demolished.
4. The maximum Loan amount is \$450,000 per application.
5. The Loan amount will be the lesser of:
 - a. 90% of estimated eligible leasehold improvement costs; or
 - b. As follows:
 - i. in the case of applications by an owner or tenant involving a lease, the square foot area multiplied by the appropriate \$ amount based on the term of the lease, as indicated in the table below;

Term of Lease	\$ Amount
12 to 35 months	\$10
36 to 47 months	\$15
48 to 59 months	\$20
60 months or longer	\$25

The lease must be for a minimum of one year.

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

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Notwithstanding the foregoing, if the amounts in a. or b. above exceed \$450,000.00 the maximum Loan amount shall be \$450,000.00.

6. For the purposes of this Program, the following use definitions shall apply:
 - a. A Start-up shall mean a business who is a current tenant of a start-up/business incubator, where support services/resources for new or growing businesses are provided as a component of one’s tenancy. For the purposes of this Program a Start-up shall also include a start-up/business incubator that provides space and services to new businesses and entrepreneurs as determined by the General Manager of Planning and Economic Development (GM).
 - b. An Educational Establishment shall mean a non-for-profit university or college (established pursuant to the *Ontario Colleges of Applied Arts and Technology Act, 2002*, and its regulations) for academic instruction receiving funds from the Province of Ontario and shall include a hospital or institution, including the associated offices of such uses.
 7. Only leasehold improvements for a minimum of 1,000 square feet of gross leasable office space or 500 square feet for a Start-up shall be eligible for a Loan under this Program. The minimum square foot requirement may be subdivided within a larger building.
 8. Leasehold improvements for a tenant expanding/relocating tenant already located within the City of Hamilton, with the exception of a Start-up, must be increasing their current leasehold area by a minimum of 1,000 square feet of gross leasable office space to be eligible for the Program. For the purpose of calculating the Loan amount, only the total leasehold improvement costs that apply to the expansion area will be applied.
 9. Notwithstanding paragraph four herein, City Council, in its sole and absolute discretion may, at the time of initially approving a Loan commitment may:
 - a. Provide that the maximum Loan amount can be greater than \$450,000.00; and/or
 - b. Provide all or portion of the Loan in the form of a Forgivable Loan to a maximum of \$25,000.00, or such other amount at the discretion of City Council, where:
 - i. the Applicant is an Educational Establishment establishing a presence within the Downtown Hamilton CIPA; or
 - ii. the Applicant is a Start-up.
- Approval of a Forgivable Loan is contingent on an appropriate funding source being identified as part of the approval process and provided in accordance with paragraph 10 herein.
10. A Forgivable Loan will be provided on the same terms and conditions as the Loan except for the following:

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- a. Uses must meet the definition of an Educational Establishment or Start-up as contained in paragraph six herein to the satisfaction of the GM prior to being forwarded to City Council for consideration;
 - b. If the Applicant is not otherwise in default of the Loan Agreement, Loan forgiveness will occur at the end of the term of the Loan;
 - c. Forgiveness shall not be pro-rated if the Applicant vacates the space to which the Loan was used for leasehold improvements prior to the end of the Loan term;
 - d. In order to earn the forgiveness, the Applicant must occupy the space to which the Loan was used for leasehold improvements for the entire term of the Loan. Subletting of the space shall not be permitted; and
 - e. The maximum term of the Loan shall be as set out in paragraph 11 herein. However, if the applicable lease provides for early termination the minimum term of the Loan shall be one year.
11. The maximum Loan term is the term of the lease and shall not exceed five years (subject to prior termination on default) from the date of the final Loan advance exclusive of holdbacks.
 12. The Loan interest will be at 0% for the repayment term.
 13. A maximum of one Loan per deeded property will be permitted under this Program.
 14. Eligible leasehold improvements shall be limited to spaces which are deemed, at the City's discretion, to meet the following use definitions:
 - a. Under Hamilton Zoning By-law 05-200:
 - i. Office, Commercial School or Communications Establishment; or
 - ii. Production Studio only where digital media uses such as animation studio and associated software development and processing occur; or
 - b. a Start-up or Educational Establishment in accordance with paragraph six herein.
- Notwithstanding the above, City Council, at its sole discretion, may deem other uses eligible for the program that are not listed above.
15. Notwithstanding paragraph 14 herein, leasehold improvements to space within eligible buildings that are used for non-office or more commercially-oriented activities such as, but not limited to retail, restaurant, personal services, commercial entertainment, commercial recreation, hotel, financial establishments or conference or convention centre uses as well as medical clinics are ineligible under this Program.
 16. Prior to any Loan being provided:

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- a. Any outstanding building code, fire code or property standards orders or any other order applicable to the property(s) or the project by any governmental authority shall be rectified; and
 - b. Any tax arrears on the subject property(s) as well as tax arrears on other properties owned by the Applicant within the City of Hamilton shall be paid.
17. Approval and the receiving of financial assistance under this Program shall not preclude eligibility, approval and the receiving of financial assistance for the same subject property(s) under any other available municipal program.
18. All Applicants receiving approval for a Loan under this Program shall be required to enter into a Loan Agreement with the City, prior to the first advance of funds, with provisions including but not limited to the terms and conditions set out herein and such additional conditions as determined by the City Solicitor in their sole discretion, and if deemed a requirement by the GM, execute a General Security Agreement, a Site Specific General Security Agreement or such security that may be required to secure a commercial loan such as a mortgage registered on title upon the lands to be development (the “Property”), personal guarantees and/or corporate guarantees.
19. Interest on arrears will be charged per annum at the then prevailing rate established by Council.
20. The Loan may be prepaid at any time without notice, bonus or penalty. Discharge and registration fees (plus applicable taxes) will be required to be paid at such time as the prepayment occurs.
21. Leasehold improvements shall commence within one year following Council’s approval of the Loan. The one-year period can be extended at the sole discretion of the GM.
22. Loans are conditional upon the City being provided with a copy of the executed lease, in a format acceptable to the City in its absolute discretion. This Program term does not apply in the case of applications for owner-occupied spaces.
23. Unless waived at the sole, absolute and unfettered discretion of the City, the applicant must provide supervision of the Project by a Project Monitor acceptable to the City. The Project Monitor will at the cost of the Applicant, and prior to each advance provide proof that is satisfactory to the City that the structural, mechanical and electrical work complies with the approved plans and specifications and all Applicable Law.
24. Advances are made by the City, upon proof that is satisfactory to the City is provided confirming the value of the work completed, there are no tax arrears on the subject property and on other properties owned by the applicant within the City of Hamilton and such other conditions as may be required by the City Solicitor.

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25. The City may retain from any advance, including the final advance, such holdbacks including but not limited to the basic holdback, finishing holdback, and notice holdbacks as provided for under the Construction Act as the City deems prudent. Notwithstanding the foregoing the City will hold back a minimum of 10% of an advance.
26. Advancements will be provided as follows:
 - a. For Loans in an amount less than 90% of the estimated costs of the eligible improvements, advances will be provided in three stages, upon completion of 50%, 75% and 100% of the leasehold improvements eligible to be funded by the program. Copies of paid invoices will be required to be provided to the City for advances to be made. In addition to invoices the City may require, in the sole determination of the GM additional information in order that advances can be made. Advances will be made based on work completed. If the amount of the Loan is less than the cost of the eligible leasehold improvements advances will be made as follows subject to compliance with applicable conditions:
 - i. at the 50% completion stage the amount advanced shall equal the amounts invoiced for eligible improvements less 10% up to a maximum amount of 50% of the Loan amount and less a Holdback
 - ii. at the 75% completion stage the amount advanced shall equal the amounts invoiced for eligible improvements less 10% up to a maximum of 25% of the Loan amount and less a Holdback; and
 - iii. at the 100% completion stage the amount advanced shall equal the amounts invoiced for eligible improvements less 10% up to a maximum of 25% of the Loan amount and less a Holdback; or
 - b. For Loans in an amount equal to or greater than 90% of the estimated costs of the eligible improvements, advances will be made as follows subject to compliance with all applicable conditions:
 - i. at the 50% completion stage the amount advanced shall equal 90% of the invoiced amounts for eligible improvements less a Holdback;
 - ii. at the 75% completion stage the amount advanced shall equal 90% of the amounts invoiced for eligible improvements less any amounts previously advanced and less a Holdback; and
 - iii. at the 100% completion stage the amount advanced shall equal 90% of the amounts invoiced for eligible improvements less any amounts previously advanced and less a Holdback.
27. Unless waived at the sole, absolute and unfettered discretion of the City, confirmation of publication of the Certificate of Substantial Performance will be required. Where the requirement for confirmation of publication of the Certificate of Substantial Performance

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has been waived by the City, the Contractors must supply a Declaration of Last Supply. The Holdback will be released 60 days following the date of publication of substantial completion or, where the City has waived the requirement for the publication of the Certificate of Substantial Performance, the Holdback will be released 60 days following the Declaration of Last Supply from the Contractors and following receipt of a written report to the City, satisfactory to the GM, that will include but not be limited to an updated statement of project costs, confirmation that all of the Units in the Project can be occupied, receipt of statutory declaration(s) in a form satisfactory to the GM and sworn to by the Contractor(s) that states: “All accounts for labour, contracts, subcontracts, products, services, machinery and equipment which have been incurred in the Project, have been paid in full” and there are no notices of liens and lien rights have expired.

28. If the total of the invoiced cost of eligible improvements exceeds the estimated cost, the total of all advances cannot exceed the approved amount of the Loan and the final advance shall be reduced in order to conform to this requirement.
29. All taxes as billed must be paid current and in good standing throughout the development process and term of the Loan or to the final advance.
30. The City will require, at its sole discretion, any specific insurance terms required to be met to protect the City’s interest.
31. Final inspection will be completed for all building permits required in relation to the leasehold improvements.
32. Loan repayments will commence at the beginning of the second full month following the date of the final advance. Principal payments will be made in equal monthly installments on the first of each subsequent month over the term of the loan such that at the end of the term, the principal amount will have been paid in full. Monthly repayments would not be required for the portion of the Loan that is being provided as a Forgivable Loan.
33. Leasehold improvements shall be completed within four months from the First Advance. The four-month period can be extended at the sole discretion of the GM.
34. If the Applicant is the owner, in the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property all monies secured by the mortgage to the City shall forthwith become due and payable unless otherwise determined by the GM in their sole discretion.
35. In cases where the Applicant is a corporation, the Applicant covenants and agrees that in the event that there is a change in the effective control of the majority of the voting shares of the corporation, the City shall have absolute discretion to request the full repayment of any outstanding Loan under this Program together with the interest accrued to date.

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36. If the Applicant is a tenant, in the event that the tenant vacates the space prior to the end of the Loan term (i.e. the end term of the lease or five years from the date of the final Loan advance, whichever is less), or if the tenant’s lease is terminated, all monies secured by the mortgage to the City shall forthwith become due and payable unless otherwise determined by the GM in their sole discretion..
37. Approval of an application under this Program is at the absolute discretion of City Council and subject to the availability of funds.
38. Without limiting the discretion as set out in paragraph 37 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: The Applicant identified on the application form and, if a corporation, any person or entity with an interest in the corporation or any officer or director of the corporation, as determined by the City in its sole, absolute and unfettered discretion.
39. Without limiting the discretion as set out in paragraph 37 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application without further consideration where due diligence undertaken by the City identifies property tax arrears owed on the subject property(s) or other properties owned by the Applicant within the City of Hamilton, non-compliance with respect to Zoning By-law regulations or there exist outstanding property standards, building code or fire code orders on the subject property(s).
40. Without limiting the discretion as set out in paragraph 37 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application where the City determines in its sole discretion that there is a financial risk to the City in terms of the financial capabilities of the Applicant to complete the improvement/development subject to the Program application.
41. Without limiting the discretion as set out in paragraph 37, herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where there is credible information that the Applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that they will not conduct themselves with honesty and integrity in undertaking the activity, operation or business for which a loan under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this paragraph 41, will be considered to be the corporation, the officers and directors of the

corporation and the shareholders and this paragraph 41 shall apply jointly and severally to each of them.

42. Improvements/developments commenced prior to submitting an application are ineligible for funding under this Program. Work commenced after submitting an application but prior to approval may be eligible for funding under the Program with eligibility determined by the GM in their sole, absolute and unfettered discretion. An Applicant shall assume the risk of any costs incurred after an application has been submitted but prior to approval under this Program having been received.
43. Buildings, uses and improvements/developments shall conform to the City’s Official Plan(s), applicable Secondary Plan(s), Zoning By-Laws(s), Site Plan approval and any other applicable and approved municipal policies, by-laws or guidelines (e.g. urban design guidelines) and any other laws applicable to the improvement/development.
44. A Program application may be denied by City Council if the improvement/development is not supported by Council notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Local Planning Appeal Tribunal or the Minister of Municipal Affairs and Housing, and that City Council’s decision on the Program application will not fetter its discretion on *Planning Act* applications.
45. City Council’s approval of a Program application can provide for a reduced Loan amount so that no Loan is provided in respect of any portion of the improvement/development which Council does not support notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Local Planning Appeal Tribunal or the Minister of Municipal Affairs and Housing, and that City Council’s decision on the application will not fetter its discretion on *Planning Act* applications. In such cases, the Applicant shall be required to provide additional supporting documentation, at the Applicant’s own expense, to support the providing of financial assistance in accordance with City Council’s approval/direction.

C. ELIGIBLE/INELIGIBLE IMPROVEMENTS

Eligible leasehold improvements include only the following:

- Improvements required by the tenant in order to lease the space but that will become the property of the landlord upon termination of the lease. This would include alterations or improvements to the building that cannot be removed upon termination of the lease because they are attached to or form part of the leased premises and may include:
 - alterations to a building such as interior walls, ceilings and doors;
 - paint, wallpaper, window coverings and flooring;

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- phone and data cabling;
- fixed lighting, HVAC, electrical or plumbing upgrades; and
- other permanent leasehold improvements deemed eligible at the sole discretion of the GM.

Ineligible leasehold improvements include:

- Items that can be moved or taken out of the building, such as mobile partitions, furniture and equipment, appliances, pictures and carpeting / rugs that are not attached to the floor;
- Capital improvements to a property e.g. additions, roofing; and
- Any other improvement deemed not to meet the intent of this Program at the sole discretion of the GM.

D. PROGRAM APPLICATION CRITERIA

A complete Program application shall be submitted to the Economic Development Division prior to the commencement of works that are the subject of a Program application. Required documents and information forming a complete application shall be identified within the Program’s application form.

An application fee is payable upon submission of application. The fee will be authorized through a user-fee by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council and will be identified on the Program’s application form.

Approval of an application under this Program is at the absolute discretion of City Council and subject to the availability of funds.

Applications shall include plans, estimates, contracts and other details as may be required to satisfy the City as to the cost of the improvement/development and conformity with the objectives of the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan.

Applicants shall be required to submit information to assist with determining the financial capabilities of the Applicant to complete the improvement/development subject to the Program application and to identify any potential financial risks to the City. Information required to be submitted is at the discretion of the City and may include but may not be limited to, a financial risk assessment, personal/corporate net worth statements and/or business plan.

E. PROGRAM ADMINISTRATION

Economic Development Division staff will review applications for eligibility in collaboration with other City departments as required with approval of applications subject to a decision by the City Council in their sole and unfettered discretion.

Applicants and properties will be the subject of due diligence undertaken by the City prior to any approval being provided or provision of a Loan/Forgivable Loan under this Program. This will include, but may not be limited to, confirmation of the following: all property taxes are paid and current on the subject property(s) or other properties owned by the Applicant within the City of Hamilton, the property is in compliance with Zoning By-law regulations, that there are no outstanding property standards, building code or fire code orders on the subject property(s) and that the Applicant is not in litigation with the City. Failure to comply with any of the above will result in an application not being approved or, if the application is approved, non-payment of a Loan/Forgivable Loan under this Program.

Approved Applicants shall be required to enter into a Loan Agreement with the City.

The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program and the Revitalizing Hamilton's Commercial Districts Community Improvement Plan are met.

Applications to this Program not yet approved by City Council (or its delegate) shall be subject to any changes to the terms of this Program which are approved by Council prior to the application being approved.

COMMERCIAL VACANCY ASSISTANCE (CVA) PROGRAM



A. PROGRAM DESCRIPTION

The Commercial Vacancy Assistance (CVA) Program (the Program) is intended as a temporary program that is a direct response to minimize potential commercial vacancies arising during, and/or in the immediate recovery from, the COVID-19 pandemic and its impact on the local, provincial and national economy.

This Program will provide financial assistance in the form of a Grant to new permanent or 'pop-up' commercial tenants of a presently vacant at, or below grade, commercial space so as to make permanent interior improvements for the purposes of improving the attractiveness and usability of the space for the intended commercial use. To be eligible, the intended commercial use must be accessible to the public/customers and may include, but not be limited to, retail uses, artists studios/galleries containing a retail component and/or dine-in or take-out restaurants but shall not include uses identified in Section B, paragraph three herein.

This Program is not intended to provide support for temporary or non-permanently affixed improvements. Additional details regarding ineligible costs/improvements are provided in Section C herein.

This Program will cease two years from the date the Revitalizing Hamilton's Commercial Districts Community Improvement Plan is adopted by City Council unless an extension is provided by City Council via resolution.

This Program will apply to commercial units on properties zoned to permit commercial uses within the Downtown Hamilton Community Improvement Project Area (CIPA), the Community Downtown/Village Core CIPAs, Business Improvement Area (BIA) CIPAs, the Mount Hope / Airport Gateway CIPA and the Commercial Corridor CIPAs as collectively defined through the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area By-law.

Grants provided under this Program shall be provided to an Applicant who is an authorized commercial tenant of a property that is the subject of the Program application.

The Economic Development Division will periodically review the terms and availability of this Program and undertake updates from time to time subject to City Council approval and/or direction.

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All costs associated with the improvement/development and the requirements of this Program are to be borne by the Applicant including construction, design, development charges, administration fees, professional services, appraisals, inspections, legal and registration fees, where applicable, where applicable.

The City retains the right to assess the reasonableness of costs and which costs are eligible for funding under the terms of the Program.

B. PROGRAM ELIGIBILITY AND GRANT CRITERIA

1. Applications to this Program must meet the goals of the Revitalizing Hamilton's Commercial Districts Community Improvement Plan (RHCD CIP).
2. This Program is intended to apply to commercial units on properties zoned to permit commercial uses within the Downtown Hamilton CIPA, the Community Downtown/Village Core CIPAs, BIA CIPAs, the Mount Hope / Airport Gateway CIPA and the Commercial Corridor CIPAs as collectively defined through the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area By-law.
3. Notwithstanding paragraph two, the intended commercial use shall only be eligible when located in a commercial space at or below grade and will be accessible to the public/customers and may include, but not be limited to, retail uses, artists studios/galleries containing a retail component and/or dine-in or take-out restaurants. Uses not eligible under this Program shall include currently operating or proposed adult entertainment parlour, body rub establishment, correctional facility, corrections residence, emergency shelter, financial institutions, lodging house, medical clinics, office uses, residential care facility, any residential use or any vehicle-oriented commercial service use as defined in the applicable Zoning By-law or to a property where a designated heritage building has been demolished.
4. The maximum Grant amount under this Program is paid on a matching basis (50%-50%) for eligible work to a maximum of:
 - a. \$5,000 where the Applicant has entered into a lease term of no less than three months and no longer then six months less a day for the space where improvements will be undertaken, and which is the subject of a Program application; or
 - b. \$10,000 where the Applicant has entered into a lease term of six months or longer for the space where improvements will be undertaken, and which is the subject of a Program application.

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5. A maximum Grant in accordance with paragraph four herein may be provided per deeded property. However, the maximum grant may be achieved through more than one application including applications from different authorized commercial tenants on the same property for improvements to the same or different at or below grade commercial spaces on the property.
6. Tenants authorized in writing by the registered property owner are eligible to apply for a Grant under the Program and shall provide to the City a copy of the signed lease agreement for the commercial space/building that is the subject of a Program application.
7. Prior to any Grant being provided:
 - a. Any outstanding building code, fire code or property standards orders or any other order applicable to the property(s) or the project by any governmental authority shall be rectified; and
 - b. Any tax arrears on the subject property(s) as well as tax arrears on other properties owned by the Applicant within the City of Hamilton shall be paid.
8. Eligibility requirements for the Program relating to the work to be funded will be specifically identified. Two separate cost estimates for the work are to be provided. Please note a contractor licensed with the City of Hamilton may be required to undertake the work. For more information on work that requires a licensed contractor please refer to the Application Form or contact Building Division at (905) 546-2424 Ext. 2720.

In the case where the Applicant is the owner of a contracting company and wishes to utilize their company to undertake the improvements, one cost estimate from an arms-length contractor will also be required. The owner may present an estimate based on material only.

Grants will be calculated based upon lowest cost estimate.

A Building Inspector will review all estimates provided for the purpose of ensuring competitiveness.
9. Relative to the proposed improvements, a Building Inspector will perform an initial and final inspection / investigation to confirm compliance with various Acts, Regulations and City By-laws, but not limited to including the Ontario Building Code, Property Standards By-Law, Trade Licensing By-Law and Sign By-law.
10. Approval and the receiving of financial assistance under this Program shall not preclude eligibility, approval and the receiving of financial assistance for the same subject property under any other available municipal program. However, where specific work is the subject of this Program and any other Program the total Grant for the work across all applicable programs shall not exceed 50% of the total cost of the specific work.

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11. Proposed improvement/development are to be completed within one year from the date the Program application was approved in order to be eligible for payment.
12. Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Manager of Commercial Districts and Small Business.
13. The Applicant shall provide to the City’s Commercial Districts and Small Business Section copies of paid invoices and proof of payment to the satisfaction of the GM for all work undertaken for the commercial space/building for which the Grant is applicable. This documentation is to be provided prior to the final inspection.
14. A City Building Inspector’s final inspection report confirming all works have been carried out satisfactorily must be provided prior to release of any Grant monies.
15. A Grant under this Program will be provided to an approved Applicant if all terms and conditions of this Program have been satisfied including payment of all property taxes and all eligible works have been completed at the discretion of the GM.
16. At the sole discretion of the Manager of Commercial Districts and Small Business, partial payments for works completed can be processed consistent with the payment process described herein.
17. At the sole discretion of the Manager of Commercial Districts and Small Business, the Grant cheque can be made jointly payable to the Applicant and the contractor if such a request has been received from the Applicant.
18. A successful Applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.
19. Improvements/developments commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program with eligibility determined by the General Manager of Planning and Economic Development (GM) in their sole, absolute and unfettered discretion. An Applicant shall assume the risk of any costs incurred after an application has been submitted but prior to approval under this Program having been received.
20. Approval of the Program application is at the absolute discretion of the GM and subject to the availability of funds.
21. Without limiting the discretion as set out in paragraph 20 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where, in the opinion

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of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: The Applicant identified on the application form and, if a corporation, any person or entity with an interest in the corporation or any officer or director of the corporation as determined by the City in its sole, absolute and unfettered discretion.

22. Without limiting the discretion as set out in paragraph 20 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application without further consideration where due diligence undertaken by the City identifies property tax arrears owed on the subject property(s) or other properties owned by the Applicant within the City of Hamilton, non-compliance with respect to Zoning By-law regulations or there exist outstanding property standards, building code or fire code orders on the subject property(s).
23. Without limiting the discretion as set out in paragraph 20, herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where there is credible information that the Applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that they will not conduct themselves with honesty and integrity in undertaking the activity, operation or business for which a Loan and Grant under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this paragraph 23, will be considered to be the corporation, the officers and directors of the corporation and the shareholders and this paragraph 23 shall apply jointly and severally to each of them.
24. Buildings, uses and improvements/developments shall conform to the City's Official Plan(s), applicable Secondary Plan(s), Zoning By-Laws(s), Site Plan approval and any other applicable and approved municipal policies, by-laws or guidelines (e.g. urban design guidelines) and any other laws applicable to the improvement/development.

C. ELIGIBLE/INELIGIBLE IMPROVEMENTS AND COSTS

Eligible improvements include:

- Interior drywall, painting and wallpaper;
- Interior permanent flooring replacement or refurbishment;
- Construction or alteration of stairs, guardrails, handrails;
- Improvements or installation to electrical, ventilation, heating, cooling and plumbing supply systems;
- Installation or alteration of required window openings;

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- Fixed lighting;
- Installation or alteration of interior fire protection systems; fire separations; fire doors, fire shutters and other fire protection devices;
- Interior improvements for barrier-free accessibility including elevators; and
- Other improvements deemed health, safety and accessible issues eligible at the sole discretion of the GM.

Ineligible costs/improvements include:

- Any temporary or non-permanently affixed improvement such as, but not limited to, outdoor patio furniture, interior furniture, plexiglass partitions or display case equipment;
- Outdoor patios/decks;
- Non-permanent interior decoration;
- Professional fees;
- City permit and/or application fees;
- Business interruption expenses;
- Business equipment;
- Tools; and
- Any other cost/improvement deemed not to meet the intent of this Program at the sole discretion of the GM.

D. PROGRAM APPLICATION CRITERIA

A complete Program application shall be submitted to the Economic Development Division prior to the commencement of works that are the subject of a Program application. Required documents and information forming a complete application shall be identified within the Program’s application form.

An application fee is payable upon submission of application. The fee will be authorized through a user-fee by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council and will be identified on the Program’s application form.

Applications to this program are subject to the approval of the GM in their sole discretion and subject to the availability of funding.

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Applications shall include plans, estimates, contracts and other details as may be required to satisfy the City as to the cost of the improvement/development and conformity with the objectives of the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan.

E. PROGRAM ADMINISTRATION

Economic Development Division staff will review applications for eligibility in collaboration with other City departments as required with approval of applications subject to a decision by the GM in their sole and unfettered discretion.

Applicants and properties will be the subject of due diligence undertaken by the City prior to any approval being provided or payment of a Grant under this Program. This will include, but may not be limited to, confirmation of the following: all property taxes are paid and current on the subject property(s) or other properties owned by the Applicant within the City of Hamilton, the property is in compliance with Zoning By-law regulations, that there are no outstanding property standards, building code or fire code orders on the subject property(s) and that the Applicant is not in litigation with the City. Failure to comply with any of the above will result in an application not being approved or, if the application is approved, non-payment of a Grant under this Program.

Approved Applicants shall be required to enter into a Grant Payment Agreement with the City.

The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program and the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan are met.

Applications to this Program not yet approved by City Council (or its delegate) shall be subject to any changes to the terms of this Program which are approved by Council prior to the application being approved.



Five-year Review of the Downtown and Community Renewal Community Improvement Plan (DCR CIP) and Associated Financial Incentive Programs (City-Wide)

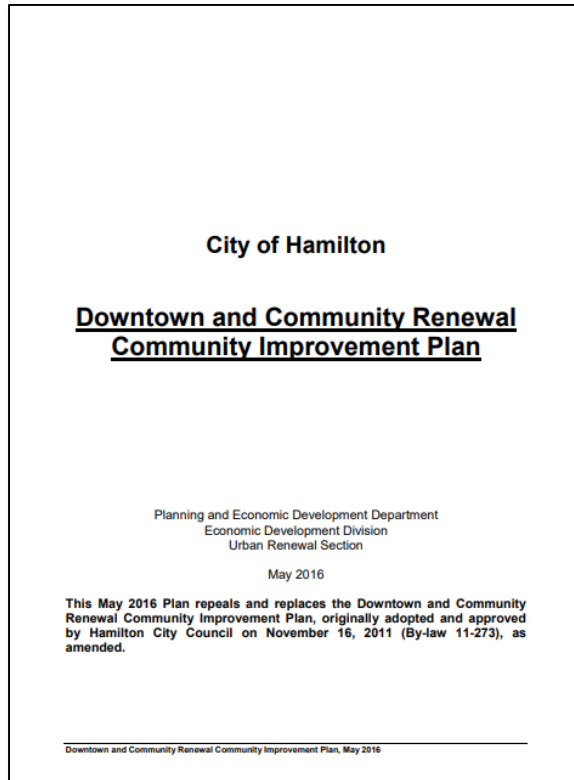
General Issues Committee – March 24, 2021

DCR CIP Review – Community Improvement Plans

- CIPs are a tool under the *Planning Act* that allow municipalities to provide incentives not otherwise permitted under the *Municipal Act*
- The primary purpose of a CIP and its incentive programs should be to facilitate physical improvements to building/properties that will support the broader improvement/revitalization of a defined geographic area
- Defined geographic areas in which programs can be offered are “Community Improvement Project Areas” or CIPAs
- CIP/CIPAs are implemented as By-laws and updates are required to be undertaken in accordance with requirements of the *Planning Act*
- City practice is to review our CIPs and their programs every five years
- These reviews serve as a ‘check-in’ to evaluate existing programs in terms of addressing their intended goals and introduce program updates

DCR CIP Review – Background and Purpose

- The current Downtown and Community Renewal CIP was last reviewed and updated in 2016
- Iterations of this CIP and its incentive programs have been supporting the revitalization of various commercial districts since 1997
- The Plan's purpose is to support the revitalization of strategic urban commercial districts by minimizing financial barriers to, and stimulating new private sector investment in, the development of under-utilized properties and/or improve the appearance, functionality, marketability, usability and/or safety of existing commercial buildings



DCR CIP Review – Program Areas



**COMMUNITY DOWNTOWNS
/VILLAGE CORES**

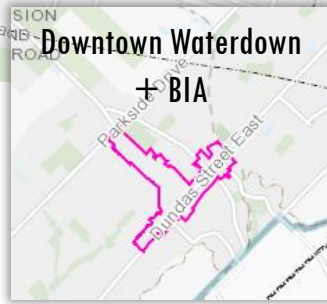
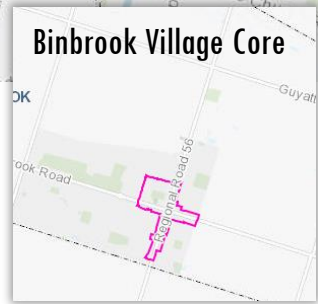
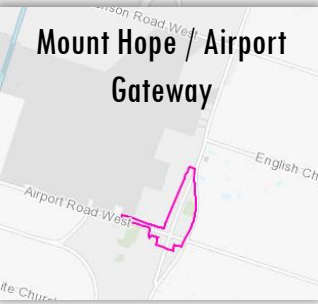
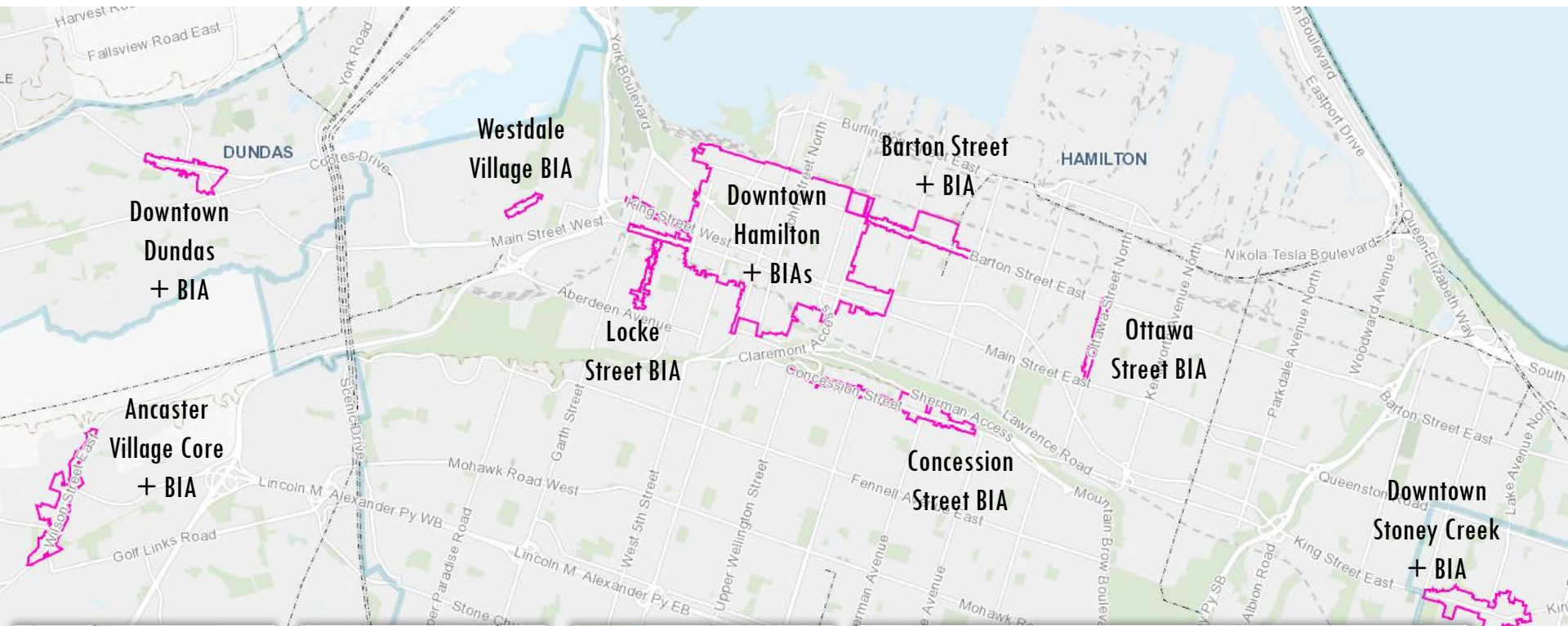
**DESIGNATED
HERITAGE
PROPERTIES**

**BIAs/COMMERCIAL
CORRIDORS**

DOWNTOWN HAMILTON

**MOUNT HOPE/AIRPORT
GATEWAY**

DCR CIP Review – Existing CIPAs



- Commercial Corridors (not on map) include portions of:**
- Main Street East/West
 - King Street East/West
 - Kenilworth Avenue North
 - Parkdale Avenue North
 - Dundurn Street South
 - Upper James Street
 - Upper Wellington Street
 - James Street North
 - York Boulevard
 - Queenston Road

DCR CIP Review – Programs and Availability

		Community Improvement Project Areas (CIPA)						
		Downtown Hamilton	Community Downtowns (Ancaster, Binbrook, Dundas, Stoney Creek, Waterdown)	Business Improvement Areas (BIA)	Barton/Kenilworth Commercial Corridors (including Barton Village BIA)	Commercial Corridors	Mount Hope/Airport Gateway	Buildings Designated under Part IV or V of the Ontario Heritage Act
Programs	Commercial Corridor Housing Loan and Grant	✓	✓	✓	✓	✓	✓	✓
	Hamilton Downtown, Barton and Kenilworth Multi-Residential Property Investment (Loan)	✓			✓			
	Hamilton Tax Increment Grant	✓	✓	✓			✓	✓
	Barton/Kenilworth Tax Increment Grant				✓			
	Commercial Property Improvement Grants (BIA and non BIA)	✓	✓	✓	✓	✓	✓	
	Barton/Kenilworth Commercial Corridor Building Improvement Grant				✓			
	Office Tenancy Assistance (Loan)	✓	✓	✓	✓		✓	

DCR CIP Review – Overview

Successes Achieved in CIPAs since 2016

- **\$254 M** in new construction supported by incentive programs
- **\$28 M*** in new taxes generated from tax increment grant projects
- A collective **\$1.3 B*** increase in assessment as well as an increase in the proportion of assessment growth attributed to non-residential and mixed use developments from 68% to **70%**
- **248** physical building/property improvement projects supported by incentive programs
- For every \$1.00 in incentives provided for new developments, **\$26.00** has been leveraged in private sector investment under the Hamilton Tax Increment Grant and **\$46.00** leveraged under the Downtown/Barton/Kenilworth Multi-residential Loan Program

** Inclusive of growth and reassessments*

DCR CIP Review – Overview

Issues/Concerns Going Forward

- The continued presence of significantly under-utilized buildings/properties across the CIPAs
- The need to continue increasing local resident populations in or near commercial districts/BIAs to support demand for local commercial businesses and services
- The emergence of urgent community/City Council priorities not currently reflected or supported by existing programs
- Potential for rising commercial vacancies as a result of the COVID-19 pandemic

DCR CIP Review – Overview

Outcome of the Review

- Staff are not proposing major changes to the CIP or programs.
- Opportunities were identified to support specific community/City Council priorities within the CIP and its programs, notably:
 - Environmental sustainability/climate change
 - Housing affordability; and
 - Post-COVID economic recovery.

These priorities were identified as having the greatest potential impact on the continued successful revitalization of the commercial district CIPAs over the short and long-term

- The primary purpose and focus of the CIP and its programs continues to be the revitalization of commercial district CIPAs

DCR CIP Review – Proposals

Proposal Supporting Housing Affordability

Commercial Corridor Housing Loan and Grant Program

- Expand eligibility to include the creation of accessory units outside the principal building such as laneway housing (where permitted).

Proposal Supporting Environmental Sustainability

Commercial Property Improvement Grant Program

- Added eligibility for exterior environmental sustainability improvements to a maximum of 50% an eligible grant including:
 - depaving of existing hard surfaces
 - tree plantings
 - creation of rain gardens
 - installation of green walls on street facing facades.
 - installation of exterior electric vehicle charging stations
 - installation of sustainable electric power generating equipment such as solar panels and micro turbines
- Removal of paving and artificial landscaping/turf as eligible costs.

DCR CIP Review – Proposals

Proposal Supporting Housing Affordability and Environmental Sustainability

Hamilton Tax Increment Grant Program

- Proposed changes intend to further incentivize property owners/developers to incorporate housing affordability and environmental sustainability measures into projects
- Proposal would identify projects as either a ‘Revitalization Project’ or an ‘Enhanced Revitalization Project’. An ERP would mean meeting one of the following:
 - the improvement/development will receive certification for the achievement of environmental sustainability standards from an eligible organization/program and/or will be connected (or be designed to allow for future connection) to a district energy system; and/or
 - the improvement/development has been approved for financial assistance under a CMHC, federal, provincial or City program for the purposes of creating residential rental housing that addresses housing affordability

DCR CIP Review – Proposals

- ‘Revitalization Projects’ would receive a grant at a modest reduction relative to the current program while an ‘Enhanced Revitalization Project’ would receive a grant greater than that provided under the existing program.

Table 1 - Maximum Annual Grant as a Percentage of Actual Municipal Property Tax Increment

Year of Grant	Current Program	Proposed Program Structure	
	All Developments	Revitalization Projects	Enhanced Revitalization Projects
1	100%	100%	100%
2	80%	75%	100%
3	60%	50%	100%
4	40%	25%	100%
5	20%	-	-

Table 2 – Example: Realized \$100,000 Municipal Property Tax Increment

Year of Grant	Current Program	Proposed Program Structure	
		Revitalization Project	Enhanced Revitalization Project
1	\$100,000	\$100,000	\$100,000
2	\$80,000	\$75,000	\$100,000
3	\$60,000	\$50,000	\$100,000
4	\$40,000	\$25,000	\$100,000
5	\$20,000	-	-
Total Grant	\$300,000	\$250,000	\$400,000

DCR CIP Review – Proposals

- The proposed decrease in the grant amount for projects that do not incorporate the identified enhancements is considered by staff to be modest and not likely to serve as a deterrent to future use of the program by property owners/developers
- The proposed increase to the grant amount for projects that do incorporate the identified enhancements is considered to be more significant and impactful and would:
 - provide an increase meaningful enough for a property owner/developer to explore achieving the project enhancements; and
 - help to off-set the resulting increase in costs that would be borne by the property owner/developer resulting from incorporating the enhancement
- Grants under this program are provided directly from the increase in municipal property taxes generated by the development and thus no new budget allocations to Economic Development Division would be required

DCR CIP Review – Proposals

- Eligible environmental certifications:
 - Canadian Home Builders Association Net Zero Home Labelling where Net Zero or Net Zero Ready levels of efficiency are achieved;
 - Passive House Canada;
 - Natural Resources Canada (NRCAN) R2000
 - Built Green to a Gold or higher standard in the Energy and Envelope category
 - Leadership in Energy and Environmental Design (LEED) Gold or higher standard
- District energy components required for eligibility:
 - Providing space for the sole purpose of future equipment/thermal piping;
 - Securing an easement between the mechanical room and the property line to allow for thermal piping; and
 - Including two-way pipes in the building to carry the thermal energy from the district energy network to the section in the building where the future energy transfer station will be located
- Intended to support Council’s 2019 declaration of a climate emergency and the Corporate Climate Change Task Force’s Corporate Goals and Areas of Focus for Climate Mitigation and Adaptation

DCR CIP Review – Proposals

Proposal Supporting Post COVID Economic Recovery

Commercial Vacancy Assistance Program (new)


- A new temporary two-year provided in response to COVID and intended to mitigate the potential for street-facing commercial vacancies
- Grants would be provided for permanent interior renovations to a currently vacant at or below grade commercial space
- Program would be available to prospective tenants seeking to establish a new business location or test a location in the form of a ‘pop-up’ venture
- Grant of \$5K for leases between 3-6 months and \$10K for leases of 6 months or longer (no budget increase required)
- Businesses eligible under the program would include those that contribute towards pedestrian activity such as dine-in/take-out restaurants, retail and artist studios with a commercial component








DCR CIP Review – Proposals

Other Notable Proposals

- Merge the BIA and non-BIA Commercial Property Improvement Grant programs into a single program while maintaining existing grant levels
- Establishing a new Commercial Corridor CIPA on Cannon St. E. between Emerald St. N. and Wentworth St. N.
- Removal of the Mount Hope/Airport Gateway CIPA from eligibility under the Commercial Corridor Housing Loan and Grant Program
- Added support to attract new start-up businesses and incubators to Hamilton through the Office Tenancy Attraction Program with a new forgivable loan option (\$25K or other amount at Council discretion)
- CIP and program name changes to improve marketing of programs
- Various administrative, technical and legal updates to programs

DCR CIP Review – Proposed Programs and Availability

 Proposed Change

		Community Improvement Project Areas (CIPA)						
		Downtown Hamilton	Community Downtowns (Ancaster, Binbrook, Dundas, Stoney Creek, Waterdown)	Business Improvement Areas (BIA)	Barton/Kenilworth Commercial Corridors (including Barton Village BIA)	Commercial Corridors	Mount Hope/Airport Gateway	Buildings Designated under Part IV or V of the Ontario Heritage Act
Programs	Commercial District Housing Opportunities (Loan)	✓	✓	✓	✓	✓		✓
	Downtown and Barton/Kenilworth Housing Opportunities (Loan)	✓			✓			
	Revitalizing Hamilton Tax Increment Grant	✓	✓	✓			✓	✓
	Barton/Kenilworth Tax Increment Grant				✓			
	Commercial District Revitalization Grant	✓	✓	✓	✓	✓	✓	
	Barton/Kenilworth Revitalization Grant				✓			
	Start-up and Office Tenant Attraction (Loan)	✓	✓	✓	✓		✓	
	Commercial Vacancy Assistance							

DCR CIP Review – Next Steps

- Should Committee/Council approve the recommendations of Report PED21035 staff would prepare the required implementing CIP and CIPA By-laws to be brought forward to Planning Committee for a statutory public meeting and Committee/Council consideration in accordance with the requirements of the *Planning Act*
- Staff are planning to target a Planning Committee before the end of Q2 2021
- Staff are currently expediting the review and recommendation of existing applications requiring Council consideration to minimize any potential impacts to existing applicants



THANK YOU

HOPA

P O R T S



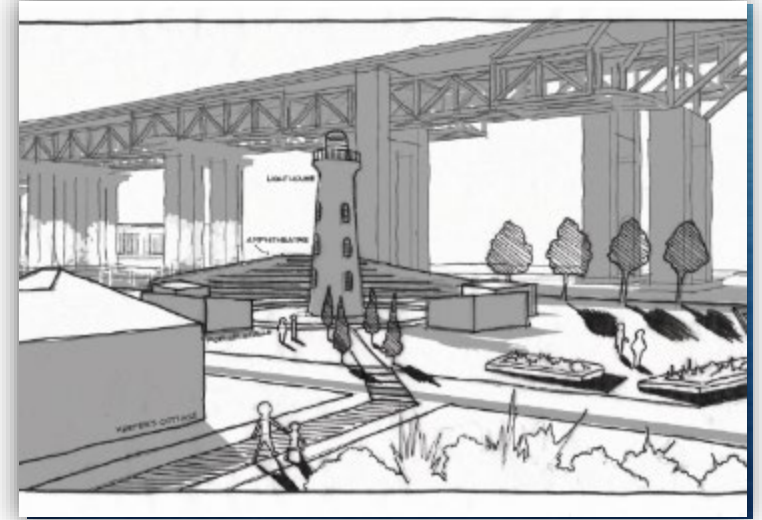
TRANSPORTATION SECTOR LEADERSHIP

**Port-City partnership to build a
prosperous Hamilton**



PROSPEROUS PORT CITY

**Current investments and what
they mean for businesses and
residents**



PORT CITY PRIDE

**Partnerships to support our
neighbours, neighbourhoods,
and the environment**

HOPA PORTS

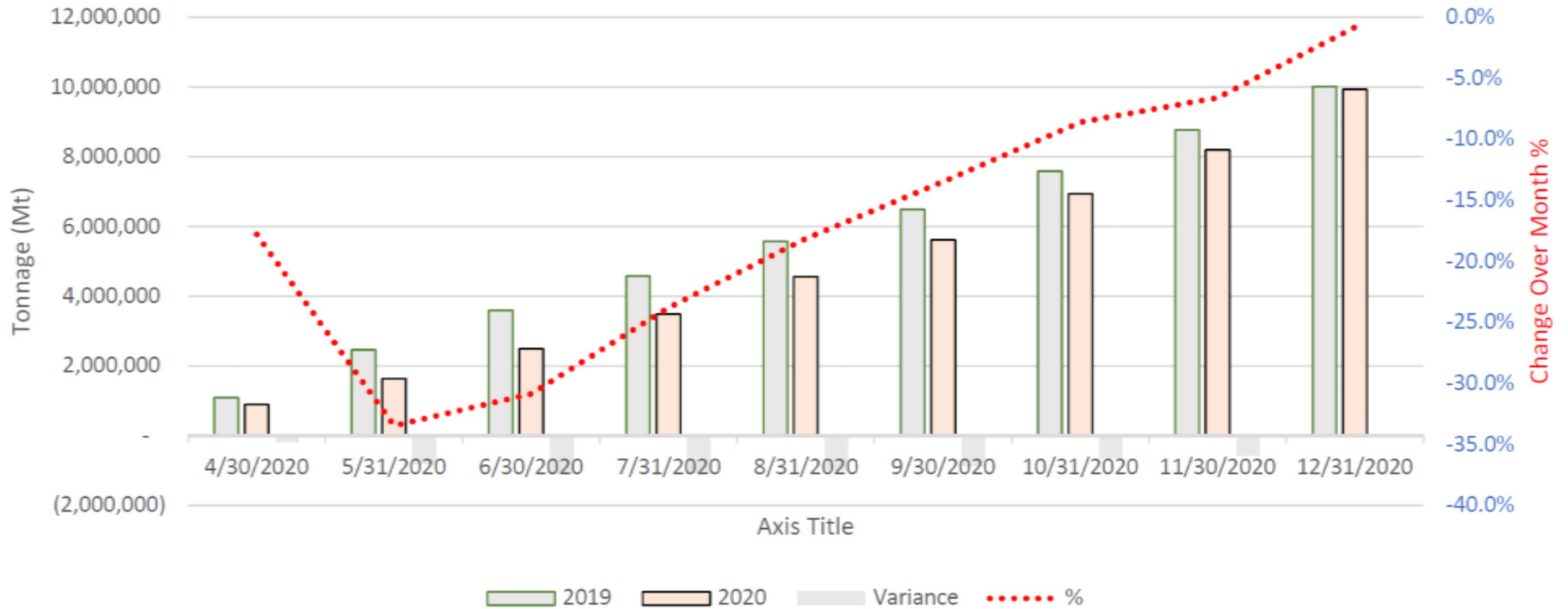
REGIONAL ECONOMIC IMPACT

- 40,000 jobs in Ontario
- \$3+ billion in cargo
- Support for key industries



CARGO HIGHLIGHTS

Hamilton Port YTD Overall Tonnage Recovery
April to December





TRANSPORTATION SECTOR LEADERSHIP

TRANSPORTATION SECTOR LEADERSHIP

ALIGNMENT WITH HAMILTON ECONOMIC DEVELOPMENT OBJECTIVES

KEY INDUSTRY SECTORS

The infographic is divided into two vertical panels. The left panel has a dark red background and the right panel has a black background. Each sector is represented by a white icon and a text label below it.

- ADVANCED MANUFACTURING**: Icon of a gear with a wrench inside.
- AGRICULTURE**: Icon of a barn, a field, and a leaf.
- CREATIVE / CULTURAL INDUSTRIES**: Icon of a clapperboard.
- FINANCIAL / INSURANCE / REAL ESTATE**: Icon of a pie chart with a shaded slice.
- GOODS MOVEMENT**: Icon of a globe with a location pin and a dashed line.
- ICT / DIGITAL MEDIA**: Icon of a computer monitor with a play button.
- LIFE SCIENCES**: Icon of a microscope.
- TOURISM**: Icon of a map with a location pin.

INVEST IN HAMILTON





TOURISM

HARBOUR WEST MARINA

H O P A P O R T S

[Home](#) / [Foreign Trade Zone](#)

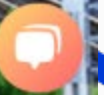
FOREIGN TRADE ZONE

HAMILTON FOREIGN TRADE ZONE (FTZ)

One of Canada's leading multi-modal cities, Hamilton is a prime gateway for Canadian businesses looking to export their product. This fact is enhanced with the Government of Canada identifying the City of Hamilton as a federally designated Foreign Trade Zone (FTZ) point in collaboration with the Hamilton Oshawa Port Authority and the John C. Munro Hamilton International Airport.

Hamilton's Foreign Trade Zone point aims to help businesses expand their reach to international markets through a combination of tax and duty relief programs, tariff exemptions and exclusive concierge investment services by a dedicated group of sector experts. These individuals are at the ready to assist businesses with inquiries, information, programs and incentives to advance and expand international trade opportunities. Hamilton's FTZ point also provides direct contact and programs offered by the Canada Border Service Agency (CBSA) as well as the Canada Revenue Agency (CRA) and various Federal and Provincial programs that may be available.

The Hamilton Foreign Trade Zone point, along with world-class goods movement facilities and





HOPA
PORTS



TRANSPORTATION SECTOR
LEADERSHIP

MAKING BETTER DECISIONS WITH DATA

H O P A P O R T S

TRANSPORTATION SECTOR LEADERSHIP

A GROWING, INTEGRATED PORT NETWORK



Niagara



Oshawa



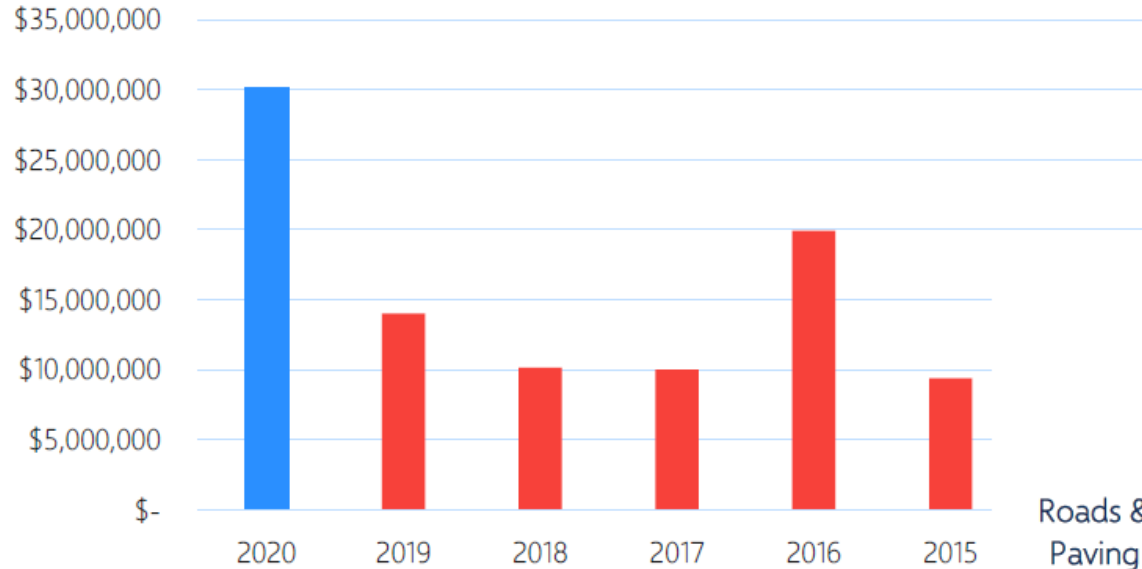
Hamilton



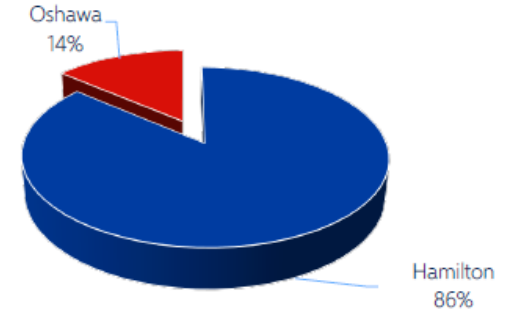
A PROSPEROUS PORT CITY

2020 CAPEX HIGHLIGHTS

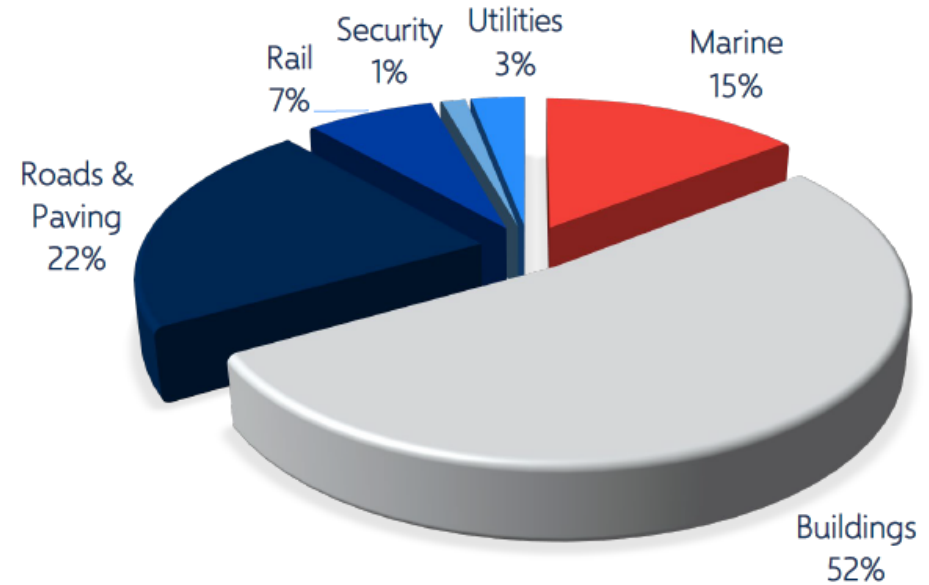
CAPITAL INVESTMENT BY YEAR



2020 CAPEX BY LOCATION



2020 CAPEX BY ASSET TYPE





INVESTMENTS

PIER 15

- Part of \$35 million National Trade Corridors project
- Expanded footprint for FMT
- Rail connection across Pier 15
- Storage for more commodities
- Sound wall on Wentworth; streetscaping on Hillyard

INVESTMENTS

PIER 10 FOOD CLUSTER

- Relocation of Soletanche Bachy pile testing
- Room to grow for P&H and SucroCan
- Shift sugar storage from Pier 15 to Pier 10 = eliminating 5000+ truck trips





PORT CITY PRIDE

EDUCATION + EMPLOYMENT

COMMUNITY & EDUCATIONAL PARTNERSHIPS

- City School by Mohawk
- Welcome Inn
- Liberty for Youth
- McMaster University
- Industry Education Council



Do you like tackling big repair projects? Projects as big as ships? City School has partnered with @HOPAports and @HShipyards to offer a free online course to help you learn about an exciting career in ship repair! Learn more: buff.ly/3rRZICa #TradesTuesdays #shiprepair

Your Career is on the Horizon!



**Build Your Skills in
Introduction to Ship Repair**

#TradesTuesday

PORT CITY

FISHERMAN'S PIER

- Greenspace development
- Restoration of lighthouse & keeper's cottage
- Lighting the Skyway as a gateway to the City
- Partnership to maintain public access to the canal piers



PORT CITY PRIDE

PORT-CITY INTERFACE



ENVIRONMENT

ENVIRONMENTAL PARTNERSHIPS & PROJECTS

- Randle Reef
- Hamilton Conservation
- RBG
- HHRAP
- EV Charging
- Solar & Cogeneration
- LNG vessel fueling
- Bayfront waste heat project
- Dust mitigation
- Seabins @ Harbour West



COVID - 19

RESPONDING TO NEED IN OUR PORT CITIES

- Welcome Inn
- City Kidz
- Mission to Seafarers
- Eva Rothwell





PORT-CITY PRIDE

BRIGS


In 2021, Brigs Youth Sail Training will make Hamilton Harbour its permanent home.

HOPA

P O R T S



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Environmental Services Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	Funding for the Acquisition of Lands for Stadium Precinct Park (PW21014) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Cynthia Graham (905) 546-2424 Ext. 2337
SUBMITTED BY:	Craig Murdoch Director, Environmental Services Public Works Department
SIGNATURE:	

Discussion of Private & Confidential Appendix “A” to Report PW21014 would be pursuant to the City's Procedural By-law 21-021, and Section 239(2), Sub-section (f) (i) of the *Ontario Municipal Act, 2001*, as amended,

- **A proposed or pending acquisition or disposition of land for City purposes.**

RECOMMENDATIONS

- (a) That the additional budget required to acquire properties for the Stadium Precinct Park, to the upset limit as outlined in Appendix “A” attached to Report PW21014, including all real estate and legal fees, building condition abatement, demolition, site remediation, contingency and other related costs, to be funded from the 5% Parkland Dedication Reserve Account #104090 and credited to the appropriate project id when required, be approved;
- (b) That the costs to operate and maintain the properties, outlined in Report PW21014 attached as Appendix “A”, to be funded from the 5% Parkland Dedication Reserve Account #104090 until the property is demolished; and,
- (c) That Appendix “A” attached to Report PW21014, respecting Funding for the Acquisition of Lands for Stadium Precinct Park, remain confidential until completion of the real estate transactions.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Funding for the Acquisition of Lands for Stadium Precinct Park
(PW21014) (Ward 3) - Page 2 of 5**

EXECUTIVE SUMMARY

The purpose of Report PW21014 is to obtain funding approval for the ongoing acquisition of properties related to the Stadium Precinct Park Master Plan, so that Corporate Real Estate staff can execute the necessary purchase agreements as the properties become available over time. Without this approval, staff may lose out on properties identified in the acquisition strategy because the reporting timelines are not compatible with the fast timelines of real estate transactions.

Construction of the Tim Horton's Stadium along with the Bernie Morelli Recreation Centre and Bernie Custis Secondary School at Scott Park has resulted in a substantial loss of outdoor recreation space and parkland in the stadium precinct. To replace these amenities, staff developed the Stadium Precinct Master Plan to replace recreation space including a replacement field for the former Brian Timmis Stadium, additional parkland amenities, as well as change rooms, washrooms and parking.

To implement the master plan, Council approved the purchase of the former Dom Glass site and a series of properties on Lloyd Street through Report PW16068 and staff have been implementing that direction. While direction to acquire properties has been approved by Council through subsequent Report PED20017, the acquisition funding will be insufficient to continue with this program in the absence of securing an additional funding source. Also, not all of the properties are available for purchase at this time, so the funding will be needed as the properties are put up for sale, to be purchased on a willing seller basis.

Appendix "A" attached to Report PW21014 identifies funding related to the acquisition of lands for municipal purposes and are appropriate for discussion in closed session pursuant to *Ontario's Municipal Act*.

Alternatives for Consideration – See Page 4**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: All costs including acquisition price, building abatement costs (disposal of hazardous materials and designated substances), demolition, site remediation, real estate and legal fees, survey and contingency are to be funded from the Reserve 104090 – 5% Parkland Dedication Reserve to the upset limit identified in Appendix "A" attached to Report PW21014 and credited to the appropriate Project ID as the properties become available for purchase by a willing seller. Additionally, operations and maintenance funding are to be funded from Reserve 104090 – 5% Parkland Dedication Reserve to Account #104090 until subject properties are demolished.

**SUBJECT: Funding for the Acquisition of Lands for Stadium Precinct Park
(PW21014) (Ward 3) - Page 3 of 5**

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Several changes in the Stadium Precinct area have resulted in a further deficiency of parkland in an already deficient neighbourhood in Ward 3. In particular, on February 23, 2011, Council approved the Ivor Wynne site for the Pan Am Stadium. Also, on February 13, 2013, the Hamilton-Wentworth District School Board (HWDSB) sent correspondence to the City proposing a joint development of a school and community centre near the new Pan Am Stadium, which Council subsequently approved in report CM13014(a).

On May 16, 2013, the Stadium Precinct Master Plan was presented to the community and implemented with the acquisition of 39, 43, 45 and 67-81 Lloyd Street, which outlined the intention to replace lost parkland and recreation amenities in the precinct.

Subsequent to the initial parkland purchase of the former Dominion Glass Plant on Lloyd Street, Council approved Report PW16068 which outlined a strategy for further acquisitions to contribute to the parkland assembly. Staff have been implementing the strategy since that time, successfully acquiring 49 Lloyd Street in 2017 through Report PED170562, and 57 Lloyd Street in 2020 through Report PED20017. Other properties are also currently in the process of being acquired, and additional sites may become available as outlined in Appendix "A" attached to Report PW21014.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not applicable.

RELEVANT CONSULTATION

The Ward Councillor and the following groups have been consulted and are supportive of the recommendations.

- Financial Planning, Administration and Policy Division, Corporate Services Department
- Landscape Architectural Services, Environmental Services Division, Public Works Department
- Energy, Fleet and Facilities Management Division, Public Works Department
- Real Estate Section, Economic Development Division, Planning & Economic Development Department

**SUBJECT: Funding for the Acquisition of Lands for Stadium Precinct Park
(PW21014) (Ward 3) - Page 4 of 5**

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Staff have direction to acquire properties along Lloyd Street through the recommendations of Report PW16068. Acquisition of the properties along Lloyd Street between Chapple Street and Gage Avenue North would give the parkland frontage on Lloyd street and allow for improved sightlines to the park.

While staff in Corporate Real Estate and Legal Services have the authority to negotiate and close the transactions to acquire the properties, the authorization to access the required funding for those transactions was not secured through previous reports.

The approach to land assembly in the area has generally been based on pursuing opportunities that arise, and two homes have been purchased since 2016 as they became available. The number of opportunities coming to market in 2021 however, has exceeded available existing funding sources. Without a secured funding source, it is difficult to acquire properties in a timely manner to which the real estate market is accustomed. The recommendations of Report PW21014 would give staff the authorization to access the 5% cash-in-lieu reserve fund as required, to the upset limit outlined in Appendix "A" attached to Report PW21014 as the properties become available. If the property acquisitions exceed the upset limit, additional authorization will be sought through a subsequent staff report.

ALTERNATIVES FOR CONSIDERATION

Council can choose to approve the funding for only the properties available now, and direct staff to continue to seek new authorization as properties become available. The properties available for purchase now are outlined in Appendix "A" attached to Report PW21014. This alternative is not recommended because staff may lose out on properties identified in the acquisition strategy because the reporting timelines are not compatible with the fast timelines of real estate transactions. Additionally, staff will continue to recommend the 5% cash in lieu reserve as the funding source for these properties, so the approval of the recommendations of Report PW21014 will give staff the same authorization that would be sought in the future.

Financial: As real estate prices rise over time, the requirement to seek authorization for the funding source for these property purchases may mean missed opportunities, leading to higher acquisition costs in the future.

Staffing: No staffing implications

Legal: No staffing implications

**SUBJECT: Funding for the Acquisition of Lands for Stadium Precinct Park
(PW21014) (Ward 3) - Page 5 of 5**

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PW21014 - Site Map with Funding requirements for Potential Land Acquisition



Hamilton

**CAPITAL PROJECTS WORK-IN-PROGRESS REVIEW
SUB-COMMITTEE
REPORT 21-001**

9:30 a.m.

**February 23, 2021
Council Chambers
Hamilton City Hall**

Present: Councillors M. Pearson (Chair), J.P. Danko (Vice-Chair), N. Nann and M. Wilson

**THE CAPITAL PROJECTS WORK-IN-PROGRESS REVIEW SUB-COMMITTEE
PRESENTS REPORT 21-001 AND RESPECTFULLY RECOMMENDS:**

- 1. Capital Project Closing Report as of September 30, 2020 (FCS20079(a)) (City Wide) (Item 9.1) (Attached hereto as Appendix "A")**
 - (a) That the General Manager, Finance and Corporate Services, be authorized to transfer \$1,523,935 to the Unallocated Capital Levy Reserve (108020) and \$78,061 from other sources as outlined in Appendix "A" to Capital Projects Work-In-Progress Review Sub-Committee Report 21-001;
 - (b) That the General Manager, Finance and Corporate Services, be directed to close the completed and / or cancelled capital projects listed in Appendix "B" to Capital Projects Work-In-Progress Review Sub-Committee Report 21-001 in accordance with the Capital Projects Closing and Monitoring Policy;
 - (c) That Appendix "C" to Capital Projects Work-In-Progress Review Sub-Committee Report 21-001, Capital Projects Budget Appropriations for the period covering July 1, 2020 through September 30, 2020, be received for information;
 - (d) That Appendix "D" to Capital Projects Work-In-Progress Review Sub-Committee Report 21-001, Capital Projects Budget Appropriations of \$250,000 or greater and Capital Project Reserve Funding requiring Council authorization, be approved; and,
 - (e) That Appendix "E" to Capital Projects Work-In-Progress Review Sub-Committee Report 21-001, Capital Budget Adjustments on the Council Priority Minor Maintenance Projects as of September 30, 2020, be approved.

**2. Capital Projects Status Report as of September 30, 2020 (FCS20078(a))
(City Wide) (Item 9.2)**

- (a) That the Capital Projects Status Report – Tax Supported, as of September 30, 2020, attached as Appendix “A” to Report FCS20078(a), be received;
- (b) That the Capital Projects Status Report – Rate Supported, as of September 30, 2020, attached as Appendix “B” to Report FCS20078(a), be received; and,
- (c) That Confidential Appendix “C” to Report FCS20078(a), be received and remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised that there were no changes to the agenda.

The agenda for the February 23, 2021 Capital Projects Work-In-Progress Review Sub-Committee meeting was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) November 2, 2020 (Item 3.1)

The Minutes of the November 2, 2020 meeting of the Capital Projects Work-In-Progress Review Sub-Committee meeting was approved, as presented.

(d) ADJOURNMENT (Item 14)

There being no further business, the Capital Projects Work-In-Progress Review Sub-Committee adjourned at 9:51 a.m.

Respectfully submitted,

Councillor Pearson, Chair
Capital Projects Work-in-Progress
Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Planning, Administration and Policy Division

TO:	Chair and Members Capital Projects Work-in-Progress Review Sub-Committee
COMMITTEE DATE:	February 23, 2021
SUBJECT/REPORT NO:	Capital Project Closing Report as of September 30, 2020 FCS20079(a) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Tran Trang (905) 546-2424 Ext. 6151 Duncan Robertson (905) 546-2424 Ext. 4744
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the General Manager, Finance and Corporate Services, be authorized to transfer \$1,523,935 to the Unallocated Capital Levy Reserve (108020) and \$78,061 from other sources as outlined in Appendix "A" to Report FCS20079(a);
- (b) That the General Manager, Finance and Corporate Services, be directed to close the completed and / or cancelled capital projects listed in Appendix "B" to Report FCS20079(a) in accordance with the Capital Projects Closing and Monitoring Policy;
- (c) That Appendix "C" to Report FCS20079(a), Capital Projects Budget Appropriations for the period covering July 1, 2020 through September 30, 2020, be received for information;
- (d) That Appendix "D" to Report FCS20079(a), Capital Projects Budget Appropriations of \$250,000 or greater and Capital Project Reserve Funding requiring Council authorization, be approved;
- (e) That Appendix "E" to Report FCS20079(a), Capital Budget Adjustments on the Council Priority Minor Maintenance Projects as of September 30, 2020, be approved;

EXECUTIVE SUMMARY

Report FCS20079(a) presents the capital projects, which have been completed or cancelled as of September 30, 2020.

Appendix "A" to Report FCS20079(a) summarizes net transfers to the Unallocated Capital Levy Reserve and other sources.

Appendix "B" to Report FCS20079(a) lists the individual projects to be closed. A total of 163 projects with a combined budget of \$114,031,486 is being recommended for closure and is summarized as follows:

- \$15,881,955 relating to completed projects funded from the Unallocated Capital Levy Reserve (108020), which have a net surplus of \$1,523,935;
- \$830,000 relating to completed projects funded from other program specific reserves, which require a net transfer of \$78,061 to close;
- \$9,871,475 relating to cancelled or delayed projects; and
- \$87,448,056 relating to projects completed on or under budget that do not impact reserves.

All capital projects listed for closure in Appendix "B" to Report FCS20079(a) have been reviewed and determined to be complete, with all revenue and expenditure transactions relating to these projects having been processed. Any funding adjustments necessary to close the projects in accordance with the Capital Projects Closing and Monitoring Policy (Report FCS05044, Report FCS07081(a) and Report FCS14031) are reflected in the amounts presented.

Appendix "C" to Report FCS20079(a) lists the appropriation of funds between capital projects totalling \$6,140,915 for the period covering July 1, 2020 through September 30, 2020 in accordance with the Capital Projects Budget Appropriation and Work-in-Progress Transfer Policy (Report FCS14031).

Appendix "D" to Report FCS20079(a) lists all the capital projects budget appropriations to transfer funds of \$250,000 or greater from other projects or fund from reserves requiring Council approval.

Appendix "E" to Report FCS20079(a) lists all the capital budget adjustments on the CP Minor Maintenance Projects totalling \$7,086,357, requiring Council approval as of September 30, 2020.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: As outlined in Appendix “A” to Report FCS20079(a) and summarized in Table 1, a total of \$101 in funding is required from the Unallocated Capital Levy Reserve (108020) to offset projects in a negative position. These projects are offset by projects in a positive position totalling \$1,524,035, resulting in a net transfer to this Reserve of \$1,523,935.

Table 1
City of Hamilton
Capital Project Closings
As of September 30, 2020
Unallocated Capital Levy Reserve (108020)

Year Approved	ProjectID	Description	Surplus/ (Deficit)
Projects requiring funds			
2017	3541741409	Code & Legislative Compliance	\$ (33.17)
2019	5121992000	Closed Landfill Maint&Cap Imp	(67.34)
			\$ (100.51)
Projects returning funds			
2008	4240903001	The Gore Master Plan	\$ 2,047.75
2008	4400856600	Olmstead Natural Open Space	47.85
2009	3450953900	AODA Customer Service Std	48,891.45
2012	4031218212	Bridge 185-Bay N so Strachan W	435,881.92
2014	4031441460	Salt/Sand Storage Rehab	13,291.73
2014	5121490530	Sign Kiosks & Poster Sleeve Program	373.33
2014	7101454710	SWL Rec Cntr Independence	450.63
2015	4041514009	New Traffic Signal - Mall Rd (395 Mohawk Rd E)	60,000.00
2016	4031680582	2016 Development Rd Urbanization	1,401.18
2016	4041610018	Low-Wattage-LED Replace	683,062.32
2017	2051759702	Phase 1 Profile Management	44,281.82
2017	4031741760	Chedoke Yard Salt Dome	5,338.83
2017	4661720722	Overhead Sign Structure - 2017	87,987.21
2019	4451955901	Aviary Bus Case Review	11,979.01
2019	5121955137	Waste Management R&D	125,000.00
2020	3382055003	Provision SOGR Boards & Agencies	4,000.00
			\$ 1,524,035.03
Net impact to the Unallocated Capital Levy Reserve			\$ 1,523,934.52

As outlined in Appendix “A” to Report FCS20079(a) and summarized in Table 2, a net total of \$78,061 in funding is required from Other Sources (Program Specific Reserves and Unallocated Current Funds-Sanitary) to offset projects in a negative or deficit position that were submitted for closure.

Table 2
City of Hamilton
Capital Project Closings
As of September 30, 2020
Impacting Reserves and Capital Projects

Year Approved	ProjectID	Description	Surplus/ (Deficit)
Projects requiring funds			
2012	4241249208	Ward 8 Cap Reinvest Over \$100k	\$ (2,658.00)
2016	4241609106	Westdale Streets Master Plan	(1,166.66)
2017	3541741701	Confidential-PED17148(b) - HWDSB Property at 77 Gage Ave North	(1,584.18)
2017	5161755640	Non-Trunk Flow Monitoring	(59,474.63)
2018	3301809600	Ward 6 Capital Reinvestment	(85.13)
2018	3301809800	Ward 8 Capital Reinvestment	(1,550.00)
2019	3301909700	Ward 7 Capital Reinvestment	(3,126.51)
2019	5141970002	Baldwin & Court-West to Dundas	(8,415.93)
Net impact to Other Program Specific Reserves			\$ (78,061.04)

Appendix "C" to Report FCS20079(a) details the appropriations between capital projects during the period covering July 1, 2020 to September 30, 2020. A total of \$6,140,915 was moved between capital projects in compliance with the Capital Projects Budget Appropriation and Work-in-Progress Transfer Policy (Report FCS14031), as summarized in Table 3.

Table 3
City of Hamilton
Capital Project Appropriations
As of September 30, 2020
Transfers by Department

Department	Amount
Tax Supported Capital Budget	
Corporate Services	\$ -
Corporate Projects	\$ 73,612.62
Planning & Development	4,342,518.33
Health & Safe Communities	147,723.45
Public Works - Tax Funded	1,230,992.96
	\$ 5,794,847.36
Rate Supported Capital Budget	
Public Works - Rate Funded	\$ 346,067.65
Total	\$ 6,140,915.01

Appendix "D" to Report FCS20079(a) lists all the capital projects (Data Centre HVAC, Fleet Additions and Pending Litigation) requiring Council approval to transfer funds from other capital projects of \$250,000 or greater or fund from reserves. The number of projects and the requested transfer amounts are summarized in Table 4.

Table 4
 City of Hamilton
 Capital Projects Budget Appropriation Transfers
 of \$250,000 or greater and Reserve Funding

Description	Projects/ Transfers From	Projects/ Transfers To	Amount
Corporate Services			
Information Technology Program	1	1	\$ 250,000.00
Public Works (Rate)			
Waterworks Regular Program	1	1	\$ 560,000.00
Public Works (Tax & Rate)			
Roads	5	5	\$ 608,275.26
Total			\$ 1,418,275.26

Appendix "E" to Report FCS20079(a) seeks approval to consolidate unused prior years' Council Priority Minor Maintenance project balances with the current projects as of September 30, 2020.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The Capital Status and Capital Project Closing reports are submitted to City Council three times a year at June 30, September 30 and December 31.

On December 14, 2011, Council approved Report FCS11073(a) which directed staff to review the Capital Projects Status and Closing process and that a process where departments report to their respective Standing Committee on the status of the Capital Work-in-Progress projects be implemented. Standing Committee reporting commenced as of the June 30, 2013 reporting period. Reports are brought forward to the Standing Committee three times per reporting year at June 30, September 30 and December 31. This allows the Standing Committee to review the status of a fewer number of projects, in greater detail, applicable to their area of oversight.

The Capital Projects Closing Report has remained the responsibility of the Financial Planning, Administration and Policy Division to ensure suitable controls are maintained, projects are appropriately closed and to centralize the function.

On May 14, 2014, Council approved changes to the City's Capital Project Monitoring Policy (Report FCS14031) and Capital Project Closing Policy (Reports FCS05044 and FCS07081(a)). The amended Policy has staff submit the Capital Project Status Reports and Capital Project Closing Reports to the Capital Projects Work-in-Progress Sub-Committee.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The submission of the Capital Projects Closing Report is a requirement of the City's Capital Closing Policy Reports (Reports FCS05044 and FCS07081(a)) and Capital Projects Monitoring Policy Report (Report FCS14031).

The City's Capital Closing Policy (Reports FCS05044 / FCS07081(a)) states:

- i) That any approved Capital project, whose construction stage has not begun after three years, be closed and be re-submitted to Council for approval.
- ii) That any closing surplus or deficit be distributed as follows:
 1. Surplus:
 - a) If funded from a specific reserve, return funds to that reserve.
 - b) If funded from debentures, apply to reduce future debenture requirements.
 - c) If funded from current contribution, apply to the Unallocated Capital Levy Reserve or apply to reduce Outstanding Debt.
 2. Deficit:
 - a) If funded from a specific reserve, fund from that reserve.
 - b) If funded from debentures, increase future debenture requirements only if no other source of financing is available.
 - c) If funded from current contribution, fund from the Unallocated Capital Levy Reserve.

The City's Capital Projects Monitoring Policy and Capital Projects Budget Appropriation and Work-in-Progress Transfer Policy (Report FCS14031), as amended by Council on May 14, 2014, states:

- i) That a Capital Projects Status Report be submitted by departments to Capital Projects Work-in-Progress Sub Committee three times a year as of June 30, September 30 and December 31.
- ii) That a Capital Projects Closing Report be compiled by Corporate Services Department and submitted to the Capital Projects Work-in-Progress Sub-Committee three times a year as of June 30, September 30 and December 31.
- iii) That unfavourable project variances be funded according to the Capital Projects Budget Appropriation and Work-in-Progress Transfer Policy. If available funding cannot be found within the limits of the Capital Projects Budget Appropriation and Work-in-Progress Transfer Policy, a report explaining the variance and recommending a source of funding be submitted to the appropriate Committee of Council for approval.
- iv) Approval authority for the re-appropriation of funds in each financial year be at the same levels as the City's Procurement Policy:
 1. Council must approve appropriations of \$250,000 or greater
 2. City Manager or designate must approve appropriations greater than \$100,000 and less than \$250,000
 3. General Managers or delegated staff be authorized to approve appropriations up to \$100,000

RELEVANT CONSULTATION

Staff from the following departments, boards and / or agencies submitted the included capital projects for closure:

- Public Works Department
- Planning and Economic Development Department
- Corporate Services Department
- Healthy and Safe Communities Department

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

For each Capital Project Status Report, staff determines if projects can be closed (inactivated) and monitors the financial activity to ensure that Council is aware of any capital projects which deviate significantly from the approved budgeted amounts. Once projects have been determined to be complete or cancelled, they are submitted by departments to Financial Planning, Administration and Policy for inclusion in the Capital Projects Closing Report. These submissions are reviewed by Financial Planning, Administration and Policy to ensure transactions are finalized, all purchase orders cleared and a funding source is identified, where necessary.

Inactivating completed projects helps to keep the number of capital projects in the financial system to a manageable size and eliminates redundant data from reports. More importantly, it ensures that projects which are complete and / or no longer required do not unnecessarily tie up budget resources that could be re-directed to other needs / capital projects.

Appendix "D" to Report FCS20079(a) includes capital project budget appropriation requests to transfer funds of \$250,000 or greater from other projects and funding from reserves requiring Council approval as per the Capital Projects' Budget Appropriation and Work-in-Progress Transfer Policy and Reserve Policies. The requests total \$1,418,275.

Appendix "E" to Report FCS20079(a) includes budget appropriation requests requiring Council approval to transfer funds from projects and / or reserves per the Capital Projects' Budget Appropriation and Work-in-Progress Transfer Policy. There are 21 requests totalling \$7,086,357.

ALTERNATIVES FOR CONSIDERATION

There are no alternatives as the Capital Projects Closing Report deals primarily with historical information and application of corporate policies.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS20079(a) - Capital Project Closings as of September 30, 2020 - Projects Impacting the Unallocated Capital Levy Reserve and Other Sources

Appendix "B" to Report FCS20079(a) - Capital Projects Closing Schedule as of September 30, 2020

Appendix "C" to Report FCS20079(a) - Capital Projects Budget Appropriation Schedule for the Period Covering July 1, 2020 through September 30, 2020

Appendix "D" to Report FCS20079(a) - Capital Projects Budget Appropriations of \$250,000 or greater and Capital Project Reserve Funding

Appendix "E" to Report FCS20079(a) - Capital Budget Adjustments on the CP Minor Maintenance Projects as of September 30, 2020

TT/DR/dt

CITY OF HAMILTON CAPITAL PROJECT CLOSINGS AS OF SEPTEMBER 30, 2020 Projects impacting the Unallocated Capital Levy Reserve and Other Sources						
Year Approved	ProjectID	Description	Surplus/ (Deficit) (\$)	Reserve	Description	
Projects requiring funds						
2017	3541741409	Code & Legislative Compliance	(33.17)	108020	Unalloc Capital Levy	
2019	5121992000	Closed Landfill Maint&Cap Imp	(67.34)	108020	Unalloc Capital Levy	
			(100.51)			
Projects returning funds						
2008	4240903001	The Gore Master Plan	2,047.75	108020	Unalloc Capital Levy	
2008	4400856600	Olmstead Natural Open Space	47.85	108020	Unalloc Capital Levy	
2009	3450953900	AODA Customer Service Std	48,891.45	108020	Unalloc Capital Levy	
2012	4031218212	Bridge 185-Bay N so Strachan W	435,881.92	108020	Unalloc Capital Levy	
2014	4031441460	Salt/Sand Storage Rehab	13,291.73	108020	Unalloc Capital Levy	
2014	5121490530	Sign Kiosks & Poster Sleeve Program	373.33	108020	Unalloc Capital Levy	
2014	7101454710	SWL Rec Cntr Independence	450.63	108020	Unalloc Capital Levy	
2015	4041514009	New Traffic Signal - Mall Rd (395 Mohawk Rd E)	60,000.00	108020	Unalloc Capital Levy	
2016	4031680582	2016 Development Rd Urbanization	1,401.18	108020	Unalloc Capital Levy	
2016	4041610018	Low-Wattage-LED Replace	683,062.32	108020	Unalloc Capital Levy	
2017	2051759702	Phase 1 Profile Management	44,281.82	108020	Unalloc Capital Levy	
2017	4031741760	Chedoke Yard Salt Dome	5,338.83	108020	Unalloc Capital Levy	
2017	4661720722	Overhead Sign Structure - 2017	87,987.21	108020	Unalloc Capital Levy	
2019	4451955901	Aviary Bus Case Review	11,979.01	108020	Unalloc Capital Levy	
2019	5121955137	Waste Management R&D	125,000.00	108020	Unalloc Capital Levy	
2020	3382055003	Provision SOGR Boards & Agencies	4,000.00	108020	Unalloc Capital Levy	
			1,524,035.03			
Net impact to the Unallocated Capital Levy Reserve			1,523,934.52			
Projects requiring funds						
2012	4241249208	Ward 8 Cap Reinvest Over \$100k	(2,658.00)	108058	Ward 8-Capital Infrastructure	
2016	4241609106	Westdale Streets Master Plan	(1,166.66)	108051	Ward 1-Capital Infrastructure	
2017	3541741701	Confidential-PED17148(b) - HWDSB Property at 77 Gage Ave North	(1,584.18)	108053	Ward 3-Capital Infrastructure	
2017	5161755640	Non-Trunk Flow Monitoring	(59,474.63)	5169309324	Unalloc Current Funds-Sanitary	
2018	3301809600	Ward 6 Capital Reinvestment	(85.13)	108056	Ward 6-Capital Infrastructure	
2018	3301809800	Ward 8 Capital Reinvestment	(1,550.00)	108058	Ward 8-Capital Infrastructure	
2019	3301909700	Ward 7 Capital Reinvestment	(3,126.51)	108057	Ward 7-Capital Infrastructure	
2019	5141970002	Baldwin & Court-West to Dundas	(8,415.93)	5142071318	Roxborough - Strath to Kenilworth	
Net impact to Other Reserves			(78,061.04)			
Total Net impact to the Unallocated Capital Levy Reserve & Other Reserves			1,445,873.48			

CITY OF HAMILTON
CAPITAL PROJECTS' CLOSING SCHEDULE
AS OF SEPTEMBER 30, 2020

YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT
			a	b	c	d = b - c	e=c/a
UNALLOCATED CAPITAL LEVY RESERVE							
2008	4240903001	The Gore Master Plan	100,000.00	100,000.00	97,952.25	2,047.75	98.0%
2008	4400856600	Olmstead Natural Open Space	1,335,517.84	1,335,565.69	1,335,517.84	47.85	100.0%
2009	3450953900	AODA Customer Service Std	261,800.00	261,806.23	212,914.78	48,891.45	81.3%
2012	4031218212	Bridge 185-Bay N so Strachan W	500,000.00	500,000.00	64,118.08	435,881.92	12.8%
2014	4031441460	Salt/Sand Storage Rehab	400,000.00	390,000.00	376,708.27	13,291.73	94.2%
2014	5121490530	Sign Kiosks & Poster Sleeve Program	200,000.00	200,000.00	199,626.67	373.33	99.8%
2014	7101454710	SWL Rec Cntr Independence	1,270,993.00	1,271,444.12	1,270,993.49	450.63	100.0%
2015	4041514009	New Traffic Signal - Mall Rd (395 Mohawk Rd E)	160,000.00	60,000.00	0.00	60,000.00	0.0%
2016	4031680582	2016 Development Rd Urbanization	500,000.00	388,484.66	387,083.48	1,401.18	77.4%
2016	4041610018	Low-Wattage-LED Replace	9,200,000.00	8,936,817.50	8,253,755.18	683,062.32	89.7%
2017	2051759702	Phase 1 Profile Management	190,000.00	190,000.00	145,718.18	44,281.82	76.7%
2017	3541741409	Code & Legislative Compliance	608,644.29	608,644.29	608,677.46	(33.17)	100.0%
2017	4031741760	Chedoke Yard Salt Dome	91,000.00	91,000.00	85,661.17	5,338.83	94.1%
2017	4661720722	Overhead Sign Structure - 2017	500,000.00	500,000.00	412,012.79	87,987.21	82.4%
2019	4451955901	Aviary Bus Case Review	25,000.00	25,000.00	13,020.99	11,979.01	52.1%
2019	5121955137	Waste Management R&D	125,000.00	125,000.00	0.00	125,000.00	0.0%
2019	5121992000	Closed Landfill Maint&Cap Imp	0.00	(67.34)	0.00	(67.34)	#DIV/0!
2020	3382055003	Provision SOGR Boards & Agencies	414,000.00	4,000.00	0.00	4,000.00	0.0%
TOTAL FUNDS FROM UNALLOCATED CAPITAL LEVY (18)			15,881,955.13	14,987,695.15	13,463,760.63	1,523,934.52	84.8%
OTHER PROGRAM SPECIFIC RESERVES							
2012	4241249208	Ward 8 Cap Reinvest Over \$100k	0.00	0.00	2,658.00	(2,658.00)	#DIV/0!
2016	4241609106	Westdale Streets Master Plan	150,000.00	150,000.00	151,166.66	(1,166.66)	100.8%
2017	3541741701	Confidential-PED17148(b) - HWDSB Property at 77 Gage Ave North	90,000.00	90,000.00	91,584.18	(1,584.18)	101.8%
2017	5161755640	Non-Trunk Flow Monitoring	100,000.00	100,000.00	159,474.63	(59,474.63)	159.5%
2018	3301809600	Ward 6 Capital Reinvestment	100,000.00	100,000.00	100,085.13	(85.13)	100.1%
2018	3301809800	Ward 8 Capital Reinvestment	100,000.00	50,000.00	51,550.00	(1,550.00)	51.6%
2019	3301909700	Ward 7 Capital Reinvestment	100,000.00	100,000.00	103,126.51	(3,126.51)	103.1%
2019	5141970002	Baldwin & Court-West to Dundas	190,000.00	190,000.00	198,415.93	(8,415.93)	104.4%
TOTAL FUNDS FROM PROGRAM SPECIFIC RESERVES (8)			830,000.00	780,000.00	858,061.04	(78,061.04)	103.4%
DELAYED/CANCELLED PROJECTS							
2016	5181655649	Clean Harbor Flushable Project	75,000.00	0.00	0.00	0.00	0.0%
2016	5181680680	Big Creek	200,000.00	0.00	0.00	0.00	0.0%
2018	4241809204	Hunter-Walnut Planter Barriers	1,475.00	0.00	0.00	0.00	0.0%
2018	4241809340	Res Composter Pilot	35,000.00	0.00	0.00	0.00	0.0%
2019	5161996954	Aberdeen Hillside Sewer	450,000.00	0.00	0.00	0.00	0.0%
2019	5301984901	Corridor Capacity	610,000.00	0.00	0.00	0.00	0.0%
2019	5301985901	Transit Terminal Development	3,190,000.00	0.00	0.00	0.00	0.0%
2020	5162067375	Upgrades SPS Outstations	170,000.00	0.00	0.00	0.00	0.0%
2020	5182080082	SWMP W19 - Parkside Hills Ph 2	3,740,000.00	0.00	0.00	0.00	0.0%
2020	5312082100	ATS-Vehicle Replacement Program	1,400,000.00	0.00	0.00	0.00	0.0%
TOTAL DELAYED/CANCELLED PROJECTS (10)			9,871,475.00	0.00	0.00	0.00	0.0%
COMPLETED PROJECTS							
CORPORATE PROJECTS DEPARTMENT (Tax Budget)							
Councillor Infrastructure Program							
2014	3301409600	Ward 6 Capital Reinvestment	83,000.00	82,180.89	82,180.89	0.00	99.0%
2014	4241409206	A/R - Poster Kiosks	20,000.00	20,000.00	20,000.00	0.00	100.0%
2016	3301609200	Ward 2 Capital Reinvestment	100,000.00	95,514.09	95,514.09	0.00	95.5%

**CITY OF HAMILTON
CAPITAL PROJECTS' CLOSING SCHEDULE
AS OF SEPTEMBER 30, 2020**

YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED	REVENUES (\$)	EXPENDITURES (\$)	PROJECT	%
			BUDGET (\$)			SURPLUS/ (DEFICIT) (\$)	SPENT
			a	b	c	d = b - c	e=c/a
2016	3301609300	Ward 3 Capital Reinvestment	100,000.00	39,588.15	39,588.15	0.00	39.6%
2016	3301609600	Ward 6 Capital Reinvestment	100,000.00	99,794.61	99,794.61	0.00	99.8%
2016	3301609700	Ward 7 Capital Reinvestment	100,000.00	91,613.30	91,613.30	0.00	91.6%
2016	3301609800	Ward 8 Capital Reinvestment	100,000.00	81,917.34	81,917.34	0.00	81.9%
2017	3301709100	Ward 1 Capital Reinvestment	100,000.00	56,924.82	56,924.82	0.00	56.9%
2017	3301709300	Ward 3 Capital Reinvestment	100,000.00	20,968.71	20,968.71	0.00	21.0%
2017	3301709400	Ward 4 Capital Reinvestment	100,000.00	86,965.43	86,965.43	0.00	87.0%
2017	3301709500	Ward 5 Capital Reinvestment	100,000.00	99,477.10	99,477.10	0.00	99.5%
2017	3301709600	Ward 6 Capital Reinvestment	100,000.00	99,372.55	99,372.55	0.00	99.4%
2017	3301709700	Ward 7 Capital Reinvestment	100,000.00	45,995.22	45,995.22	0.00	46.0%
2017	4241709110	Victoria Prk Pool Enhncmnt	100,000.00	99,766.43	99,766.43	0.00	99.8%
2017	4241709111	Earl Kitchener Crosswalk	40,000	24,590	24,590	0.00	61.5%
2017	4241709114	Victoria Park Lighting	112,000.00	96,559.25	96,559.25	0.00	86.2%
2017	4241709302	Adelaide Hoodless Playground	150,000.00	150,000.00	150,000.00	0.00	100.0%
2017	4241709402	Montgomery Park Path	55,000.00	55,000.00	55,000.00	0.00	100.0%
2018	3301809100	Ward 1 Capital Reinvestment	100,000.00	22,458.75	22,458.75	0.00	22.5%
2018	3301809300	Ward 3 Capital Reinvestment	100,000.00	5,000.00	5,000.00	0.00	5.0%
2018	3301809400	Ward 4 Capital Reinvestment	100,000.00	66,755.91	66,755.91	0.00	66.8%
2018	3301809500	Ward 5 Capital Reinvestment	100,000.00	49,263.26	49,263.26	0.00	49.3%
2019	3301909014	Ward 14 Capital Reinvestment	100,000.00	57,319.28	57,319.28	0.00	57.3%
2019	3301909100	Ward 1 Capital Reinvestment	100,000.00	7,888.80	7,888.80	0.00	7.9%
2019	3301909200	Ward 2 Capital Reinvestment	100,000.00	12,783.67	12,783.67	0.00	12.8%
2019	3301909300	Ward 3 Capital Reinvestment	100,000.00	6,550.00	6,550.00	0.00	6.6%
2019	3301909400	Ward 4 Capital Reinvestment	100,000.00	19,632.01	19,632.01	0.00	19.6%
2019	3301909600	Ward 6 Capital Reinvestment	126,612.62	50,225.05	50,225.05	0.00	39.7%
2019	3301909800	Ward 8 Capital Reinvestment	100,000.00	358.69	358.69	0.00	0.4%
2019	4241909101	A/R - Inchbury Speed Cushions	10,000.00	9,720.00	9,720.00	0.00	97.2%
2019	4241909102	A/R - Oxford Speed Cushions	10,000.00	9,720.00	9,720.00	0.00	97.2%
2019	4241909204	W2 Metal Containers	400.00	400.00	400.00	0.00	100.0%
2019	4241909218	226 Rebecca Gazebo	5,450.00	4,909.92	4,909.92	0.00	90.1%
2019	4241909228	A/R - Ward 2 Speed Cushions	35,000.00	33,090.00	33,090.00	0.00	94.5%
2019	4241909307	Gage Park Assessible Swings	50,000.00	47,588.16	47,588.16	0.00	95.2%
2019	4241909308	A/R - W3 Speed Humps	55,000.00	51,755.00	51,755.00	0.00	94.1%
2019	4241909402	AR - Melvin Avenue Resurfacing	1,030,000.00	934,388.64	934,388.64	0.00	90.7%
2019	4241909403	Tragina - Normandy to Main	300,000.00	156,516.66	156,516.66	0.00	52.2%
2019	4241909405	A/R - Wexford Speed Cushions	5,600.00	4,860.00	4,860.00	0.00	86.8%
2019	4241909406	A/R - London St Speed Cushions	12,000.00	9,720.00	9,720.00	0.00	81.0%
2019	4241909902	Valley Park Court Wind Screens	4,000.00	2,722.40	2,722.40	0.00	68.1%
OUTSIDE BOARDS AND AGENCIES (Tax Budget)							
City Housing							
2014	6731441401	Parking Structure-30 Sanford S	1,142,000.00	1,142,000.00	1,142,000.00	0.00	100.0%
2017	6181741602	City Housing Contribution	500,000.00	500,000.00	500,000.00	0.00	100.0%
Police Services							
2014	3761457401	Crime Mapping Services	250,000.00	250,000.00	250,000.00	0.00	100.0%
2018	3761851100	2018 Police Vehicle Purchases	0.00	2,449,399.20	2,449,399.20	0.00	#DIV/0!
2018	3761851801	Marine Vessel (Hike)	0.00	800,000.00	800,000.00	0.00	#DIV/0!
2019	3761951811	Conducted Energy Weapons (CEW)	335,000.00	335,000.00	335,000.00	0.00	100.0%
2019	3761957801	ISD - Compellent Storage	180,000.00	180,000.00	180,000.00	0.00	100.0%
Planning & Development (Tax Budget)							

CITY OF HAMILTON CAPITAL PROJECTS' CLOSING SCHEDULE AS OF SEPTEMBER 30, 2020							
YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT
			a	b	c	d = b - c	e=c/a
Parking By-Law Services Division							
2016	4901657600	HMPS Software Upgrade	200,000.00	115,805.58	115,805.58	0.00	57.9%
Real Estate Division							
2019	3561950123	RE1903 - 74 Trinity Church Rd Purchase	407,551.00	406,571.01	406,571.01	0.00	99.8%
2020	3562050001	RE2001 - 68 Trinity Church Road	0.00	169,759.98	169,759.98	0.00	0.0%
Public Works (Tax Budget)							
Roads Division							
2010	8201055100	Gore Pedestrianization Pilot	179,000.00	176,496.40	176,496.40	0.00	98.6%
2015	4031560999	Closed Projects - Roads	14,000.00	231,465.52	231,465.52	0.00	1653.3%
2017	4031710012	Railway Roadway Crossings Rehab Program - 2017	150,000.00	150,000.00	150,000.00	0.00	100.0%
2017	4661720001	ATMS - Advanced Traffic Management System - 2017	2,910,000.00	2,910,000.00	2,910,000.00	0.00	100.0%
2017	4661720540	Traffic Signal Modernization Coordinated with ESI - 2017	750,000.00	750,000.00	750,000.00	0.00	100.0%
2018	4031810012	Railway Roadway Crossings Rehab Program - 2018	173,700.00	176,000.00	176,000.00	0.00	101.3%
2018	4031811015	Road Resurfacing Program - 2018	17,100,000.00	16,794,919.33	16,794,919.33	0.00	98.2%
2018	4031851410	Roads Small Equip Purchase - 2018	78,000.00	78,000.00	78,000.00	0.00	100.0%
2018	4041810417	Guiderail Replacement - 2018	880,000.00	880,000.00	880,000.00	0.00	100.0%
2018	4661820001	ATMS - Advanced Traffic Management System - 2018	790,000.00	790,000.00	790,000.00	0.00	100.0%
2019	4031911224	Sidewalk Rehabilitation Program - 2019	750,000.00	743,118.78	743,118.78	0.00	99.1%
2019	4031911225	QA-QC - 2019	730,000.00	730,000.00	730,000.00	0.00	100.0%
2019	4031917677	Preventative Maintenance Program - 2019	2,200,000.00	2,200,000.00	2,200,000.00	0.00	100.0%
2019	4031918217	Bridge & Culvert Maintenance - 2019	1,976,000.00	1,976,000.00	1,976,000.00	0.00	100.0%
2019	4041910004	Escarpment Slope Stabilization Program - 2019	1,000,000.00	1,000,000.00	1,000,000.00	0.00	100.0%
2019	4041917384	Guide Rail Replacement Program - 2019	400,000.00	400,000.00	400,000.00	0.00	100.0%
2019	4661916102	Traffic Calming - Various - 2019	373,300.00	368,287.05	368,287.05	0.00	98.7%
Transit Division							
2013	5301384002	Mobility Programs	422,500.00	386,549.96	386,549.96	0.00	91.5%
2015	5301584501	Trapeze EAM Fleet Management	800,000.00	479,018.59	479,018.59	0.00	59.9%
2018	5301883100	2018 HSR Bus Replacement	17,485,000.00	14,392,043.60	14,392,043.60	0.00	82.3%
Waste Management Division							
2019	5121990900	Cigarette Litter Preventn Prog	65,000.00	57,835.09	57,835.09	0.00	89.0%
2019	5121993000	Maintenance & Capital Improvements to the Resource Recovery Centre	207,771.61	207,771.61	207,771.61	0.00	100.0%
Recreation Facilities Division							
2016	7101654608	William Schwenger Park Washroom Facility	506,072.22	506,072.22	506,072.22	0.00	100.0%
2017	3541755101	Recreation - Facilities Audit	123,309.15	123,327.55	123,327.55	0.00	100.0%
Corporate Building Division							
2015	3541541409	Code & Legislative Compliance	440,594.24	440,594.24	440,594.24	0.00	100.0%
2016	3541641532	Facility Capital Maintenance	228,800.59	228,800.59	228,800.59	0.00	100.0%
2016	3541641638	Overhead Door Replacement Prog	45,629.87	45,629.87	45,629.87	0.00	100.0%
2016	3541655001	Yard Capital Renewal Program	211,924.49	211,929.25	211,929.25	0.00	100.0%
2017	3541741010	Facility Upgrades Libraries	90,704.48	90,704.48	90,704.48	0.00	100.0%
2017	3541741532	Facility Capital Maintenance	842,179.62	842,179.62	842,179.62	0.00	100.0%
2017	3541741648	Parking Lot Rehabilitation	151,698.00	151,693.46	151,693.46	0.00	100.0%
2017	3541755001	Yard Capital Renewal Program	189,035.57	189,035.57	189,035.57	0.00	100.0%
2017	3541757001	Archibus-Facility Maintenance	76,136.35	76,136.35	76,136.35	0.00	100.0%
2018	3541841409	Facilities Code & Compliance	203,910.86	203,910.86	203,910.86	0.00	100.0%
2018	3541841648	Parking Lot Rehabilitation	355,606.94	355,606.94	355,606.94	0.00	100.0%
2018	3541855701	ConfederationPrkFacilityAssmnt	175,231.28	175,231.28	175,231.28	0.00	100.0%
2019	3541941409	Code & Legislative Compliance	418,316.08	418,316.08	418,316.08	0.00	100.0%

CITY OF HAMILTON
 CAPITAL PROJECTS' CLOSING SCHEDULE
 AS OF SEPTEMBER 30, 2020

YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT
			a	b	c	d = b - c	e=c/a
Parks Division							
2015	4401556514	St Christopher's Park	169,000.00	160,131.31	160,131.31	0.00	94.8%
2018	4241809401	Crown Point East Parkette	377,880.00	369,321.15	369,321.15	0.00	97.7%
2018	4401851700	Small Equipment Replacement	71,912.91	71,912.91	71,912.91	0.00	100.0%
2018	4401856127	Churchill Park Phase 2	10,630.88	10,630.88	10,630.88	0.00	100.0%
2018	4401856900	Bruce Park Spraypad	615,645.93	615,645.93	615,645.93	0.00	100.0%
2018	5121895525	SWMMP Approvals	45,412.17	45,412.17	45,412.17	0.00	100.0%
2019	4401951601	Equipment Acquisitions - DC	247,000.00	240,352.47	240,352.47	0.00	97.3%
2019	4401956001	Leash free Dog Park Program	80,000.00	80,000.00	80,000.00	0.00	100.0%
2020	4402049007	Cemetery Columbarium	168,375.09	166,421.98	166,421.98	0.00	98.8%
2020	4402051001	Equipment Upgrades	50,000.00	50,000.00	50,000.00	0.00	100.0%
Planning & Development (Rate Budget)							
Growth Management Division							
2006	5180680695	SWMP-H6 Dartnall Wetland Retro	855,000.00	1,932.73	1,932.73	0.00	0.2%
2011	5181180188	RR 56-Binbrook Rd to Cemetery Dr	2,450,000.00	1,903,995.22	1,903,995.22	0.00	77.7%
Public Works (Rate Budget)							
Waterworks Regular Program							
2015	5141596152	PD11 (Governor's Rd) Extend	1,180,000.00	1,174,763.52	1,174,763.52	0.00	99.6%
2016	5141666713	Annual Water Maintenance	600,000.00	496,858.78	496,858.78	0.00	82.8%
2017	5141751710	Fleet Additions - Hamilton Water - 2017	560,000.00	560,000.00	560,000.00	0.00	100.0%
2017	5141767752	WW Outstation Inspection - AM	550,000.00	275,274.74	275,274.74	0.00	50.0%
2018	5141855010	Water Systems Planning	300,000.00	258,908.16	258,908.16	0.00	86.3%
2018	5141857628	Saltfleet Trunkmain Inspection	593,000.00	591,221.06	591,221.06	0.00	99.7%
2018	5141866350	WTP Lighting Upgrade	200,000.00	132,129.40	132,129.40	0.00	66.1%
2018	5141867752	Water Outstation Inspections	660,000.00	644,924.95	644,924.95	0.00	97.7%
2019	5141960080	Valve Replacement - 2019	1,580,000.00	1,580,000.00	1,580,000.00	0.00	100.0%
2019	5141960577	Metallic Watermain Condition Assessment - 2019	280,000.00	280,000.00	280,000.00	0.00	100.0%
2019	5141962073	Field Data Systems Program - 2019	150,000.00	150,000.00	150,000.00	0.00	100.0%
Wastewater Regular Program							
2013	5161367360	Cormorant & Osprey (HC014)	4,450,000.00	4,232,976.14	4,232,976.14	0.00	95.1%
2013	5161367752	WW Outstation Inspection - AM	645,000.00	168,504.54	168,504.54	0.00	26.1%
2015	5161555955	Inflow & Infiltration	474,000.00	461,752.46	461,752.46	0.00	97.4%
2015	5161557545	Wastewater Computer Model	550,000.00	483,174.80	483,174.80	0.00	87.8%
2017	5161755955	Inflow & Infiltration	300,000.00	272,680.57	272,680.57	0.00	90.9%
2017	5161767752	WW Outstn Insp -Asset Mgm Prog	220,000.00	173,928.96	173,928.96	0.00	79.1%
2018	5161855010	Wastewater Systems Planning	300,000.00	190,291.59	190,291.59	0.00	63.4%
2018	5161855640	Flow Monitoring Program	50,000.00	40,813.48	40,813.48	0.00	81.6%
2018	5161857545	Wastewater Computer Model	280,000.00	245,401.77	245,401.77	0.00	87.6%
2019	5161962073	Field Data Systems Program - 2019	110,000.00	110,000.00	110,000.00	0.00	100.0%
Storm Sewers Regular Program							
2012	5181274800	Watercourse 5 and 6	3,850,000.00	397,595.19	397,595.19	0.00	10.3%
2014	5181460461	Forty Mile Municipal Drain	153,163.98	91,362.51	91,362.51	0.00	59.7%
2018	5181817152	Right of Way Drainage Program - 2018	1,380,000.00	1,380,000.00	1,380,000.00	0.00	100.0%
2018	5181860622	SWM Facility Maintenance Program - 2018	1,200,000.00	1,200,000.00	1,200,000.00	0.00	100.0%
2019	5181917458	Catch Basin Replacement/Rehabilitation Program - 2019	770,000.00	770,000.00	770,000.00	0.00	100.0%
2019	5181962073	Field Data Systems Program - 2019	110,000.00	110,000.00	110,000.00	0.00	100.0%
TOTAL COMPLETED PROJECTS (127)			87,448,055.93	79,383,383.55	79,383,383.55	0.00	90.8%
GRAND TOTAL COMPLETED/CANCELLED PROJECTS (163)			114,031,486.06	95,151,078.70	93,705,205.22	1,445,873.48	82.2%

CITY OF HAMILTON CAPITAL PROJECTS BUDGET APPROPRIATION SCHEDULE FOR THE PERIOD COVERING JULY 1, 2020 THROUGH SEPTEMBER 30, 2020						
Appropriated From	Description	Appropriated To	Description	Amount(\$)	Council Approval / Comments	LongDescr
CORPORATE PROJECTS						
<i>Councillor Infrastructure Program</i>						
4241709603	Fern-Doreen-Tilbury-Filer-etc	3301909600	Ward 6 Capital Reinvestment	73,612.62	N/A- Within Limits	APPR 20-160
Corporate Projects (1)				73,612.62		
HEALTHY & SAFE COMMUNITIES						
<i>Lodges Program</i>						
6301641501	Wentworth Lodge-Tubroom Renos	6301751700	Bld Auto Sys Wentworth	114,644.43	N/A- Within Limits	APPR 20-142
6301851803	ML&WL - Circulation Pumps	6301751700	Bld Auto Sys Wentworth	10,000.00	N/A- Within Limits	APPR 20-143
				<u>124,644.43</u>		
<i>Social Housing Program</i>						
6732041302	Social Housing Capital Repairs	6731641302	Social Housing Capital Repairs	23,079.02	N/A- Within Limits	APPR 20-127
Healthy & Safe Communities (3)				147,723.45		
PLANNING & DEVELOPMENT						
<i>Growth Management Division</i>						
4031980941	New Signal - Dundas @ Pamela	4662020024	New Signal - Glanair	40,000.00	N/A- Within Limits	APPR 20-161
<i>Parking By-Law Services Division</i>						
4031655641	Cordon Count Project	4662015820	Traffic Counts Program	22,518.33	N/A- Within Limits	APPR 20-131
4661717124	2017 On Street Bike Facilities	4662017130	Claremont Access - Keddy Trail	99,000.00	PED20115/PW16003(EAPPR 20-126	
4661817124	2018 On Street Bike Facilities	4662017130	Claremont Access - Keddy Trail	2,992,000.00	PED20115/PW16003(EAPPR 20-126	
4662017124	2020 On Street Bike Facilities	4662017130	Claremont Access - Keddy Trail	293,000.00	PED20115/PW16003(EAPPR 20-126	
4032011020	Claremont Access Rehab	4662017130	Claremont Access - Keddy Trail	896,000.00	PED20115/PW16003(EAPPR 20-126	
				<u>4,302,518.33</u>		
Planning & Development (6)				4,342,518.33		
PUBLIC WORKS - TAX FUNDED						
<i>Roads Division</i>						
4031560999	Closed Projects - Roads	4042010004	Escarpment Slope Stabilization	34,000.00	N/A- Within Limits	APPR 20-129
4031611615	CP Minor Maintenance Ward 15	4031911615	CP Minor Maintenance Ward 15	60,000.00	N/A- Within Limits	APPR 20-128
				<u>94,000.00</u>		
<i>Waste Management</i>						
5121895525	SWMMP Approvals	5122095525	SWMMP-Planning & Approvals	104,587.83	N/A- Within Limits	APPR 20-152
5121993000	Resource Recovery Centre	5122093000	Resource Recovery Centre	70,228.39	N/A- Within Limits	APPR 20-153
				<u>174,816.22</u>		
<i>Recreation Facilities</i>						
3541755101	Recreation - Facilities Audit	3541855701	ConfederationPrkFacilityAssmnt	18,790.85	N/A- Within Limits	APPR 20-145
3541855101	Rec Facilities Audit Program	3541855701	ConfederationPrkFacilityAssmnt	6,440.43	N/A- Within Limits	APPR 20-146
7101654536	Program - Arena Retrofits	7101954536	Program - Arena Retrofits	62,634.15	N/A- Within Limits	APPR 20-111

CITY OF HAMILTON						
CAPITAL PROJECTS BUDGET APPROPRIATION SCHEDULE						
FOR THE PERIOD COVERING JULY 1, 2020 THROUGH SEPTEMBER 30, 2020						
Appropriated From	Description	Appropriated To	Description	Amount(\$)	Council Approval / Comments	LongDescr
7101754705	Turner Park Washrooms	7101654608	Wm Schwenger Park Washrooms	6,072.22	N/A- Within Limits	APPR 20-144
				93,937.65		
<i>Facilities Division</i>						
3541541409	Code & Legislative Compliance	3541741409	Code & Legislative Compliance	9,405.76	N/A- Within Limits	APPR 20-139
3541641010	Facility Upgrades Libraries	3541741010	Facility Upgrades Libraries	9,704.48	N/A- Within Limits	APPR 20-141
3541641409	Code & Legislative Compliance	7101954902	Valley Park Lifecycle Renewal	112,125.08	N/A- Within Limits	APPR 20-137
3541941409	Code & Legislative Compliance	3541741409	Code & Legislative Compliance	30,313.00	N/A- Within Limits	APPR 20-140
3542041409	Code & Legislative Compliance	3541741409	Code & Legislative Compliance	57,925.53	N/A- Within Limits	APPR 20-135
3542041532	Facility Capital Maintenance	3541741532	Facility Capital Maintenance	108,213.96	N/A- Within Limits	APPR 20-155
3542041409	Code & Legislative Compliance	3541841409	Facilities Code & Compliance	22,910.86	N/A- Within Limits	APPR 20-136
3541941409	Code & Legislative Compliance	7101954902	Valley Park Lifecycle Renewal	201,370.92	N/A- Within Limits	APPR 20-138
3542041532	Facility Capital Maintenance	3542041014	Demolitions - Facilities	99,129.63	N/A- Within Limits	APPR 20-154
				651,099.22		
<i>Parks Division</i>						
4400856600	Olmstead Natural Area	4401556503	Heritage Green Sports Pk Ph II	24,594.06	N/A- Within Limits	APPR 20-147
4401856127	Churchill Park Phase 2	4401056127	Churchill Park	39,369.12	N/A- Within Limits	APPR 20-148
4401556504	Trails Master Plan Update	4401956903	StonechurchTrail Link@Dartnall	25,000.00	N/A- Within Limits	APPR 20-157
4401856900	Bruce Park Spray Pad	4401656603	Sam Lawrence Park	54,354.07	N/A- Within Limits	APPR 20-149
4401751700	2017 Small Equipment Replace	4401951700	2018 Small Equipment Replace	30,235.53	N/A- Within Limits	APPR 20-150
4401851700	Small Equipment Replacement	4401951700	2018 Small Equipment Replace	3,087.09	N/A- Within Limits	APPR 20-151
4401956929	HRTMP Init7-1 LmrdgeHydroTrail	4401956903	StonechurchTrail Link@Dartnall	30,000.00	N/A- Within Limits	APPR 20-156
4401956921	Johnson Tew Planting	4402049101	Park Pathway Resurfacing	10,500.00	N/A- Within Limits	APPR 20-130
				217,139.87		
Public Works Tax Funded (25)				1,230,992.96		
PUBLIC WORKS - RATE FUNDED						
<i>Waterworks Regular Program</i>						
5141861300	Replacement Program - 2018	5141596152	PD11 (Governor's Rd) Extend	60,000.00	N/A- Within Limits	APPR 20-132
5141861300	Replacement Program - 2018	5142060999	Closed Projects - Water	60,000.00	N/A- Within Limits	APPR 20-134
5141861300	Replacement Program - 2018	5141971303	Brampton-Parkdale to Strathrne	99,000.00	N/A- Within Limits	APPR 20-159
5141911101	Annual Road Restoration	5141971303	Brampton-Parkdale to Strathrne	99,000.00	N/A- Within Limits	APPR 20-158
				318,000.00		
<i>Wastewater Regular Program</i>						
5161960533	Trenchless Manhole Rehab	5161718420	Grindstone Crk Utility Bridge	28,067.65	N/A- Within Limits	APPR 20-133
Public Works Rate Funded (5)				346,067.65		
BUDGET APPROPRIATION (40)				6,140,915.01		

CITY OF HAMILTON CAPITAL PROJECTS BUDGET APPROPRIATIONS OF \$250,000 OR GREATER AND CAPITAL PROJECT RESERVE FUNDING					
Recommendations					
Appropriated/ Transferred From	Description	Appropriated/ Transferred To	Description	Amount (\$)	Comments
Corporate Services					
<i>Information Technology Program</i>					
108020	Unallocated Capital Levy Reserve	49412 - 3501857806	Data Centre HVAC	250,000.00	Additional funding of \$250,000 was identified in Report FCS20091 from Capital Work In Progress (WIP) funding and/or reserves which was approved by Council (Nov 25, 2020) through Audit Finance & Administration Committee Report 20-012 (Nov 19, 2020).
Corporate Services Total				\$ 250,000.00	
Public Works (Rate)					
<i>Waterworks Regular Program</i>					
5169309324	Unalloc Current Funds-Sanitary	5141751710	Fleet Additions	\$ 560,000.00	To close project 5141751710 by funding actuals to budget from Unalloc Current Funds-Sanitary project.
Public Works (Rate) Total				\$ 560,000.00	
Public Works (Tax)					
<i>Roads</i>					
4031420622	North End Traffic Mgmt Plan	4032101999	Pending Litigation	\$ 69,275.26	
4031419101	Road Reconstruction Program - 2014	4032101999	Pending Litigation	\$ 247,000.00	
Public Works (Rate)					
<i>Roads</i>					
5141660999	Closed Projects - Water	5142101999	Pending Litigation	\$ 49,000.00	To appropriate remaining funds of completed projects to new projects that are related to pending litigation.
5141670000	Coordinated Road and Subsurface Works - 2016	5142101999	Pending Litigation	\$ 153,000.00	
5161560999	Closed Projects - WasteWater	5162101999	Pending Litigation	\$ 90,000.00	
Public Works (Rate) Total				\$ 608,275.26	
Project Totals				\$ 1,418,275.26	

CITY OF HAMILTON
CAPITAL BUDGET ADJUSTMENTS ON THE CP MINOR MAINTENANCE PROJECTS
FOR THE PERIOD COVERING JULY 1, 2020 TO SEPTEMBER 30, 2020

Recommendations

Appropriated From	Description	Appropriated To	Description	Amount (\$)	Source of Funds
Public Works (Tax)					
<i>Roads</i>					
4031611601	CP Minor Maintenance Ward 1	4031911601	CP Minor Maintenance Ward 1	\$ 168,672.48	Federal Gas Tax
4031611602	CP Minor Maintenance Ward 2	4031911602	CP Minor Maintenance Ward 2	\$ 160,415.37	Federal Gas Tax
4031611602	CP Minor Maintenance Ward 2	4031911602	CP Minor Maintenance Ward 2	\$ 46,836.27	Current Contribution
4031611602	CP Minor Maintenance Ward 2	4031911602	CP Minor Maintenance Ward 2	\$ 245,000.00	Reserve
4031611603	CP Minor Maintenance Ward 3	4031911603	CP Minor Maintenance Ward 3	\$ 348,790.28	Current Contribution
4031611604	CP Minor Maintenance Ward 4	4031911604	CP Minor Maintenance Ward 4	\$ 175,959.70	Current Contribution
4031611605	CP Minor Maintenance Ward 5	4031911605	CP Minor Maintenance Ward 5	\$ 96,522.93	Current Contribution
4031611606	CP Minor Maintenance Ward 6	4031911606	CP Minor Maintenance Ward 6	\$ 318,145.76	Current Contribution
4031611607	CP Minor Maintenance Ward 7	4031911607	CP Minor Maintenance Ward 7	\$ 723,288.90	Current Contribution
4031611608	CP Minor Maintenance Ward 8	4031911608	CP Minor Maintenance Ward 8	\$ 732,206.24	Current Contribution
4031611609	CP Minor Maintenance Ward 9	4031911609	CP Minor Maintenance Ward 9	\$ 1,008,798.65	Current Contribution
4031611610	CP Minor Maintenance Ward 10	4031911610	CP Minor Maintenance Ward 10	\$ 44,129.68	Federal Gas Tax
4031611610	CP Minor Maintenance Ward 10	4031911610	CP Minor Maintenance Ward 10	\$ 24,000.00	Current Contribution
4031611611	CP Minor Maintenance Ward 11	4031911611	CP Minor Maintenance Ward 11	\$ 652,744.04	Current Contribution
4031611612	CP Minor Maintenance Ward 12	4031911612	CP Minor Maintenance Ward 12	\$ 290,000.00	Federal Gas Tax
4031611612	CP Minor Maintenance Ward 12	4031911612	CP Minor Maintenance Ward 12	\$ 212,300.00	Current Contribution
4031611612	CP Minor Maintenance Ward 12	4031911612	CP Minor Maintenance Ward 12	\$ 459,602.96	Reserve
4031611613	CP Minor Maintenance Ward 13	4031911613	CP Minor Maintenance Ward 13	\$ 590,193.11	Current Contribution
4031611614	CP Minor Maintenance Ward 14	4031911614	CP Minor Maintenance Ward 14	\$ 590,871.09	Current Contribution
4031611615	CP Minor Maintenance Ward 15	4031911615	CP Minor Maintenance Ward 15	\$ 73,581.07	Federal Gas Tax
4031611615	CP Minor Maintenance Ward 15	4031911615	CP Minor Maintenance Ward 15	\$ 124,298.28	Current Contribution
Project Totals				\$ 7,086,356.81	



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Recreation Division

TO:	Chair and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	2021 Recreation User Fee Update (HSC21004) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Romas Keliacius (905) 546-2424 Ext. 4722 Dawn Walton (905) 546-2424 Ext. 4755
SUBMITTED BY:	Chris Herstek Director, Recreation Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the 2021 Recreation user fees contained in Appendix “A” to Report HSC21004, “2021 New Recreation User Fees” be approved and implemented;
- (b) That the City Solicitor be authorized and directed to prepare all the necessary by-laws, for Council approval, for the purposes of establishing the user fees contained within in Appendix “A” attached to Report HSC21004; and,
- (c) That the subject matter respecting the “COVID-19 recreation financial assistance program”, be identified as complete and removed from the General Issues Committee Outstanding Business List.

EXECUTIVE SUMMARY

During the December 9, 2020, General Issues Committee meeting, the 2021 Tax Supported User Fees Report FCS20085 was amended in response to the financial pressures faced in the community due to the COVID-19 pandemic. Staff was directed to report back to the General Issues Committee with a COVID-19 Recreation financial assistance program aimed to offset the increase in the 2021 User Fees.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: 2021 Recreation User Fee Update (HSC21004) (City Wide) - Page 2 of 5

On December 16, 2020, Council approved a motion to freeze all Recreational user fees at 2020 levels for 2021, with the loss in budgeted revenues in 2021, to be funded from the establishment of a COVID-19 Recreation User Fee Financial Relief Program to be fully funded through Federal/Provincial COVID-19 Safe Restart Funding. As a result of this motion, the General Issue Committee Outstanding Business List item pertaining to a COVID-19 Recreation financial assistance program is resolved.

Subsequently, the proposed Recreation user fees pertaining to new or modified programs and services submitted during the 2021 tax supported user fee budget process for consideration were excluded from the report and require Council direction for inclusion in the user fee by-law. Consideration should be given for the inclusion of identified user fees specific to Golf Rates and Admissions.

Alternatives for Consideration – Not Applicable**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Revenue estimates for the 2021 operating budget are based on the fees contained within Report HSC21004.

Staffing: N/A

Legal: It is in order to pass a By-law to establish the user fees set out in Appendix “A” to Report HSC21004.

HISTORICAL BACKGROUND

Tax supported user fees are prepared and presented for consideration at the on-set of the budget process annually to establish a predictable revenue stream for programs and consistent communication to program users.

On December 9, 2020, at the General Issues Committee, it was recommended that the Recreation user fees for 2021 be frozen at the 2020 levels to help offset some of the financial pressures faced in the community as a result of the COVID-19 pandemic.

As a result of a December 16, 2020 approved motion of Council that all Recreational User fees be frozen at 2020 levels for 2021, proposed Recreation user fees pertaining to new or modified programs and services submitted during the 2021 tax supported user fee budget process for consideration were excluded from the user fee report and require council direction for inclusion in the user fee by-law.

The COVID-19 pandemic has had a substantial impact on the Recreation operations. Golf operations became extremely popular and traditional recreation programs became

SUBJECT: 2021 Recreation User Fee Update (HSC21004) (City Wide) - Page 3 of 5

more restricted. Several new fees are required to help the Division offer services in the coming years.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Sections 8, 9 and 10 of the Municipal Act, 2001, authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 3 of subsection 10(2) authorizes by-laws respecting the financial management of the City of Hamilton.

Subsection 391(1) of the Municipal Act, 2001, states that sections 9 and 10 of that Act authorize the City of Hamilton to impose fees or charges on persons for services or activities provided or done by or on behalf of it; for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and for the use of its property including property under its control.

Pursuant to this authority, it is in order to pass a by-law is required once the user fees established in this report are approved.

RELEVANT CONSULTATION

- Recreation Division, Healthy and Safe Communities - Subject matter expertise and consultation relating to creation and application of Recreation user fees.
- Financial Planning Administration and Policy Division, Corporate Services Department - Assisted with creation and submission of 2021 user fees and was also consulted with respect to the overall process.
- Legal Services Division, Corporate Services Department - Review for content and by-law implications.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Appendix "A" to Report HSC21004 provides a listing of the new user fees required in the Recreation Division. These fees fall into two operational areas: Golf and Recreation Admissions.

Golf Rates

Over that last year, the COVID-19 pandemic has boosted the popularity of Golf. During the annual review of user fees several new fees were identified to be added to the Golf portfolio. These new fees add clarity and consistency to the golf rates and allow for flexibility in offerings on the golf courses and help maximize the overall utilization of these assets.

SUBJECT: 2021 Recreation User Fee Update (HSC21004) (City Wide) - Page 4 of 5**Admissions**

Admission fees are applied to participants accessing Recreation Centres, Outdoor Pools, Arenas and Seniors' Facilities for non-registered drop-in programming (i.e. open swim, open gym, lengths swim). Purchase options include a single admit, multiple visit clip card or unlimited access annual pass.

The COVID-19 pandemic has led to complications surrounding sales volumes and the ability to honour annual passes due to the frequency of extended periods of program cancellation and closure. The resulting impact has been to suspend the sale of annual passes while providing purchased passes with extensions for service or refunds. Pass extensions of 6 months were applied to 19,867 passes over the summer of 2020, creating a financial liability of approximately \$58,000 and a subsequent loss of renewal purchases for this period. The process to manage extensions in the recreation software is onerous requiring significant staff resource when required.

The proposed monthly pass option for admissions presents benefits for staff as well as customers including the following;

- Affordable access at lower monthly fee;
- Flexibility to purchase pass based on actual usage (i.e. vacation, seasonal use);
- Reduce the deferred liability of annual passes;
- Ability to respond to the COVID -19 Framework for Re-Opening with minimal impact to participants for reissue/reimbursement during closures;
- Applicability is consistent with the benefits of an annual participation pass;
- Consistency in admission purchase options (i.e. Waterfit monthly pass); and
- Less staff time used to issue extensions.

The proposed rates for the monthly pass option are comparable to market rates and follow Guiding Principles for Recreation User Fees (Report CES15029) of Accountability, Community Benefit, Equitable, Fair, Affordable, Financial Responsibility.

If approved, monthly participation passes will be made available beginning April 1, 2021 and the sale of annual passes will continue to be suspended. Existing passes issued to participants will be accepted until date of expiry and will continue to be extended as required.

ALTERNATIVES FOR CONSIDERATION

N/A

SUBJECT: 2021 Recreation User Fee Update (HSC21004) (City Wide) - Page 5 of 5

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report HSC21004: 2021 New Recreation User Fees

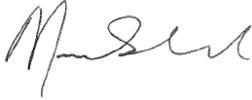
2021 PROPOSED USER FEES & CHARGES

Department: Healthy and Safe Communities
Division: Recreation

#	Service or Activity Provided or Use of City Property	2021 Proposed Fee	HST (Y/N)*	Effective Date
Recreation Centre & Pool Admission Fees				
1	Monthly Pass (Child/Youth/Senior)	\$ 12.32	Y	1-Apr-21
2	Monthly Pass (Adult)	\$ 18.40	Y	1-Apr-21
3	Monthly Pass (Family)	\$ 37.56	Y	1-Apr-21
GOLF - King's Forest				
King's Forest Green Fees				
4	Spring/Fall Green Fees (walking)	\$ 39.82	Y	1-Apr-21
5	League Fee with cart (9 holes)	\$ 35.40	Y	1-Apr-21
6	League Fee with cart (18 holes)	\$ 39.82	Y	1-Apr-21
7	Tournament Green Rate (Monday - Thursday)	\$ 66.37	Y	1-Apr-21
8	Tournament Green Rate (Friday - Sunday)	\$ 73.45	Y	1-Apr-21
9	Sell off Rate (18 holes)	\$ 32.74	Y	1-Apr-21
King's Forest Golf Memberships				
10	City Wide - Junior (18 and under)	\$ 617.11	Y	1-Apr-21
11	City Wide - Intermediate (19-35)	\$ 1,297.49	Y	1-Apr-21
12	Lower banquet room rental - Special Event	\$ 75.22	Y	1-Apr-21
13	Main banquet room rental - Special Event	\$ 150.44	Y	1-Apr-21
GOLF - Chedoke				
Chedoke Green Fees-Beddoe				
14	Spring/Fall Green Fees (walking)	\$ 30.97	Y	1-Apr-21
15	League Fee with cart (9 holes)	\$ 26.55	Y	1-Apr-21
16	League Fee with cart (18 holes)	\$ 30.97	Y	1-Apr-21
17	Tournament Green Rate (Monday - Thursday)	\$ 51.33	Y	1-Apr-21
18	Tournament Green Rate (Friday - Sunday)	\$ 57.52	Y	1-Apr-21
19	Sell off Rate (18 holes)	\$ 23.89	Y	1-Apr-21
Chedoke Green Fees - Martin				
20	Spring/Fall Green Fees (walking)	\$ 22.12	Y	1-Apr-21
21	League Fee with cart (9 holes)	\$ 22.12	Y	1-Apr-21
22	League Fee with cart (18 holes)	\$ 26.55	Y	1-Apr-21
23	Tournament Green Rate (Monday - Thursday)	\$ 43.36	Y	1-Apr-21
24	Tournament Green Rate (Friday - Sunday)	\$ 47.79	Y	1-Apr-21
25	Sell off Rate (18 holes)	\$ 18.58	Y	1-Apr-21
26	Winter Golf Green Fee	\$ 20.35	Y	1-Apr-21
Chedoke Golf Memberships				
27	City Wide - Junior (18 and under)	\$ 617.11	Y	1-Apr-21
28	City Wide - Intermediate (19-35)	\$ 1,297.49	Y	1-Apr-21



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	Grant Increase to an Existing Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Approval, 12 Blanshard Street and 85 Poulette Street, Hamilton, ERG-16-02 (PED18016(a)) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Phil Caldwell (905) 546-2424 Ext. 2359
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-16-02, submitted by Dawn Victoria Homes (Brantford) Limited, owner of the properties at 12 Blanshard Street and 85 Poulette Street, Hamilton, for an ERASE Redevelopment Grant not to exceed an additional \$286,682.00, for a total maximum grant of \$768,832.00, payable over a maximum of ten (10) years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
- (b) That the Mayor and City Clerk be authorized and directed to execute the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Agreement together with any ancillary documentation required, to effect Recommendation (a) of Report PED18016(a), in a form satisfactory to the City Solicitor;
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any grant amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Environmental Remediation and

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SUBJECT: Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 12 Blanshard Street and 85 Poulette Street, Hamilton, ERG-16-02 (PED18016(a)) (Ward 1) - Page 2 of 9

Site Enhancement (ERASE) Redevelopment Grant, as approved by City Council, are maintained.

EXECUTIVE SUMMARY

An Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application was submitted on December 22, 2016 by Dawn Victoria Homes (Brantford) Limited, the owner of the property located at 12 Blanshard Street, Hamilton and 85 Poulette Street, Hamilton (“the site”).

The site is approximately 0.3 ha (0.75 ac) and located at the north-east corner of Blanshard Street and Poulette Street within the Kirkendall North neighbourhood of central Hamilton. Prior to redevelopment commencing, the site was vacant. Historical records indicate the site was first developed for residential uses around 1910 and contained subsequent evidence of a valley/depression related to a historic tributary of Cootes Paradise passing through the site.

A Phase Two Environmental Site Assessment undertaken in June 2016 to investigate the site’s soil and groundwater conditions identified the presence of contaminants at levels above the applicable standards required to accommodate the planned development in accordance with Ontario Regulation 153/04. The planned development of the property, for which Site Plan approval has been granted, consists of three townhouses fronting on Poulette Street and 24 stacked townhouses on the remainder of the site for a total of 27 condominium units.

On January 17, 2018 City Council approved the applicant’s ERG application with a maximum grant of \$480,650.00 which was based on the estimated cost of remediation for the site as identified by the applicant’s environmental consultant.

In February 2019, staff were first advised by the applicant that remediation costs would exceed the original estimate. Costs for the site’s remediation based on invoices submitted to the City in August 2020, identified costs as being \$1,140,388.22.

Submitted invoices, the rationale for increased costs above the original estimates and all supporting documentation from the applicant was reviewed with the assistance of an independent third-party environmental consultant (MTE) retained by City staff. The result of the review identified \$768,832.00 in eligible remediation costs which met the purpose, intent and eligibility criteria under the ERG program.

As such, staff’s recommendation is to increase the original approved maximum potential grant amount by an additional \$286,682.00, for a total maximum grant of \$768,832.00.

SUBJECT: Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 12 Blanshard Street and 85 Poulette Street, Hamilton, ERG-16-02 (PED18016(a)) (Ward 1) - Page 3 of 9

Project construction costs are estimated to be approximately \$6,000,000.00. It is estimated that the proposed development will increase the property assessment from the pre-development value of \$497,000.00 (RT – Residential) to approximately \$10,700,000.00 (RT – Residential). This will increase total annual property taxes generated by this site from \$5,320.85 to \$127,181.38, an increase of approximately \$121,860.53. The municipal portion of this increase is \$106,215.38 of which 80%, representing the maximum potential annual grant, would be approximately \$84,972.30. Based on the estimated eligible costs provided by the applicant, the maximum grant will not exceed \$768,832.00 over a period of ten (10) annual payments.

The sites existing conditions as well as renderings of the planned development are provided below.



Former Site Conditions – 12 Blanshard Street and 85 Poulette Street, Hamilton, looking north-west from Blanshard Street, Hamilton. (Source: maps.google.ca – May 2016)



Rendering of Redevelopment – 12 Blanshard Street and 85 Poulette Street, Hamilton (Source: <http://www.dawnvictoriahomes.ca/communities/locke-street-lofts/>)

Alternatives for Consideration – See Page 8

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SUBJECT: Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 12 Blanshard Street and 85 Poulette Street, Hamilton, ERG-16-02 (PED18016(a)) (Ward 1) - Page 4 of 9

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: As per the ERASE Redevelopment Grant (ERG) Program, the City will provide the applicant with a grant equivalent to 80% of the increase in municipal taxes up to the total eligible cost figure of \$768,832.00. Based on an estimated maximum potential annual grant amount of \$84,972.00 the annual grant payments will conclude in year ten (10) and the City will realize the full tax increment thereafter.

The City will retain the remaining 20% of the annual municipal tax increment estimated at \$21,243.08. These monies, to a maximum of 20% of the total grant to be provided to the applicant, estimated to total \$153,766.40 over ten (10) years, will be deposited into the Brownfield Pilot Project Account No. 3620155102 to be used by the City for its Municipal Acquisition and Partnership Program. This Program, as approved in the ERASE Community Improvement Plan (CIP), involves the City acquiring key Brownfield sites, remediating and redeveloping property it already owns, or participating in public/private partnerships to redevelop brownfield properties.

Staffing: Applications and grant payments under the ERG program are processed by existing staff in the Economic Development Division and the Taxation Section of the Finance and Administration Division, Corporate Services Department. There are no additional staffing requirements.

Legal: The ERG Program is authorized by the ERASE CIP which was adopted and approved in 2001 and subsequently comprehensively updated in 2005, 2010 and 2018 under Section 28 of the *Planning Act*. The ERASE Redevelopment Agreement will specify the obligations of the City and the applicant and will be prepared in a form satisfactory to the City Solicitor.

HISTORICAL BACKGROUND

The site comprises an area of approximately 0.3 ha (0.75 ac) and is located at the north-east corner of Blanshard Street and Poulette Street within the Kirkendall North neighbourhood of central Hamilton. The site is bounded by an existing multi-residential building to the north, low-rise commercial/mixed-use buildings to the east and low-rise residential to the south and west. The closest signalized intersection is located approximately 80 metres northeast of the site at Locke Street South and Hunter Street West. Prior to redevelopment commencing, the site was vacant and contained no buildings or structures with the exception of a concrete retaining wall running along the

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SUBJECT: Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 12 Blanshard Street and 85 Poulette Street, Hamilton, ERG-16-02 (PED18016(a)) (Ward 1) - Page 5 of 9

north end of the site. A Phase One Environmental Site Assessment (ESA) completed in April 2016 identified the site as first being developed for residential uses around 1910 and contained subsequent evidence of a valley/depression related to a historic tributary of Cootes Paradise passing through the site.

The results of the Phase One ESA identified the potential for one on-site and one off-site Area of Potential Environmental Concern (APEC) which include:

- The on-site importation of fill material of unknown quality; and
- The historic off-site presence of a former landfill to the west of the site.

As a result of the Phase One ESA findings, a Phase Two ESA was recommended and undertaken in June 2016. The Phase Two ESA was informed by 17 boreholes undertaken on the site and the installation of four monitoring wells to evaluate the sites soil and groundwater conditions. The results of the site investigations identified the presence of contaminates in the soil and groundwater that exceeded the applicable Ministry of Environment, Conservation and Parks (“the Ministry”) Table 3 Site Condition Standards (SCS) in a non-potable groundwater condition for residential/parkland/institutional land uses in accordance with Ontario Regulation 153/04. As a result, remediation was needed to restore the site to the applicable generic standards in order to satisfy requirements for the filing of a Record of Site Condition (RSC) with the Ministry.

On December 22, 2016 an application was submitted to the ERASE Redevelopment Grant (ERG) program by Dawn Victoria Homes (Brantford) Limited for the site. This application included a cost estimate for the planned remediation works prepared by the applicant’s environmental consultant and Qualified Person (QP), AEL Environment. This estimate identified potential remediation costs of \$480,650.00.

On January 17, 2018 City Council approved the applicant’s ERG application with a maximum grant of \$480,650.00.

Subsequent to this approval, remediation of the site commenced in order to accommodate the planned development which consisted of three townhouses fronting on Poulette Street and 24 stacked townhouses on the remainder of the site for a total of 27 condominium units. At the time of this report, the development has been granted Site Plan approval and Building Permit applications have been submitted to the City with respect to the development of the 24 stacked townhouses.

SUBJECT: Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 12 Blanshard Street and 85 Poulette Street, Hamilton, ERG-16-02 (PED18016(a)) (Ward 1) - Page 6 of 9

In February 2019, staff were first advised by the applicant that remediation costs would exceed the original estimate. Costs for the site's remediation, as detailed by the applicant's environmental consultant, were identified as having risen from an estimate of \$480,650.00 in 2016 to \$940,500.00 as of August 2019. Invoices submitted by the applicant in August 2020 for the purposes of an audit undertaken by City staff and a third-party environmental consultant retained by the City totalled \$1,140,388.22.

The increase in remediation costs were attributed by AEL Environment to multiple factors including:

- An increase in the total amount of soil required to be removed and disposed of from the site;
- An increase in engineering and management costs as a result of increased soil investigation and testing activities during on-site excavation; and
- An increase in costs associated with the filing of the Record of Site Condition with the Ministry.

Staff's review of these costs and rationale for the resulting recommendations contained in this Report are discussed under the "Analysis and Rationale for Recommendation" section.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Urban Hamilton Official Plan

The site is municipally known as 12 Blanshard Street and 85 Poulette Street, Hamilton, and designated as "Neighbourhoods" on Schedule "E" – Urban Structure and as "Mixed use Medium Density" on Schedule "E-1" – Urban Land Use Designation. A range residential uses along with supporting retail and service commercial uses are supported within these designations with which the planned development complies.

Hamilton Zoning By-law No. 6593

The site is zoned "E-2-H/S-1660" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, and RT-30-H/S-1660 (Street – Townhouse), Modified under the former City of Hamilton Zoning By-law No. 6593. These zones permit multiple dwellings and townhouses respectively. The site is also subject to a holding provision which contains specific conditions required to be satisfied prior to the development commencing. The planned use of the site is permitted.

SUBJECT: Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 12 Blanshard Street and 85 Poulette Street, Hamilton, ERG-16-02 (PED18016(a)) (Ward 1) - Page 7 of 9

Site Plan Control

The site is subject to Site Plan Control. The development has received Site Plan approval.

RELEVANT CONSULTATION

Staff from the Taxation Section of the Finance and Administration Division, Corporate Services Department and the Legal Services Division, City Manager's Office were consulted, and the advice received is incorporated in this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

To assist staff's evaluation of the potential eligibility of costs submitted by the applicant, staff retained an independent third-party environmental firm, MTE, to review the details of the site's remediation works, the rationale for increased costs and all supporting documentation which was submitted to the City by the applicant.

The conclusion of this review and City staff's audit identified a total of \$768,832.00 in remediation costs which were considered to be directly related to the remediation of the site and required in order to achieve the filing of an RSC with the Ministry in accordance with the requirements for eligibility under the ERG program. Staff's determination of eligible costs is in keeping with the purpose, intent and eligibility criteria of the ERG program as established under the ERASE CIP. The total eligible costs identified by City staff are \$286,682.00 more than the current maximum potential grant approved by City Council in 2018.

Costs which were submitted by the applicant, but which were deemed not to be eligible under the ERG program, included:

- Costs associated with construction activities considered to be required to facilitate the planned development independent of the presence of contamination;
- A portion of engineering/management costs which were deemed to have not influenced the site's overall remediation needs;
- The submission of costs for a Phase One ESA which are not eligible under the ERASE programs; and
- The submission of costs which were already eligible under a different program; the ERASE Study Grant Program.

SUBJECT: Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 12 Blanshard Street and 85 Poulette Street, Hamilton, ERG-16-02 (PED18016(a)) (Ward 1) - Page 8 of 9

As such, staff's recommendation is that the maximum potential grant amount be increased by \$286,682.00, for a total maximum potential grant of \$768,832.00 based on the eligibility of costs permitted by the ERG program for site's located within Area 3 – Urban Area of the ERASE Community Improvement Project Area (CIPA) and based on the review of actual and updated costs undertaken by City staff and the third party environmental consultant.

The following is an overview of pre and post development property assessments and associated taxes which have informed the estimated potential grant and the grant payment period contained in this Report. The following calculations have been updated from the original estimates contained in Report PED18016 in order to reflect the most recent municipal tax rates.

Grant Level:		80%
Total Estimated Eligible Costs (Maximum):	\$	768,832.00
Pre-project CVA: (RT – Residential)	\$	497,000.00 Year: 2017
Municipal Levy:	\$	4,595.00
Education Levy:	\$	<u>725.85</u>
Pre-project Property Taxes	\$	5,320.85
*Estimated Post-project CVA: (RT – Residential)	\$	10,700,000.00 Year: 2020
**Estimated Municipal Levy:	\$	110,810.38
**Estimated Education Levy:	\$	<u>16,371.00</u>
**Estimated Post-project Property Taxes:	\$	127,181.38

**The actual roll number(s), assessed value(s), tax classification(s) and value partitioning (where applicable) are to be determined by the Municipal Property Assessment Corporation (MPAC).*

***2020 tax rates have been used for calculation of the estimated post-development property taxes.*

ALTERNATIVES FOR CONSIDERATION

The grant application meets the eligibility criteria and requirements of the program. In the event the project is not considered for the program, the application should be referred back to staff for further information on possible financial or legal implications.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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SUBJECT: Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 12 Blanshard Street and 85 Poulette Street, Hamilton, ERG-16-02 (PED18016(a)) (Ward 1) - Page 9 of 9

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

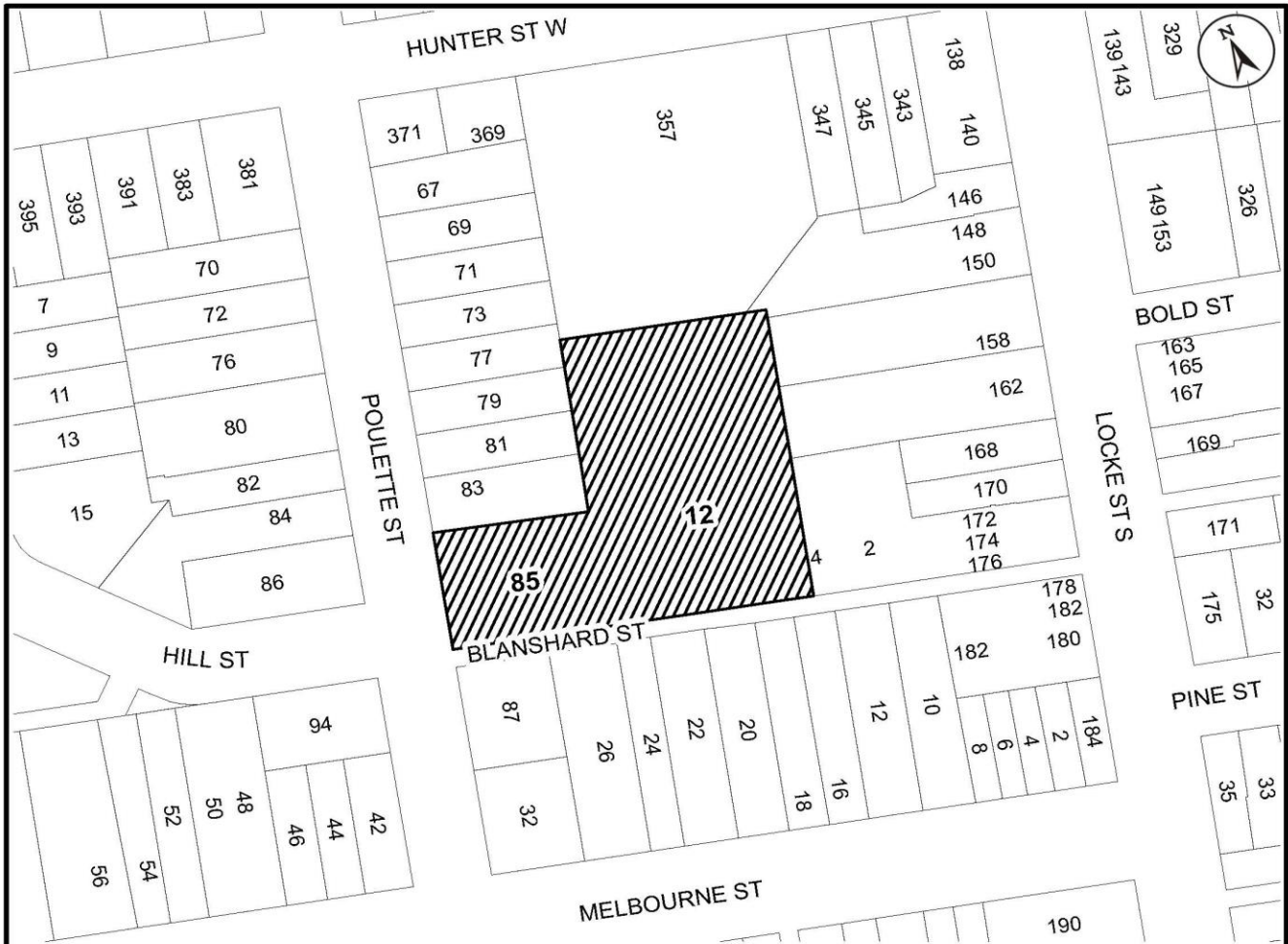
Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map



● Site Location



Key Map - Ward 1

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ERG-21-04

Date:
February 17, 2021

Appendix "A"

Scale:
N.T.S

Planner/Technician:
PC/AL

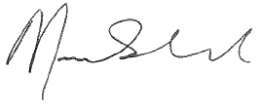
Subject Property



85 Poulette Street & 12 Blanshard Street



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	Barton Kenilworth Tax Increment Grant Program - 486 Barton Street East, Hamilton (PED21054) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Carlo Gorni (905) 546-2424 Ext. 2755
SUBMITTED BY:	Norm Schleeahn Director, Economic Development, Planning and Economic Development
SIGNATURE:	

RECOMMENDATION

- (a) That a Barton Kenilworth Tax Increment Grant Program application submitted by 2621465 Ontario Inc. (Jeremy and Anna Greenspan), for the property at 486 Barton Street East, Hamilton, estimated at \$19,600.42 over a maximum of a nine-year period, and based upon the incremental tax increase attributable to the renovations of 486 Barton Street East, Hamilton, be authorized and approved in accordance with the terms and conditions of the Barton Kenilworth Tax Increment Grant Program;
- (b) That the Mayor and City Clerk be authorized and directed to execute a Grant Agreement together with any ancillary documentation required, to effect recommendation (a) of Report PED21054 in a form satisfactory to the City Solicitor;
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any Grant Amending Agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Barton Kenilworth Tax Increment Grant Program, as approved by City Council, are maintained.

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SUBJECT: Barton Kenilworth Tax Increment Grant Program -486 Barton Street East, Hamilton (PED21054) (Ward 3) - Page 2 of 7

EXECUTIVE SUMMARY

The Barton Kenilworth Tax Increment Grant Program (BKTIGP) application for the renovation of 486 Barton Street East, Hamilton, was submitted by 2621465 Ontario Inc. (Jeremy and Anna Greenspan). At the time of application, the property contained a two-storey vacant building. Improvements to the interior of the building will be carried out to both the ground and upper level of the building. Now completed, the ground floor contains an art gallery and the upper level has been converted into an office and recording studio.

Development costs are estimated at \$180,000.00 and it is projected that the proposed redevelopment will increase the assessed value of the property from its current value of \$138,000.00 to approximately \$203,000.00. This will increase total annual property taxes generated by the property. The municipal share of this property tax increase (municipal tax increment) will be approximately \$2,800.06 of which 100% would be granted to the owner during years one to five, 80% or approximately \$2,240.05 in year six, 60% or approximately \$1,680.04 in year seven, 40% or approximately \$1,120.02 in year eight and 20% or approximately \$560.01 in year nine. The estimated total value of the grant is approximately \$19,600.42. Note that every year the tax increment is based on actual taxes for that year.

Upon completion of the redevelopment and reassessment of the property by the Municipal Property Assessment Corporation (MPAC), staff will report back in an Information Update to Council on the actual redevelopment costs, the reassessment amount determined by MPAC and the grant amount.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)

Financial: The City will collect full property taxes on the property and, in turn, provide a grant for nine years, declining each year after the first five years by 20%, based on the increase in the municipal portion of the taxes, post-development completion of 486 Barton Street East, Hamilton. Following year five of the grant payment, the City will start to realize the positive results of the Program from a financial perspective. Based on the projected figures, the estimated tax increment over nine years totals \$25,200.54, of which the applicant would receive a grant totalling approximately \$19,600.42 and the City retaining taxes totalling approximately \$5,600.12.

Staffing: Applicants and subsequent grant payments under the BKTIGP are processed by the Commercial Districts and Small Business Section and Taxation Division. There are no additional staffing requirements.

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SUBJECT: Barton Kenilworth Tax Increment Grant Program -486 Barton Street East, Hamilton (PED21054) (Ward 3) - Page 3 of 7

Legal: Section 28 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 Section 106(2) of the *Municipal Act*, to registered/assessed owners and tenants of lands and buildings. A Community Improvement Plan can only be adopted and come into effect within a designated Community Improvement Project Area. Changes to a Community Improvement Plan or Community Improvement Project Area require formal amendments as dictated by the *Planning Act*.

The applicant will be required to execute a Grant Agreement prior to the grant being advanced. The Grant Agreement will be developed in consultation with Legal Services.

As construction projects move forward, it is sometimes necessary to amend previously approved Grant Agreements and any ancillary documentation. Therefore, staff recommends that the General Manager of Planning and Economic Development be authorized to amend Grant Agreements and any ancillary documentation, provided that the terms and conditions of the BKTIGP are maintained.

HISTORICAL BACKGROUND (Chronology of events)

City Council, at its meeting held May 11, 2016, approved an amendment to the Downtown and Community Renewal Community Improvement Plan which introduced the BKTIGP. The Program is offered exclusively to property owners of residential/commercial lands and buildings located within the boundaries of the Barton Village Business Improvement Area (BIA), the Barton and Kenilworth commercial corridors and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law. The terms of the Program offer a nine-year grant not to exceed the increase in municipal realty taxes as a result of the development.

The grant is to be in an amount which does not exceed 100% of the municipal realty tax increase during the first five years, 80% in year six, 60% in year seven, 40% in year eight, and 20% in year nine.

The project at 486 Barton Street East, Hamilton, is an eligible project under the terms of the BKTIGP. The applicant will qualify for the BKTIGP grant upon completion of the renovations. At the time of application, development costs were estimated at \$180,000.00. The total estimated grant over the nine-year period is approximately \$19,600.42.

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SUBJECT: Barton Kenilworth Tax Increment Grant Program -486 Barton Street East, Hamilton (PED21054) (Ward 3) - Page 4 of 7

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Urban Hamilton Official Plan

The subject property is municipally known as 486 Barton Street East, Hamilton and is located within “Neighbourhoods” on Schedule “E” – Urban Structure. The property is designated “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations.

The planned use of the property conforms to the above designation.

Zoning By-law No. 05-200

Under the City of Hamilton Zoning By-Law No. 05-200, the subject property is zoned “Mixed Use Medium Density (C5) Zone”.

The planned use of the property is permitted.



Pre-Renovation: 486 Barton Street East, Hamilton (Source: Applicant)



Post Renovation: 486 Barton Street East, Hamilton (Source: Applicant)

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**SUBJECT: Barton Kenilworth Tax Increment Grant Program -486 Barton Street
East, Hamilton (PED21054) (Ward 3) - Page 5 of 7**

RELEVANT CONSULTATION

Staff from the Finance and Administration Division, Corporate Services Department and the Legal Services Division, City Manager's Office was consulted, and the advice received is incorporated into Report PED21054.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Commercial Districts and Small Business staff, in co-operation with staff from the Taxation and Legal Services Divisions, developed an estimated schedule of grant payments under the terms of the Program. The final schedule of grant payments will be contingent upon a new assessment by MPAC following completion of the project. The applicant will be required to sign a Grant Agreement. The Grant Agreement contains provisions for varying the grant payment in each and every year based on MPAC's assessed value. By signing, the applicant will accept the terms and conditions outlined therein prior to any grant payments being made. The Agreement outlines the terms and conditions of the grant payments over the five-year period.

The estimated grant shall be calculated according to the following formulas:

Grant Level:		100%	
Total Eligible Costs (Maximum):	\$	180,000.00	
Pre-project CVA: RT (Residential)	\$	138,000.00	Year: 2019
Total Pre-Project CV		\$138,000.00	
Municipal Levy:	\$	1,464.00	
Education Levy:	\$	<u>222.18</u>	
Pre-project Property Taxes	\$	1,686.18	
*Post-project CVA: CT (Commercial)	\$	203,000.00	
Estimated Post-project CV	\$	203,000.00	Year: TBD
Post-Project Property Taxes			
**Estimated Municipal Levy:	\$	4,264.06	
**Estimated Education Levy:	\$	<u>2,092.28</u>	
**Estimated Post-Project Property Taxes:	\$	6,356.34	

*The actual roll number(s), assessed value(s), tax classification(s) and value partitioning (where applicable) are to be determined by the Municipal Property Assessment Corporation (MPAC).

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SUBJECT: Barton Kenilworth Tax Increment Grant Program -486 Barton Street East, Hamilton (PED21054) (Ward 3) - Page 6 of 7

**2019 tax rates have been used for calculation of the estimated post-development property taxes.

Pre-project Municipal Taxes = Municipal Levy = \$1,464.00
Municipal Tax Increment = \$4,264.06 - \$1,464.00 = \$2,800.06
Payment in Year One = \$2,800.06 x 1.0 = \$2,800.06

**ESTIMATED GRANT PAYMENT SCHEDULE for 486 BARTON STREET EAST
(Subject to re-calculation each year and up to the total eligible costs)**

Year	Grant Factor	Tax Increment*	Grant	
1	100%	\$	2,800.06	\$2,800.06
2	100%	\$	2,800.06	\$2,800.06
3	100%	\$	2,800.06	\$2,800.06
4	100%	\$	2,800.06	\$2,800.06
5	100%	\$	2,800.06	\$2,800.06
6	80%	\$	2,800.06	\$2,240.05
7	60%	\$	2,800.06	\$1,680.04
8	40%	\$	2,800.06	\$1,120.02
9	20%	\$	2,800.06	\$560.01
Total		\$ 25,200.54	\$19,600.42	

*Note that the tax increment is based every year on actual taxes for that year. The figures above are estimates. In other words, for each year a grant payment is paid, the actual taxes for the year of the grant payment will be used in the calculation of the grant payment.

ALTERNATIVES FOR CONSIDERATION

Decline the Grant and Approve a Reduced Amount

Declining a grant and/or approving a reduced amount would undermine the principles of the BKTIGP and regeneration efforts in general. This alternative is not recommended.

Financial: Grants totalling \$19,600.42 over a nine-year period would not be issued.

Staffing: Not applicable

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Barton Kenilworth Tax Increment Grant Program -486 Barton Street
East, Hamilton (PED21054) (Ward 3) - Page 7 of 7**

Legal: Not applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

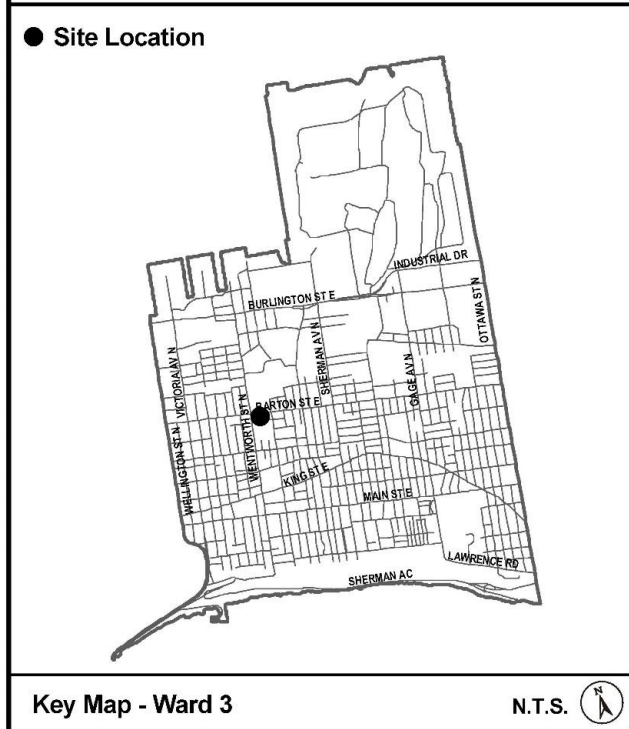
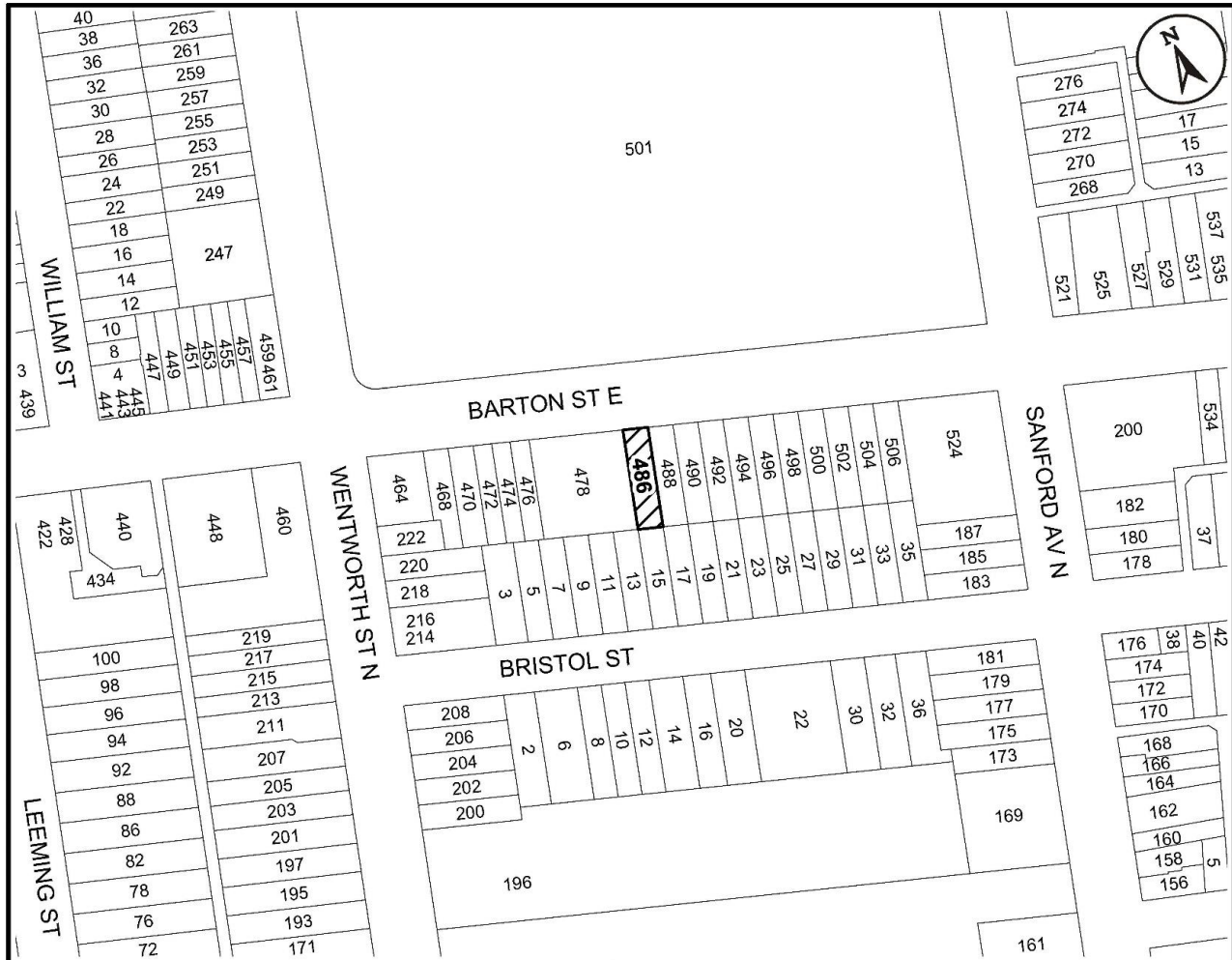
Appendix “A” to Report PED21054 – Location Map

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Appendix "A" to Report PED21054, Page 1 of 1



Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

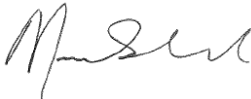
File Name/Number: 486 Barton St E	Date: January 29, 2019	
Appendix "A"	Scale: N.T.S.	Planner/Technician: CG/AL

Subject Property

486 Barton Street East



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	Hamilton Tax Increment Grant - 1 Jarvis Street, Hamilton (PED21056) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Phil Caldwell (905) 546-2424 Ext. 2359
SUBMITTED BY:	Norm Schleeahn Director, Economic Development, Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That a Hamilton Tax Increment Grant Program application submitted by Hamilton I GP Incorporated (Emblem Developments), for the property at 1 Jarvis Street, Hamilton, estimated at \$3,577,364.07 over a maximum five (5) year period, and based upon the incremental tax increase attributable to the development of 1 Jarvis Street, Hamilton, be authorized and approved in accordance with the terms and conditions of the Hamilton Tax Increment Grant Program;
- (b) That the Mayor and City Clerk be authorized and directed to execute a Grant Agreement together with any ancillary documentation required, to effect recommendation (a) of Report PED21056, in a form satisfactory to the City Solicitor; and
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any Grant Amending Agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Hamilton Tax Increment Grant Program, as approved by City Council, are maintained.

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**SUBJECT: Hamilton Tax Increment Grant - 1 Jarvis Street, Hamilton (PED21056)
(Ward 2) - Page 2 of 7**

EXECUTIVE SUMMARY

The Hamilton Tax Increment Grant Program (HTIGP or Program) application for the construction of the project at 1 Jarvis Street, Hamilton (“the site”) was submitted by Hamilton I GP Incorporated (Emblem Developments), owner of the property, on November 4, 2020. The proposed development, for which conditional Site Plan approval has been granted, consists of a 14-storey mixed use building containing 354 residential condominium units and 314 square metres of at-grade commercial space. The site currently contains a two-storey office building.

Development costs are estimated to be approximately \$130,500,000.00 and it is projected that the proposed redevelopment will increase the assessed value of the property from its current value of \$3,252,000.00 to approximately \$120,800,000.00.

Redevelopment of the subject property will increase total annual property taxes generated with the municipal share of this increase (the municipal tax increment) being estimated at approximately \$1,192,454.69. One hundred percent of this increase would be provided in the form of a grant to the owner during year one, 80% or approximately \$953,963.75 in year two, 60% or approximately \$715,472.81 in year three, 40% or approximately \$476,981.88 in year four and 20% or approximately \$238,490.94 in year five. The estimated total value of the grant is approximately \$3,577,364.07. Note that the actual grant amount is based on actual taxes and the actual tax increment for each year that a grant is to be provided for.

Upon completion of the redevelopment and reassessment of the property by the Municipal Property Assessment Corporation (MPAC), staff will report back in an Information Update to Council on the actual redevelopment costs, the reassessment amount determined by MPAC and the grant amount.

**SUBJECT: Hamilton Tax Increment Grant - 1 Jarvis Street, Hamilton (PED21056)
(Ward 2) - Page 3 of 7**



*Planned redevelopment at 1 Jarvis Street
Hamilton (Source: Hamilton I GP Inc.)*

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The City will collect full property taxes on the property and, in turn, provide a grant for five years, declining each year after the first year by 20%, based on the increase in the municipal portion of the taxes, post-development completion of 1 Jarvis Street, Hamilton. Following year one of the grant payment, the City will start to realize the positive results of the Program from a financial perspective. Based on the projected figures, the estimated tax increment over five (5) years totals \$5,962,273.45, of which the applicant would receive a grant totalling approximately \$3,577,364.07 and the City retaining taxes totalling approximately \$2,384,909.38.

Staffing: Applications and subsequent grant payments under the HTIGP are processed by the Commercial Districts and Small Business Section of the Planning and Economic Development Department and the Taxation Section of the Corporate Services Department. There are no additional staffing requirements.

Legal: Section 28 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 Section 106(2) of the *Municipal Act*, to

**SUBJECT: Hamilton Tax Increment Grant - 1 Jarvis Street, Hamilton (PED21056)
(Ward 2) - Page 4 of 7**

registered/assessed owners and tenants of lands and buildings. A Community Improvement Plan can only be adopted and come into effect within a designated Community Improvement Project Area. Changes to a Community Improvement Plan or Community Improvement Project Area require formal amendments as dictated by the *Planning Act*.

The applicant will be required to execute a Grant Agreement prior to the grant being advanced. The Grant Agreement will be developed in consultation with the Legal Services Division.

As construction projects move forward, it is sometimes necessary to amend previously approved Grant Agreements and any ancillary documentation. Therefore, staff recommends that the General Manager of Planning and Economic Development be authorized to amend Grant Agreements and any ancillary documentation, provided that the terms and conditions of the HTIGP are maintained.

HISTORICAL BACKGROUND

City Council, at its meeting held August 22, 2001, approved the introduction of the HTIGP to the Downtown and Community Renewal Community Improvement Plan. Since that time, a number of Program refinements have been approved by City Council, including expanding the Program to Community Downtowns, Business Improvement Areas, the Mount Hope/Airport Gateway and the Barton Street and Kenilworth Avenue corridors as identified in the Downtown and Community Renewal Community Improvement Project Area. Most recently, the HTIGP was further expanded to apply to properties designated under Part IV or V of the *Ontario Heritage Act*.

The terms of the Program offer a five (5) year grant not to exceed the increase in municipal realty taxes as a result of the development. The grant is to be in an amount which does not exceed 100% of the municipal realty tax increase during the first year, 80% in year two, 60% in year three, 40% in year four and 20% in year five.

The project at 1 Jarvis Street, Hamilton is an eligible project under the terms of the HTIGP. The applicant will qualify for the HTIGP grant upon completion of the development project. Development costs are estimated to be approximately \$130,500,000.00. The total estimated grant over the five (5) year period is approximately \$3,577,364.07.

**SUBJECT: Hamilton Tax Increment Grant - 1 Jarvis Street, Hamilton (PED21056)
(Ward 2) - Page 5 of 7**

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Urban Hamilton Official Plan

The site is municipally known as 1 Jarvis Street, Hamilton and is located within the “Downtown Urban Growth Centre” on Schedule “E” – Urban Structure.

The site is located within the Downtown Hamilton Secondary Plan area (OPA 102) and designated “Downtown Mixed Use” on Map “B.6.1-1” – Downtown Hamilton Secondary Plan – Land Use Plan (OPA 102) which is intended to support intensive, urban-scale mixed use development.

The planned use of the site conforms to the above designation. The specific ground floor commercial uses have not yet been identified and will be subject to the respective sections of the in force and effect Urban Hamilton Official Plan with respect to supported uses and associated policies.

Zoning By-law No. 05-200

Under the City of Hamilton Zoning By-Law No. 05-200, the site is zoned “Downtown Central Business District (D1) Zone” which permits a broad range of commercial, residential and institutional uses.

The planned use of the site is permitted. The specific ground floor commercial uses have not yet been identified and will be subject to the respective sections of the in force and effect Zoning By-Law with respect to permitted uses and associated regulations.

Site Plan Control

At the time of writing this Report, the development has received conditional Site Plan approval.

RELEVANT CONSULTATION

Staff from the Taxation Section and the Finance and Administration Section, Corporate Services Department and the Legal Services Division, City Manager’s Office were consulted with their advice incorporated in this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Commercial Districts and Small Business staff, in co-operation with staff from the Taxation Section and Legal Services Division, developed an estimated schedule of grant payments under the terms of the Program. The final schedule of grant payments

**SUBJECT: Hamilton Tax Increment Grant - 1 Jarvis Street, Hamilton (PED21056)
(Ward 2) - Page 6 of 7**

will be contingent upon a new assessment by MPAC following completion of the project. The applicant will be required to sign a Grant Agreement. The Grant Agreement contains provisions for varying the grant payment in each, and every year based on MPAC's assessed value. By signing, the applicant will accept the terms and conditions outlined therein prior to any grant payments being made. The Agreement outlines the terms and conditions of the grant payments over the five (5) year period.

Grant Level: 100%
Total Estimated Eligible Costs (Maximum): \$ 130,500,000.00

Pre-project CVA: (CT – Commercial and DT – Office) \$ 3,252,000.00 Year: 2020

Municipal Levy:	\$ 66,682.59
Education Levy:	<u>\$ 31,869.60</u>
Pre-project Property Taxes	\$ 98,552.19

***Estimated** Post-project CVA: (RT – Residential and CT - Commercial) \$ 120,800,000.00 Year: 2020

**Estimated Municipal Levy:	\$ 1,259,137.28
**Estimated Education Levy:	<u>\$ 191,440.00</u>
**Estimated Post-project Property Taxes:	\$ 1,450,577.28

**The actual roll number(s), assessed value(s), tax classification(s) and value partitioning (where applicable) are to be determined by the Municipal Property Assessment Corporation (MPAC).*

***2020 tax rates have been used for calculation of the estimated post-development property taxes.*

Pre-project Municipal Taxes = Municipal Levy = \$66,682.59
Estimated Municipal Tax Increment = \$1,259,137.28 - \$66,682.59 = \$1,192,454.69.

The estimated grant payment in Year One is \$1,192,454.69 (\$1,192,454.69 x 100%) and will drop by 20% in each subsequent year of the Program. The estimated grant payment schedule for 1 Jarvis Street, Hamilton based on a 14-storey mixed use building containing 354 residential condominium units and 314 square metres of at-grade commercial space is provided in the following table:

Year	Grant Factor	Estimated Tax Increment	Estimated Grant
1	100%	\$1,192,454.69	\$1,192,454.69
2	80%	\$1,192,454.69	\$953,963.75
3	60%	\$1,192,454.69	\$715,472.81
4	40%	\$1,192,454.69	\$476,981.88

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**SUBJECT: Hamilton Tax Increment Grant - 1 Jarvis Street, Hamilton (PED21056)
(Ward 2) - Page 7 of 7**

5	20%	\$1,192,454.69	\$238,490.94
Total		\$5,962,273.45	\$3,577,364.07

ALTERNATIVES FOR CONSIDERATION

Declining a grant and/or approving a reduced amount would undermine the principles of the HTIGP and regeneration efforts in general. This alternative is not recommended.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth


Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Tourism and Culture Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	Potential for Major Events in 2022 and 2023 (PED20071(b)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Pam Mulholland (905) 546-2424 Ext. 4514
SUBMITTED BY:	Carrie Brooks-Joiner Director, Tourism and Culture Planning and Economic Development Department
SIGNATURE:	

Discussion of Appendix “A” and Appendix “B” to Report PED20071(b), in Closed Session would be pursuant to Section 9.1, Sub-section (i) of the City’s Procedural By-law 21-021, and Section 239(2), Sub-section (i) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

RECOMMENDATIONS

- (a) That the Recommendations outlined in Appendix “A” to Report PED20071(b), respecting the Potential for Major Events in 2022 and 2023, be approved;
- (b) That staff be directed to finalize an agreement, on behalf of the City of Hamilton, with the Canadian Country Music Association (CCMA) to host the 2023 Canadian Country Music Week (CMW) in Hamilton following the terms outlined in Appendix “B” to Report PED20071(b);
- (c) That the Mayor and City Clerk be authorized and directed to execute on behalf of the City of Hamilton a Host Contract between the Canadian Country Music Association and the City of Hamilton to host the 2023 Canadian Country Music Week, together with all necessary ancillary documents, with content acceptable

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SUBJECT: Potential for Major Events in 2022 and 2023 (PED20071(b)) (City Wide)
- Page 2 of 5

to the Director of Tourism and Culture and in a form satisfactory to the Acting City Solicitor;

- (d) That staff be directed to work with the Canadian Country Music Association to coordinate the 2023 Canadian Country Music Week event logistics and ensure all established guidelines and policies are adhered to; and,
- (e) That staff be authorized and directed to terminate the Host Contract, dated June 18, 2018, between the City of Hamilton and the Canadian Country Music Association for the 2020 Canadian Country Music Week.

EXECUTIVE SUMMARY

The Canadian Country Music Week is Canada's premier country music event and is produced by the Canadian Country Music Association. CMW features music industry and fan-oriented public events and a televised Awards Show, attracting thousands of tourists and industry professionals from across Canada to the host city.

Hamilton was to have hosted the 2020 CMW; however, the CCMA cancelled the event as the COVID-19 pandemic prevented live music performances, in-person meetings, travel and the many other activities required to realize CMW.

The CCMA has made a firm offer to Hamilton to host in 2023 with the proposed dates of September 13 to 17, 2023.

Tourism Hamilton staff have confirmed local entertainment venue and accommodation availability for the proposed 2023 CMW dates. Holds for performance spaces and hotel room blocks are in place at critical venues.

Alternatives for Consideration - See Page 2 Appendix "A" to Report PED20071(b)

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: See Page 1 of Appendix "A" to Report PED20071(b).

Staffing: N/A

Legal: A 2023 CMW Host Contract between the CCMA and the City of Hamilton will be signed and executed by the Mayor and the City Clerk, in a form satisfactory to the Acting City Solicitor.

HISTORICAL BACKGROUND

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SUBJECT: Potential for Major Events in 2022 and 2023 (PED20071(b)) (City Wide)
- Page 3 of 5

Hamilton last hosted CMW from September 6 to 9, 2018. CMW featured fan-focused events, including a songwriters' series and talent showcases, along with a series of live music events featuring some of Canada's top country artists. CMW finished with the CCMA Awards Show, a two-hour live television special highlighting the year in country music and broadcast on Global Television Network. Running in parallel with these events, CMW also produced an industry conference that included educational workshops, seminars and networking receptions. Overall, the 2018 CMW attracted more than 22,500 fans and industry participants, including 8,500 visitors from outside Hamilton.

To build upon the economic, social and community successes that result from hosting significant tourism events, City Council confirmed Hamilton as the host city for the 2020 CMW on May 9, 2018.

The CCMA cancelled the 2020 CMW in Hamilton on June 23, 2020, due to COVID-19.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The hosting of major events aligns with City Council approved plans and strategies, including the Hamilton Tourism Strategy, the Economic Development Action Plan and the Hamilton Music Strategy.

RELEVANT CONSULTATION

External

- President, Canadian Country Music Association
- Sales Departments, Hotels and Entertainment Venues

Internal

- Business Development Consultant - Tourism Sales, Tourism and Culture Division, Planning and Economic Development Department
- Manager, Finance and Admin, Financial Planning, Administration and Policy Division, Corporate Services Department
- Business Administrator, Financial Planning, Administration and Policy Division, Corporate Services Department
- Solicitor, Legal and Risk Management Services Division, Corporate Services Department

SUBJECT: Potential for Major Events in 2022 and 2023 (PED20071(b)) (City Wide)
- Page 4 of 5

- Acting City Solicitor, Legal and Risk Management Services Division, Corporate Services Department
- Manager, Real Estate Section, Economic Development Division, Planning and Economic Development Department

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

The Recommendations change the hosting date of the event from 2020 to 2023. The Recommendations do not change the amount of the financial commitment to host the CMW as approved by City Council on May 9, 2018 as outlined in Report PED18058(a).

Benefits of hosting the 2023 CMW include:

- Significant economic benefit and direct economic impact for Hamilton.
- Increase in tourism visitation and overnight stays, thereby supporting the financial recovery of Hamilton's tourism industry, which faced an unprecedented collapse of business levels due to the COVID-19 pandemic.
- Employment opportunities for local musicians and event businesses.
- Increased partnership and development opportunities regionally and provincially supporting Hamilton's music industry.
- Opportunity to demonstrate the vibrancy of Hamilton's creative industries sector to visiting musicians, record labels, CCMA music industry partners and tourists.
- Media attention and the Awards Show broadcast nationally on the Global Television Network will result in profile for Hamilton.
- Enhanced community engagement, volunteerism and boost civic pride.

ALTERNATIVES FOR CONSIDERATION

See Page 2 of Appendix "A" to Report PED20071(b).

ALIGNMENT TO THE 2016 - 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

SUBJECT: Potential for Major Events in 2022 and 2023 (PED20071(b)) (City Wide)
- Page 5 of 5

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" - 2023 Canadian Country Music Week Hosting Fee

Appendix "B" - 2023 Canadian Country Music Week Hosting Terms

PM:ac



INFORMATION REPORT

TO:	Chair and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	Safe Restart Provincial Funding Agreement, Phase 2 Update (FCS20088(a)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Cyrus Patel (905) 546-2424 Ext. 7698 Duncan Robertson (905) 546-2424 Ext. 4744
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

In October 2020, Council approved the recommendations in Report FCS20088, “Safe Restart Provincial Funding Agreement, Phase 2” and directed staff to report back to the General Issues Committee with details of the City of Hamilton’s application for funding under the Safe Restart Agreement, Phase 2 for municipal operating pressures related to COVID-19.

INFORMATION

Pursuant to the application made by the City of Hamilton for Phase 2 funding under the Safe Restart Provincial Funding Agreement, on December 16, 2020, the City received confirmation of its allocation of \$11,677,000 attached as Appendix “A” to Report FCS20088(a). The funds are intended to provide flexible support to the City with ongoing COVID-related costs in 2021. Under the terms of funding approval, the City was initially required to report back to the Province in March 2021 with information about the City’s COVID-related 2021 operating pressures and the application of all the funding allocations under this program. These requirements have since been amended with a communication from the Province on March 4, 2021, attached as Appendix “B” to Report FCS20088(a).

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**SUBJECT: Safe Restart Provincial Funding Agreement, Phase 2 Update
(FCS20088(a)) (City Wide) – Page 2 of 4**

The Province has further advised the City of its additional funding commitment to municipalities of \$500 million under the 2021 COVID-19 Recovery Funding for Municipalities Program (CRFMP). The additional allotment will help municipalities respond to ongoing and unprecedented 2021 COVID-19 operating pressures. The allocation to the City of Hamilton under the CRFMP for 2021 is \$18,681,919 and will be received in two equal instalments, one on or before May 1, 2021 and the other on or before November 1, 2021.

The City is expected to provide two reports to the Province on the COVID-19 operating impacts and the use of the funds as follows:

1. An interim report in June 2021, which will include:
 - a) Use of funds provided last year under the Safe Restart Agreement – Operating funding stream; and
 - b) 2021 estimated COVID-19 operating impacts and how the municipality plans to use the funding under the 2021 program.
2. A final report back in Spring 2022.

The Province has not yet provided the reporting template to be used.

Table 1 provides a summary of funding announced, received and used to date under the Safe Restart Agreement, Municipal stream for Phase 1 and 2, as well as, the 2021 COVID-19 Recovery Funding for Municipalities Program.

**TABLE 1
City of Hamilton
General Municipal Funding for COVID-19 Operating Pressures**

Funding Program	Allocated Amount (\$)	Amount Received to Date (\$)	Amount Used to Date (\$)	Remaining (\$)
Safe Restart Agreement - Phase 1 Municipal	27,614,200	27,614,200	17,371,698	10,242,502
Safe Restart Agreement - Phase 2 Municipal	11,677,000	11,677,000	-	11,677,000
COVID-19 Recovery Funding for Municipalities	18,681,919	-	-	18,681,919
Total	57,973,119	39,291,200	17,371,698	40,601,421

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**SUBJECT: Safe Restart Provincial Funding Agreement, Phase 2 Update
(FCS20088(a)) (City Wide) – Page 3 of 4**

BACKGROUND

In a letter dated August 12, 2020, the Province advised the City of Hamilton of its Phase 1 funding allocation of \$27,614,200 under the Safe Restart Agreement to support the operating costs and pressures related to COVID-19. In the same letter, the Province indicated that if the Phase 1 funding provided is insufficient, then the Province may further provide additional Phase 2 funding if the City can demonstrate that 2020 COVID-19 operating costs and pressures exceed their Phase 1 per household allocation.

The Province invited the City to apply for additional Phase 2 funding in cases where the initial funding provided was insufficient to meet the 2020 COVID-related operating pressures in a letter dated October 1, 2020. The City applied for the Phase 2 funding before the deadline in November 2020.

The Province's letter to the City dated December 16, 2020 was received as correspondence at the January 20, 2021 City Council meeting (Item 5.29) and notes that:

“While your application for additional funding did not demonstrate 2020 operating pressures in excess of the initial amount your municipality received, this funding is being provided to help your municipality with ongoing COVID-related costs in 2021.”

Under the terms of the letter dated December 16, 2020:

- the City will be able to apply the Phase 2 funding against ongoing COVID-related costs in 2021;
- the City is required to report back to the province in March 2021 with information about the COVID-related operating pressures and use of funding allocations under Phases 1 and 2; and,
- the City is also expected to report back on 2021 operating pressures due to the pandemic at a later date.

As required under the terms of the letter, the City has acknowledged that:

- the Phase 2 allocation of \$11,677,000 is provided to City of Hamilton for the purpose of assisting with COVID-19 operating costs and pressures and that the Province expects that any funds not required for this purpose in 2020 will be used to support COVID-19 operating costs and pressures in 2021; and
- that the City is expected to report back to the province on 2020 and 2021 COVID-19 operating costs and pressures and the use of this funding.

The second letter from the Province dated March 4, 2021 allocates to the City a further \$18,681,919 to address the 2021 COVID-19 operating pressures. Under the terms of this second letter, the City has acknowledged that:

**SUBJECT: Safe Restart Provincial Funding Agreement, Phase 2 Update
(FCS20088(a)) (City Wide) – Page 4 of 4**

- the allocation of \$18,681,919.00 is provided to the City of Hamilton for the expected purpose of assisting with COVID-19 costs and pressures and that the Province expects any funds not required for this purpose in 2021 will be put into a reserve fund to support potential COVID-19 costs and pressures in 2022; and
- that the City will report back to the province on 2021 COVID-19 costs and pressures and the use of this funding in the prescribed manner and schedule.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report FCS20088(a) – Letter from the Ministry of Municipal Affairs and Housing dated December 16, 2020, regarding funding allocation of \$11,677,000 under the Safe Restart Provincial Funding Agreement, Phase 2

Appendix “B” to Report FCS20088(a) – Letter from the Ministry of Municipal Affairs and Housing dated March 4, 2021, regarding additional funding allocation of \$18,681,919 under the 2021 COVID-19 Recovery Funding for Municipalities Program

DR/CP/dt

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister
777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre
777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000



MIN-234-2020-5724

December 16, 2020

Mayor Fred Eisenberger
City of Hamilton
mayor@hamilton.ca fred.eisenberger@hamilton.ca

Dear Mayor Eisenberger:

From the outset of COVID-19, our government knew that the pandemic was going to put a significant strain on Ontario's municipalities. That is why we are committed to working with all levels of government to ensure municipalities can continue to deliver the critical services Ontarians rely on.

In our negotiations with the federal government, what started as a \$14 billion national proposal was negotiated into the \$19 billion Safe Restart Agreement – securing up to \$4 billion for Ontario's municipalities and transit systems.

In August, our government committed \$695 million in an initial round of allocations under the \$1.39 billion municipal operating stream. Earlier today, I announced that the Ontario government is investing an additional \$695 million under the historic Safe Restart Agreement's municipal operating stream to help our municipal partners manage the financial impacts of COVID-19 and start 2021 in a more secure financial position.

I am pleased to advise that your municipality's allocation is \$11,677,000. While your application for additional funding did not demonstrate 2020 operating pressures in excess of the initial amount your municipality received, this funding is being provided to help your municipality with ongoing COVID-related costs in 2021.

Allocations for 2021 funding for all 444 municipalities are based on the number of households in the municipality and the proportion of COVID-19 cases occurring in the municipality's public health unit. Funding under the municipal operating stream is in addition to funding being provided under the Safe Restart Agreement for municipal transit systems, Social Services Relief Fund and public health.

We know municipalities will continue to feel the impacts of COVID-19 into 2021. Our government is providing this additional support as you develop your 2021 budgets. With this funding, your municipality can continue to deliver the high-quality local services your residents and business rely on every day and have the confidence you need to proceed with budgeting for planned capital projects in 2021.

We have heard that you require flexible funding and we are delivering. Funding under the municipal operating stream of the Safe Restart Agreement can be used to support your municipality's highest priority COVID-related operating needs. The province expects that any amount of funding not required by your municipality in 2020 will be used to address 2021 pandemic-related operating needs.

As previously communicated, your municipality will be expected to report back to the province in March 2021 with information about your COVID-related operating pressures and use of both funding allocations. This report template will be available via the Transfer Payment Ontario system by late January 2021. Municipalities will also be expected to report back on 2021 operating pressures due to the pandemic at a later date.

I am requesting that your municipal treasurer sign the acknowledgement below and return the signed copy to the ministry by December 24, 2020 by email to Municipal.Programs@ontario.ca. Please note that we must receive this acknowledgement before making a payment to your municipality. We expect to begin making payments to municipalities in December 2020 and complete all payments by the end of January 2021.

Municipalities are welcome to contact their municipal advisor or e-mail Municipal.Programs@ontario.ca with any questions.

Thank you once again for your commitment to serving your residents during these challenging times. Our government will continue to stand with our municipal partners because we know that strong communities are the foundation of a strong Ontario – your success is Ontario's success.

Sincerely,



Steve Clark
Minister of Municipal Affairs and Housing

c. Municipal Treasurer and Chief Administrative Officer

By signing below, I acknowledge that the allocation of \$11,677,000 is provided to City of Hamilton for the purpose of assisting with COVID-19 operating costs and pressures and that the province expects that any funds not required for this purpose in 2020 will be used to support COVID-19 operating costs and pressures in 2021.

I further acknowledge that City of Hamilton is expected to report back to the province on 2020 and 2021 COVID-19 operating costs and pressures and the use of this funding.

Name:

Title:

Signature:

Date:

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister
777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre
777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000



234-2021-1005

March 4, 2021

Mayor Fred Eisenberger
City of Hamilton
71 Main Street West, City Hall
Hamilton ON L8P 4Y5

Dear Mayor Eisenberger:

Ontario has heard directly from the municipal sector that operating impacts due to the pandemic will continue in 2021. In order to respond to municipal need and to further strengthen our communities, we are now investing an additional \$500 million to help municipalities respond to ongoing and unprecedented 2021 COVID-19 operating pressures. While the actual extent of municipal impacts for 2021 are uncertain at this time, the province expects that this funding will help municipalities continue to deliver the high-quality local services that residents and business rely on, as well as help municipalities proceed with planned capital projects in 2021.

I am pleased to inform you that the Government of Ontario has committed financial support to the **City of Hamilton** through the 2021 COVID-19 Recovery Funding for Municipalities program in order to support your COVID-19 operating costs and pressures. All municipalities in Ontario are eligible for this program and the level of funding is based on the proportion of COVID-19 cases in the Public Health Unit for your respective municipality during the period of January 1, 2021 to February 18, 2021. I have reviewed the eligibility criteria for provincial assistance under the program and have determined that accordingly, your municipality will receive **\$18,681,919.00**, subject to your municipality returning a copy of this letter, signed by your municipal treasurer, to the ministry by March 31, 2021. You will receive these funds in two equal instalments – one instalment on or before May 1, 2021 and the other on or before November 1, 2021.

Please note that your municipality is accountable for using this funding for the purpose of addressing your priority COVID-19 operating costs and pressures. If the amount of the funding your municipality receives exceeds your 2021 COVID-19 operating costs and pressures, the province's expectation is that your municipality will place the excess

funding into a reserve fund to be accessed to support any future COVID-19 operating costs and pressures.

The province realizes that municipalities are facing financial impacts due to the COVID-19 pandemic and that in some instances, this provincial funding will not be sufficient to cover all municipal operating impacts due to COVID-19. The province expects municipalities to do their part by continuing to find efficiencies in their operating services and using existing reserves and reserve funds that have been specifically put aside for such unforeseen circumstances.

Your municipality will be expected to provide two report backs on your COVID-19 operating impacts and the use of these funds as follows:

1. An interim report in June 2021, which will include:
 - a) Use of funds provided last year under the Safe Restart Agreement – Operating funding stream; and
 - b) 2021 estimated COVID-19 operating impacts and how your municipality plans to use the funding under the 2021 program.
2. A final report back in Spring 2022.

We had previously indicated that Safe Restart Agreement reporting would be expected in March 2021. However, we have decided to streamline this reporting and the new 2021 COVID-19 Recovery Funding for Municipalities program. The template for this report back will be provided by the ministry with more details to follow in the coming months. While the province expects your municipality to complete this report, your second instalment under the 2021 COVID-19 Recovery Funding for Municipalities program is not contingent on the province receiving your interim report.

At this time, I am requesting that your municipal treasurer sign the acknowledgement below and return the signed copy to the ministry by email to: Municipal.Programs@ontario.ca. If the province has not received your letter on or before March 31, 2021, you will not be eligible for this program and your municipality's allocation will not be paid. In order to allow for processing time, please provide your signed letter to the ministry on or before March 24, 2021.

Our government continues to stand with our municipal partners as we have throughout the pandemic, advocating for funding for communities from the federal government to support local economic recovery. Communities may need more COVID-19 related operating funding in the coming year, and we will continue to advocate on your behalf to the federal government. I encourage you to contact your local Member of Parliament to seek further federal support in order to help municipalities deal with their operating impacts due to COVID-19.

The government thanks all 444 Ontario municipal heads of council for their support throughout the pandemic and our ongoing partnership in Ontario's economic recovery.

Sincerely,



Steve Clark
Minister of Municipal Affairs and Housing

c. Municipal Treasurer and Municipal CAO

By signing below, I acknowledge that the allocation of **\$18,681,919.00** is provided to the **City of Hamilton** for the expected purpose of assisting with COVID-19 costs and pressures and that the province expects any funds not required for this purpose in 2021 will be put into a reserve fund to support potential COVID-19 costs and pressures in 2022. I further acknowledge that the **City of Hamilton** is expected to report back to the province on 2021 COVID-19 costs and pressures and the use of this funding.

Name:

Title:

Signature:

Date:



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	Update on City of Hamilton Impact of COVID-19 Pandemic Response (HUR21001/FCS21026) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Lora Fontana (905) 546-2424 Ext. 4091 Brian McMullen (905) 546-2424 Ext. 4549 Matthew Grant (905)546-2424 Ext. 2739
SUBMITTED BY:	Lora Fontana Executive Director Human Resources
SIGNATURE:	
SUBMITTED BY:	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

To provide Council with an update on the finance and human resources related impacts of COVID-19 on the City of Hamilton.

INFORMATION

Historical Background

On March 11, 2020, the City of Hamilton activated its Emergency Operations Centre (EOC) in response to the COVID-19 pandemic. As a result, the City has taken a number of steps to protect the health and safety of residents and employees, including through the closure or limited access of several City facilities, cancelling of in-person events, the move to alternative formats of service delivery and the opening of new emergency shelters.

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SUBJECT: Update on City of Hamilton Impact of COVID-19 Pandemic Response (HUR21001/FCS21026) (City Wide) – Page 2 of 9

Many of the City's changes were introduced in the early days of the pandemic when less was known about the virus or the projected duration of the health crisis. During that time, the impacts of necessary public health measures on the City's workforce and budgets were unknown as was the status of emergency funding from senior orders of government to aid the City of Hamilton in addressing a significant projected deficit.

To ensure it was well-positioned to keep people safe while continuing to deliver of City services, meet its financial obligations and protect its workforce, the City took a number of key steps. Many facilities designed to accommodate large numbers of people were closed or had entries significantly reduced.

Staff who were able to perform their duties remotely were asked to work from home. Significant numbers of part-time and casual staff unable to perform their duties were placed on a Declared Emergency Leave (DEL) and hundreds of City staff members were redeployed to aid with the City's pandemic response.

In addition to measurable impacts on staff well-being, the City experienced significant impacts on its operating budget and its ability to make accurate financial forecasts given the uncertainty around the nature and duration of the pandemic.

The City was fortunate enough to receive emergency support from the federal and Ontario governments which greatly assisted the municipality to date in the pandemic.

The ongoing impacts of COVID-19 combined uncertainty around further government supports means that the City could again be facing a financial deficit depending on the duration of the pandemic.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS FOR HUMAN RESOURCES AND FINANCIAL MATTERS

Relevant legislative and policy-related implications include the *Employment Standards Act, 2000* and related amendments arising from COVID-19 such as the declared emergency and infectious disease emergency leave, the Canada Emergency Response Benefit (CERB) and the Canada Response Benefit (CRB).

Section 290(4) of *The Municipal Act*, states that the municipality shall provide for any deficit of the previous year in preparing their annual budget. As such, any projected deficit in 2020 would have been funded by significant tax increases or water, wastewater / storm rate increases.

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SUBJECT: Update on City of Hamilton Impact of COVID-19 Pandemic Response (HUR21001/FCS21026) (City Wide) – Page 3 of 9

COVID-19 Human Resources Related Issues**Redeployment of Staff**

In addition to a significant number of City staff who were asked to modify their work and others who were asked to work from home, the City redeployed many of its staff to pandemic support positions.

In 2020, the EOC Personnel Unit redeployed a total of 287 employees from their regular duties to various areas within the City to assist with the response to the pandemic. Approximately, 60% of staff were redeployed within the Healthy and Safe Communities department (i.e. Long-Term Care, Ontario Works and Recreation).

In 2021, the City redeployed approximately 75 additional staff from their regular duties within the City to assist with the response to the pandemic.

In addition, the City is partnering with Hamilton Health Sciences and St. Joseph's Hospital for the distribution of vaccines within our community. To this end, approximately 325 positions will be filled in 2021 through either redeployment or new hires to assist with the City's vaccination efforts.

As of March 3, 2021, 104 employees have been recruited and are ready for hire for Screener / Floater positions and 94 employees have been recruited and are ready for hire for Registration/Check-Out positions.

Appendix "A" to Report HUR21001/FCS21026 provides for a breakdown of the number of COVID-related staff redeployed and hired for both 2020 and 2021.

Staffing Levels

Like most cities across Canada, the City of Hamilton continues to employ all full-time staff to ensure it can continue to deliver services during the pandemic, often through alternative delivery. These employees also ensure the City is positioned to return to conventional service delivery for all 70-plus City services as public health conditions allow.

Staff Placed on Leave

To reduce expenditures to address the pandemic's fiscal challenges, the City ceased scheduling approximately 1,334 part-time and casual employees within 35 job classifications in May 2020 whose citizen-facing duties were not possible to perform due to health conditions. These employees were placed on Declared Emergency Leave by the City, which allowed them to be eligible for the Canada Emergency Response Benefit (CERB), which later transitioned to the Canada Response Benefit (CRB).

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In 2021, the City has continued to cease the scheduling of part-time and casual employees and currently, approximately 944 part-time and casual employees remain affected, which primarily included staff from Planning and Economic Development and Healthy and Safe Communities Departments.

The City also hired approximately 576 new full-time staff in 2020 (which included staff to assist with the pandemic response) and these new hires were primarily within the Healthy and Safe Communities Department (i.e. 43%). In addition, the City hired approximately 320 summer students in 2020, which included general labour, co-op students and high school co-op students. The City hired approximately 60% fewer students in 2020 as compared to 2019.

The following chart summarizes COVID-related staff hires and redeployment as of March 1, 2021.

	2020	2021
COVID Redeployment	287	75
COVID Recruitment	142	260

Retirements and Working Staff of Retirement Age

There were approximately 186 employee retirements in 2020, which was approximately 4% lower than number of employee retirements in 2019. As well, in response to the Province's Chief Medical Officer of Health's strong recommendation that all individuals over 70 years of age self-isolate, the City continues to accommodate such employees by having them work from home, wherever possible.

Approximately 19 City employees over 70 years of age who cannot work from home continue to receive income protection. These employees are primarily Building Attendants within CityHousing Hamilton. These employees will be transitioned back into the workforce once they have received their vaccines and a safe return to work is possible.

Changes to Work Environment

To ensure the City would be well positioned to continue service delivery in a way that protected the health of staff and members of the public, the City of Hamilton asked a record number of its employees to work from home during the pandemic.

According to the City's Virtual Private Network (VPN) records, the City saw 20% of its workforce (1,652) work remotely in March 2020. That number grew to 22.6% (1,810) employees by December 2020.

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SUBJECT: Update on City of Hamilton Impact of COVID-19 Pandemic Response (HUR21001/FCS21026) (City Wide) – Page 5 of 9

Some staff have been asked to work from home, some have been redeployed and many others have had their duties modified. In all cases, City Leaders continue to engage with all staff ensuring that performance expectations are successfully met, with regular check-in with staff, including completion of PADs process at regular intervals.

City Leaders have continued to have regular check-ins with staff and indicate that productivity levels remain good and consistent with Leaders being able to continue to effectively monitor quality and quantity of work in the remote environment.

Staff Overtime Requirements

The pandemic has seen a moderate increase in overtime requirements for City staff, particularly, in the area of Public Health and Long-Term Care, as well as, some targeted impacts in Corporate Communications. All overtime has had to receive approval from line managers and directors in accordance with City policies. As part of their relief effort, the Federal and Ontario governments have funded municipal operations which includes overtime.

In 2020, the City saw a 2.7% increase in overtime compared to 2019 with \$580 K being paid in COVID-19 related overtime compensation, 100% of which is recoverable from government funding programs.

Staff Mental Health and Wellbeing

The City continues to provide a number of supports for staff and EFAP assists employees with access assistance such as counselling. In addition to EFAP benefits, the City provides online training in the areas of stress and anxiety and mental health resilience.

Since the beginning of the pandemic, the City has seen a dramatic increase in mental health training, physical conditions, stress management and parenting. In 2020, access to these services saw dramatic increases over 2019, including:

- 530% increase in staff accessing mental health training supports (2,805 in 2020)
- 244% increase in staff accessing Stress Management and Resilience (1,214 in 2020).

Pandemic's Impacts on Staff Vacation Allotments

The pandemic has made it difficult for a number of staff members to take regular vacation allotments. The City has seen an 37% increase in vacation carryovers in 2020 compared with 2019.

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For 2020, a total of 826 vacation carryover requests were received and 377 vacation pay-out requests were received.

Vacation Carryover and Pay-out

Given the workload demands and job pressures arising from COVID, there has been an increase in the number of employees having worked overtime, as well as, not being able to take allocated vacation time during 2020. As a result, the following is a breakdown of the number of employees with 2020 vacation balances, as compared to 2019, along with corresponding requests for carryover and / or pay-out of vacation balances.

	Vacation Pay-outs	
	2020	2019
COVID Related	178	
Non COVID Related	199	215
Total	<u>377</u>	<u>215</u>
Total Cost	\$893,798	\$498,473

	Vacation Carryovers	
	2020	2019
COVID Related	412	
Non COVID Related	414	622
Total	<u>826</u>	<u>622</u>
Total Cost	\$1.83 M	\$1.15 M

The volume of COVID-related work impacted staff's ability to perform non-COVID related work on a timely basis and thereby, adversely impacted their ability to take vacation time off during 2020.

Initial Impact Forecasts of the Pandemic on City Finances

In the early weeks and months of the pandemic, the City was forced to review its budget projections, assumptions and forecast in light of the pandemic's unprecedented impacts. These impacts included the temporary closures to facilities, reductions in transit ridership and the cancelling of City events and in-person programs.

The City also saw additional costs related to cleaning, special chemicals for buses, personal protective equipment (PPE), bio-shields for bus operators, signage for park closures, facility closures, distancing signage and stickers and technology requirements for adjusted working conditions.

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SUBJECT: Update on City of Hamilton Impact of COVID-19 Pandemic Response (HUR21001/FCS21026) (City Wide) – Page 7 of 9

City finance staff consistently had to review public health orders, review the impacts of health measures on operations and to identify and forecast a significant budget deficit should staff and Council not find a way to make up for increased expenditures and declining revenues.

In June 2020), the City identified several possible scenarios to predict possible financial implications. They included:

- Scenario One: Three-month lockdown and six-month recovery = \$61.6 M deficit
- Scenario Two: Nine-month lockdown and 12-month recovery = \$122 M combined deficit (\$86.5 M in 2020 and \$35.5 M in 2021)

The projected pressures were in addition to the normal operating budget pressures and variances that might be expected in a typical year.

Initial Cost Containment Measures Employed

With the feasibility of federal and provincial financial supports still unknown, the City of Hamilton engaged in several cost-containment measures to limit, where possible, the impacts of the pandemic on City revenues and expenditures.

With many City revenue streams seeing steep declines, including in Transit and Recreation, the City took a number of measures in an attempt to mitigate the pandemic's financial impacts, including:

- Review of the Capital Program to delay projects with total funds available \$29 M
- Allocation of available capital funding of \$1.1 M to reserve for future capital needs post-pandemic
- Placing more than 1,300 part-time and casual staff on Declared Emergency Leave in May 2020
- Advocating that the federal government offer flexible funding solutions through the Gas Tax program
- Assessing the impact of further cost-containment measures on service delivery to mitigate the estimated shortfall
- Working with higher levels of government to advocate for emergency funding

Financial Supports from the Federal and Provincial Governments – COVID-19 Funding Including Safe Restart and Social Services Relief Funds

Between March and August 2020, the Ontario Government announced emergency funding to support the province's most vulnerable through the Social Services Relief Fund (SSRF).

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In July 2020, the Ontario Government announced a partnership with the federal government to provide up to \$4 B to municipalities in Ontario through a Safe Restart Agreement.

In August 2020, the first phase of \$1.6 B was provided with \$695 M for municipal operations, \$666 M for transit and \$200 M for SSFR.

In December 2020, additional funding was announced for municipal deficits of \$695 M and for transit of \$1.3 B. In early March 2021, the Ontario Government announced additional funding for transit and municipal operations.

Throughout 2020, the Ontario government also announced a partnership with the federal government to provide over \$230 M for child care plus additional funding for public health, paramedics and long-term care.

The Safe Restart Agreement provides funding to help municipalities protect the health and well-being of the people of Ontario, while continuing to deliver critical public services, such as public transit and shelters, as the Province continues down the path of renewal, growth and economic recovery. It is intended to cover lost revenues from services such as transit, parking and recreation and additional costs for things such as technology, PPE and additional cleaning requirements.

In total, in 2020 and early 2021, the provincial and federal governments committed just over \$168 M to the City of Hamilton as part of its COVID-19 relief funding including:

- \$27.6 M for Safe Restart Funding Municipal Operations, Phase 1
- \$11.6 M for Safe Restart Funding Municipal Operations, Phase 2
- \$18.7 M for 2021 COVID-19 Recovery Funding for Municipalities
- \$17.2 M for Safe Restart Funding Transit, Phase 1
- \$21.5 M for Safe Restart Funding for Transit, Phase 2
- \$16.8 M for Safe Restart Funding for Transit, Phase 3
- \$6.88 M for Social Services Relief Fund, Phase 1
- \$11.3 M for Social Services Relief Fund 2
- \$36.3 M for Public Health Services, Long Term Care, Paramedics, Housing and Children's Services

Assumptions for 2021

The City's assumptions for the approved 2021 Tax Supported Capital Budget and approved 2021 Rate Supported Operating and Capital Budgets were that the City would have to assume very little financial risk for the pandemic's continued impacts.

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**SUBJECT: Update on City of Hamilton Impact of COVID-19 Pandemic Response
(HUR21001/FCS21026) (City Wide) – Page 9 of 9**

Assumptions in the 2021 Tax Supported Operating Budget include:

- Revenues lost during 2020 will recover and return to normal levels or be funded by higher levels of government
- Additional costs related to COVID-19 will be funded by higher levels of government
- Avoided costs from City staff efforts and some contractual savings will not materialize

Senior Leadership Team will continue to provide strong financial management and will advise Council on changes in COVID-19 conditions and related financial implications.

Conclusion

As every other municipality in Canada and the world, the City of Hamilton's operations will continue to be impacted by the pandemic and when in-person operations and services can be fully reopened is still currently unknown.

Like many cities across Canada, the City of Hamilton has seen a variety of impacts from COVID-19 to its workforce, revenues and expenditures and has required the City to both provide modified services and ensure that it maintains its capacity to deliver services more conventionally when public health conditions allow. These two elements of service delivery have been further impacted by the City's ongoing commitment to fighting the COVID-19 pandemic.

APPENDICES AND SCHEDULES ATTACHED

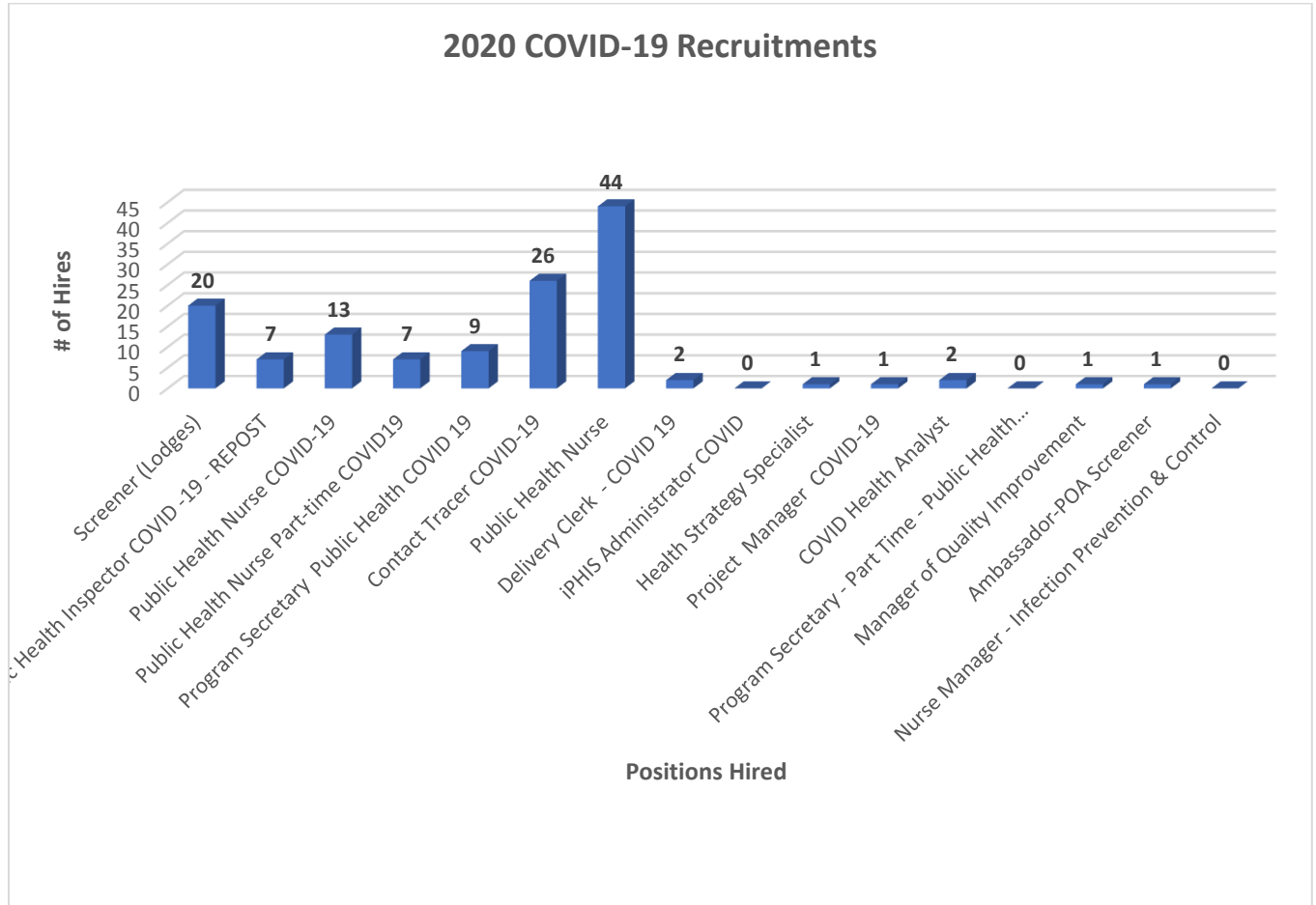
Appendix "A" to Report HUR21001/FCS21026 - COVID-19 Related Recruitments and Redeployments

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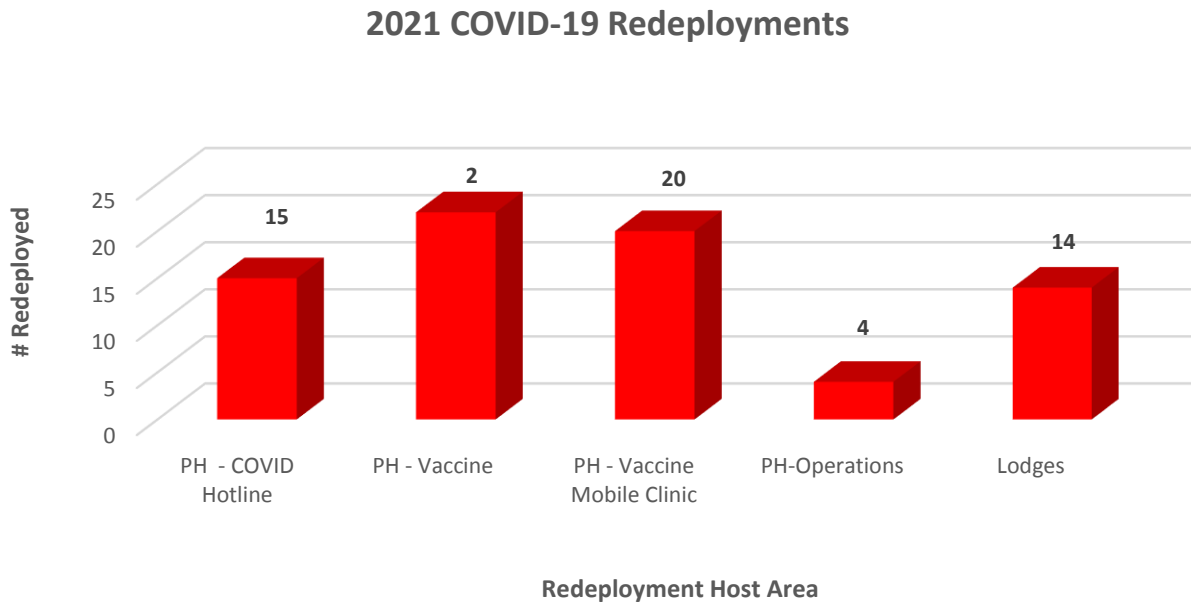
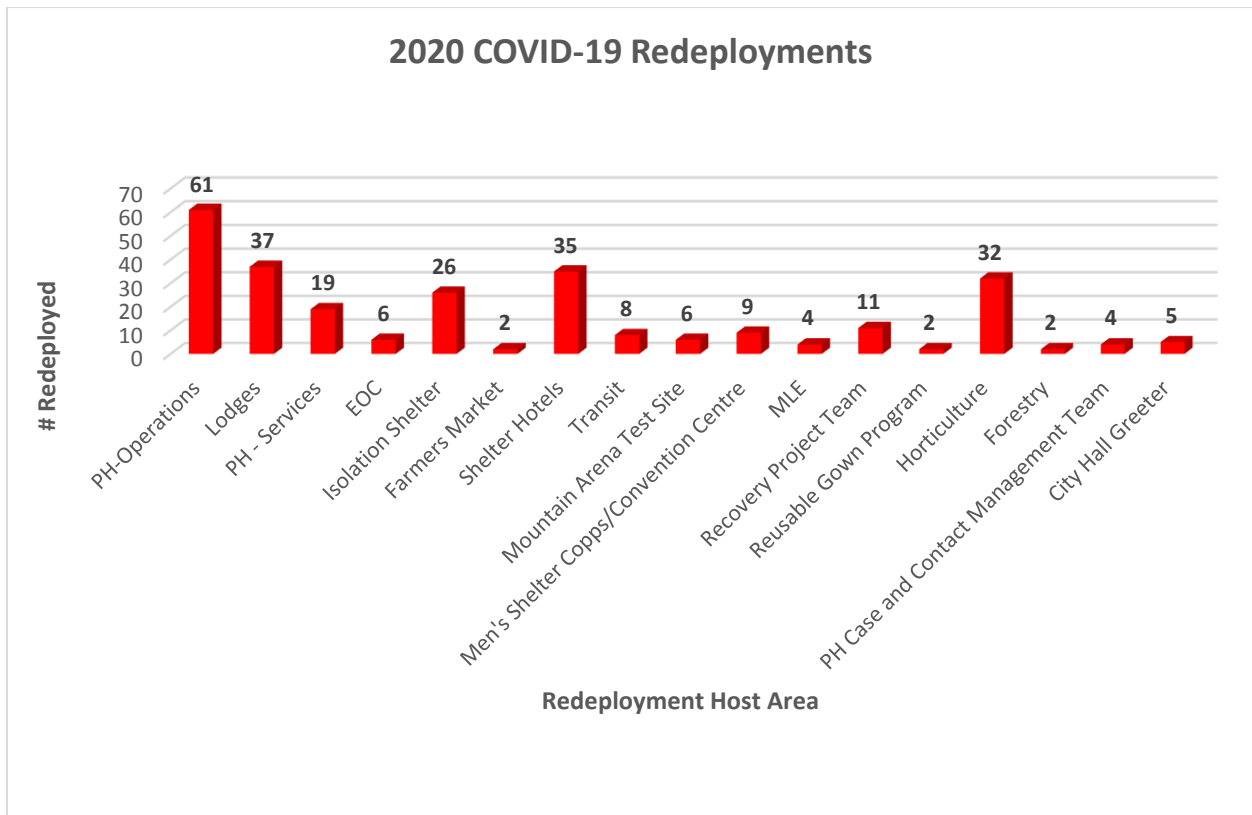
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**COVID-19 Related Recruitments and Redeployments
As of March 1, 2021**









Hamilton

**ADVISORY COMMITTEE FOR PERSONS WITH
DISABILITIES
REPORT 21-003**

4:00 p.m.

Tuesday, March 9, 2021

**Due to COVID-19 and the Closure of City Hall,
this meeting was held virtually.**

Present: A. Mallet (Chair), P. Kilburn (Vice-Chair), S. Aaron,
P. Cameron, J. Cardno, M. Dent, L. Dingman,
A. Frisina, S. Geffros, J. Kemp, T. Manzuk,
C. McBride, M. McNeil, T. Murphy, K. Nolan and
T. Nolan

Absent

with regrets: Mayor F. Eisenberger – City Business
M. Sinclair

Also Present: J. Bowen, Supervisor, Diversity and Inclusion
C. Cutler, Advisor to the Mayor (on behalf of Mayor
F. Eisenberger)

**THE ADVISORY COMMITTEE FOR PERSONS WITH
DISABILITIES PRESENTS REPORT 21-003 AND
RESPECTFULLY RECOMMENDS:**

1. Built Environment Working Group Work Plan (Added Item 7.1(a))

That the Built Environment Working Group Work Plan, attached as Appendix “A” to Advisory Committee for Persons with Disabilities Report 21-003, be approved.

2. Membership Changes to the Housing Issues Working Group of the Advisory Committee for Persons with Disabilities (Item 7.2(b))

(a) That the resignation of Michele Dent from the Housing Issues Working Group of the Advisory Committee for Persons with Disabilities, be received; and,

(b) That Robert Semkow be appointed to the Housing Issues Working Group of the Advisory Committee for Persons with Disabilities for the remainder of the 2018 – 2022 Term of Council.

3. Advisory Committee for Persons with Disabilities Logo (Item 7.3(a))

WHEREAS, in an effort to educate the public regarding the role and function of the Advisory Committee for Persons with Disabilities (ACPD) with respect to City Council, the ACPD has begun designing a pamphlet/brochure to be distributed throughout the City at various community centres. To that end, the ACPD has designed a logo for the Council’s consideration;

WHEREAS, the most well-known symbol that represents persons with disabilities is the wheelchair symbol. While it has recently had a small facelift in the form of the Dynamic Symbol of Access, many people feel that it creates a false

impression of disability; that the only disability that people need to make allowances for are those in wheelchairs and other similar mobility devices. It is for this reason that we do not feel that it is inclusive enough to represent all persons with disabilities;

WHEREAS, in an effort to be inclusive and encompass all disabilities we have looked for a symbol that represents all disabilities. The Universal symbol of Access is simply a representation of a person, with legs slightly spread and arms raised fractionally. It originated as the symbol for web accessibility, but it is becoming the more accepted symbol of universal accessibility. The reason for this is that it conveys the need for accommodation without placing judgement on the disabilities that require them;

WHEREAS, the ACPD will ensure that we follow all requirements when placing said logo; i.e. ensuring that it is always located to the right of the City of Hamilton logo and ensuring that it does not exceed the size of said logo; and,

WHEREAS, the logo presented for consideration is in a grayscale, we would ask for permission to alter its colours to possibly represent various disabilities with future use. For example, we would have made it purple last year to represent persons with invisible disabilities on International Persons with Disabilities Day;

THEREFORE, BE IT RESOLVED:

That the Advisory Committee for Persons with Disabilities logo, attached as Appendix "B" to Advisory Committee for Persons with Disabilities Report 21-003, to be used in outreach efforts in the community alongside the City of Hamilton logo (in accordance with the City of Hamilton Brand

Guidelines), be forwarded to the Governance Review Sub-Committee for consideration.

4. Multi-Year Accessibility Plan Status Report (deferred from the February 9, 2021 meeting) (Item 10.1)

That the Multi-Year Accessibility Plan Status Report, be received.

5. Long-Term COVID-19 Related Issues for Persons with Disabilities (Item 10.3)

That the General Manager of the Healthy and Safe Communities Department, or their designate, be invited to attend the April 13, 2021 meeting of the Advisory Committee for Persons with Disabilities to discuss long-term COVID-19 related issues.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

7. CONSENT ITEMS

7.1(a) Built Environment Working Group Work Plan

7.4(a) Transportation Working Group Meeting Notes
– February 23, 2021

10. DISCUSSION ITEMS

- 10.4 Hamilton Strategic Road Safety Committee Meeting Update

11. MOTIONS

- 11.1 Authorization for Advisory Committee for Persons with Disabilities Member(s) to Delegate on a Forthcoming City Staff Report respecting Permitting and Regulating Commercial Operators of E-scooters

The agenda for the March 9, 2021 meeting of the Advisory Committee for Persons with Disabilities was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 4)**(i) February 9, 2021 (Item 4.1)**

The minutes of the February 9, 2021 meeting of the Advisory Committee for Persons with Disabilities, were approved, as presented.

(d) CONSENT ITEMS (Item 7)**(i) Built Environment Working Group Update (Item 7.1)**

Chris King, Senior Project Manager, Transportation Systems, and Mike Gladysz, Acting Senior Project

Manager, Capital, attended the Built Environment Working Group meeting on March 2, 2021 to discuss accessible pedestrian signals and accessible washrooms respectively.

The verbal update, respecting the Built Environment Working Group, was received.

For further disposition of this matter, refer to Item 1.

(ii) Housing Issues Working Group Update (Item 7.2)

(a) Housing Issues Working Group Meeting Notes – January 19, 2021 (Item 7.2(a))

The Housing Issues Working Group Meeting Notes of January 19, 2021, were received.

For further disposition of this matter, refer to Item 2.

(iii) Outreach Working Group Update (Item 7.3)

No update.

For further disposition of this matter, refer to Item 3.

(iv) Transportation Working Group Update (Item 7.4)

(a) Transportation Working Group Meeting Notes – February 23, 2021 (Added Item 7.4(a))

The Transportation Working Group Meeting Notes of February 23, 2021, were received.

(v) Strategic Planning Working Group Update (Item 7.5)

No update.

(e) DISCUSSION ITEMS (Item 10)

**(i) Multi-Year Accessibility Plan Status Report
(deferred from the February 9, 2021 meeting) (Item
10.1)**

Jessica Bowen, Supervisor, Diversity and Inclusion, addressed Committee respecting a Multi-Year Accessibility Plan Status Report.

For further disposition of this matter, refer to Item 4.

**(ii) Clarification of Outstanding Business List Item
2016-C (Item 10.2)**

Jessica Bowen, Supervisor, Diversity and Inclusion, addressed Committee respecting clarification of Outstanding Business List Item 2016-C.

The title of Outstanding Business List Item 2016-C will be updated from 'Request for an Accessibility Audit Update from Housing Services' to 'Accessibility Tour Status Updates' to accurately reflect the issue.

The discussion, respecting Clarification of Outstanding Business List Item 2016-C, was received.

(iii) Overview of Delegation to the General Issues Committee respecting COVID-19 and Persons with Disabilities (Item 10.3)

Tom Manzuk and Tim Nolan attended the General Issues Committee meeting on February 17, 2021 and delegated on COVID-19 and Persons with Disabilities.

Item 2 of Advisory Committee for Persons with Disabilities Report 21-001, respecting an Update on COVID-19 and Persons with Disabilities, was amended to read as follows (see Items (f)(ii) and 4(b) of General Issues Committee Report 21-004 for reference):

That the General Manager of the Healthy and Safe Communities Department be directed to ensure the appropriate staff consult with the Advisory Committee for Persons with Disabilities when developing future pandemic plans, policies and procedures, when possible and appropriate, with the understanding that Public Health Services and the City's Emergency Operations Centre hold the safety and well-being of the public as paramount.

The discussion, respecting an Overview of Delegation to the General Issues Committee respecting COVID-19 and Persons with Disabilities, was received.

For further disposition of this matter, refer to Item 5.

(iv) Hamilton Strategic Road Safety Committee Meeting Update (Added Item 10.4)

Tom Manzuk attended a recent meeting of the Hamilton Strategic Road Safety Committee on the Chair's behalf

and reported that many issues were discussed including, but not limited to, e-scooters and e-bikes.

The verbal update, respecting the Hamilton Strategic Road Safety Committee Meeting, was received.

(f) MOTIONS (Item 11)

(i) Authorization for Advisory Committee for Persons with Disabilities Member(s) to Delegate on a Forthcoming City Staff Report respecting Permitting and Regulating Commercial Operators of E-scooters (Added Item 11.1)

WHEREAS, a City staff report respecting permitting and regulating commercial operators of e-scooters is tentatively scheduled to be included on the April 9, 2021 Public Works Committee meeting agenda;

WHEREAS, the Advisory Committee for Persons with Disabilities for the City of Hamilton respectfully requested that City Council ban the use of electric and commercial rental electric scooters on all City roads, sidewalks, pathways and in all other areas of the City until such time that electric scooters, particularly commercial rental electric scooters, and their operators are trained, licensed, insured and are fully and completely regulated by the province of Ontario in the same manner as any other motor vehicle in the province of Ontario (see Item 5 of ACPD Report 20-007 for reference). This request was referred to the General Manager of Planning and Economic Development for consideration with respect to additional locations where e-scooters may be permitted to operate, and for consideration in developing a

forthcoming report respecting commercial e-scooter operations (see Item 3(c) of General Issues Committee Report 21-003);

WHEREAS, the Advisory Committee for Persons with Disabilities respectfully requested that Hamilton City Council require acoustic vehicle alerting systems to be installed on all e-scooters (Kick Scooters) that operate within the City of Hamilton (see Item 7 of ACPD Report 20-007 for reference). This request was referred to the General Manager of Planning and Economic Development for consideration with respect to additional locations where e-scooters may be permitted to operate, and for consideration in developing a forthcoming report respecting commercial e-scooter operations (see Item 3(e) of General Issues Committee Report 21-003); and,

WHEREAS, the Advisory Committee for Persons with Disabilities has a vested interest in the matter of permitting and regulating commercial operators of e-scooters in Hamilton and wishes to ensure that they have the opportunity to delegate (if deemed necessary) upon the release of the staff report;

THEREFORE, BE IT RESOLVED:

That James Kemp be authorized to delegate at the Public Works Committee on behalf of the Advisory Committee for Persons with Disabilities respecting a forthcoming City staff report respecting permitting and regulating commercial operators of e-scooters.

(g) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

**(i) Accessibility Complaints to the City of Hamilton
(Item 13.1)**

Jessica Bowen, Supervisor, Diversity and Inclusion, advised that a total of 10 accessibility complaints were received in January and February 2021, primarily in relation to seasonal events such as snow removal.

The verbal update, respecting Accessibility Complaints to the City of Hamilton, was received.

(ii) *Accessibility for Ontarians with Disabilities Act, 2005 (AODA) Update (Item 11.2)*

No update.

(iii) Presenters List for the Advisory Committee for Persons with Disabilities (Item 11.3)

No changes to the presenters list for the Advisory Committee for Persons with Disabilities were required.

(h) ADJOURNMENT (Item 15)

There being no further business, the Advisory Committee for Persons with Disabilities was adjourned at 6:03 p.m.

Respectfully submitted,

A. Mallet, Chair
Advisory Committee for
Persons with Disabilities

**Advisory Committee for Persons with Disabilities
Report 21-003**

**March 9, 2021
Page 12 of 12**

Alicia Davenport
Legislative Coordinator
Office of the City Clerk

Advisory Committee for Persons with Disabilities

Built Environment Working Group (BEWG) Work Plan

Vision Statement

"To be the best place to raise a child and age successfully viewed through an Equity, Diversity and Inclusion lens"

Mandate

Given the constraints of the Ontario Building Code to adjudicate and enforce issues of accessibility, it is the role of the Built Environment Working Group (BEWG) to advise Hamilton City Council, through the Advisory Committee for Persons with Disability (ACPD), on legislation with regards to accessibility standards, including the design of Public Spaces and Standards that assist in making the City and its facilities, accessible to all, as prescribed under the "Accessibility for Ontarians with Disabilities Act" (AODA) Specifically:

1. To advise City Council, through the Advisory Committee for Persons with Disability (ACPD), about:
 - a. the requirements, and implementation of, the Design and Public Spaces Standards and any relevant information pertaining to the Integrated Accessibility Standards Regulation (IASR) under the Accessibility for Ontarians with Disabilities Act (AODA, 2005);
 - b. the requirements, and implementation of the Architectural Design Standards
 - c. current barriers to the Built Environment and make recommendations to ACPD and staff to remove existing barriers and prevent the creation of new ones.

- d. the evaluation and update of the Barrier-Free Design Guidelines (BFDG), every year or as the need arises.
 - e. other matters for which City Council may seek its advice regarding policies and procedures.
2. Review site plans and floor plans for new construction and renovation projects on City properties. (Other projects may also be brought before the committee for review and advice).
 3. BEWG shall review existing properties and facilities in an effort to identify barriers to accessibility, with follow-up visits should remediation be necessary.
 4. Before Project conclusion, i.e., 66% completion, a Review is presented to BEWG with a view to identifying omissions or deficiencies.
 5. BEWG shall review exterior paths of travel, including, but not limited to sidewalks, crosswalks, curb depressions, utility vaults on City property, traffic signals, etc.
 6. Review and endorse accessibility projects.
 7. Review and have input on the Multi-year Accessibility Plan.
 8. Support the implementation of the Built Environment Standards, the City of Hamilton's Barrier-Free Design Guidelines and the Urban Braille Guidelines.
 9. Monitor changes and progress of the implementation of the Built Environment Standards.

10. Develop a reporting system, to monitor the impact of BEWG's recommendations, i.e., an Outstanding Business List.

Mission Statement

That the Built Environment be fully accessible to all citizens of the City of Hamilton.





CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Legal and Risk Management Services Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	Waterdown Garden Supplies Ltd. Update (LS21009)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Michael Kyne (905) 546-2424 Ext. 4716
SUBMITTED BY:	Michael Kyne, Acting City Solicitor Legal and Risk Management Services Division
SIGNATURE:	MGKyne

RECOMMENDATION

(a) That this Report LS21009 be received and that Appendix “A” remain confidential.

Discussion of Appendix “A” to this Confidential Report in closed session is subject to the following requirement(s) of the City of Hamilton’s Procedural By-law and section 239(2) of the *Ontario Municipal Act, 2001*:

- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

RATIONALE FOR CONFIDENTIALITY

Appendix “A” to this report is being considered in Closed Session as it outlines solicitor-client advice relevant to ongoing litigation and associated negotiations arising out of the

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Waterdown Garden Supplies Ltd. Update (LS21009) - Page 2 of 4

lawsuit commenced by Waterdown Garden Supplies Ltd. (“WGS”) against the City and two identified City employees.

RATIONALE FOR MAINTAINING CONFIDENTIALITY

Staff are recommending that Appendix “A” to this Report LS21009 remain confidential as its public disclosure could compromise the City’s interests in responding to WGS’ claims.

EXECUTIVE SUMMARY

On February 16, 2021, the City was notified of a Statement of Claim issued by Waterdown Garden Supplies Ltd. and others (“WGS”) seeking \$75M in damages based on allegations that thousands of loads of contaminated soil taken from City sites were illegally deposited on its lands and that this illegal dumping was facilitated by a criminal conspiracy involving two named City employees.

It’s important to note that, despite several specific requests, the claimants have not yet provided any information that would substantiate their claims.

As a result, the City has:

1. placed the two employees on paid administrative leave while these claims are investigated;
2. notified its insurer which has now appointed the law firm Gowlings to defend the City’s interests in these legal proceedings; and
3. commenced an investigation through the City’s Auditor’s Office to ascertain if there is any credence to the claims against the named employees.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: While the civil claim against the City will funded primarily by the City’s insurer, the City will bear the cost of the applicable deductible(s) and the City Auditor’s investigation.

Staffing: As indicated, the two employees named in the Statement of Claim have been placed on paid administrative leave.

Legal: As outlined in this Report LS21009.

HISTORICAL BACKGROUND

On February 16, 2021, the City was notified of a Statement of Claim issued by Waterdown Garden Supplies Ltd. and others (“WGS”) seeking \$75M in damages based on allegations

SUBJECT: Waterdown Garden Supplies Ltd. Update (LS21009) - Page 3 of 4

that thousands of loads of contaminated soil taken from City sites were illegally deposited on its lands and that this illegal dumping was facilitated by a criminal conspiracy involving two named City employees.

Despite several specific requests, the claimants have not yet provided any information that would substantiate their claims.

As a result, the City has:

1. placed the two employees on paid administrative leave while these claims are investigated;
2. notified its insurer which has now appointed the law firm Gowlings to defend the City's interests in these legal proceedings. At the time of writing this report, Gowlings is drafting the City's formal Statement of Defence with the expectation that it will be provided to the claimants' lawyer by March 19, 2021.

Thereafter, it's anticipated the claimants' claims will be litigated in accordance with the regular Rules of Civil Proceedings in a process that can take two to three years and which includes:

- a. an exchange of relevant documents with the claimants;
 - b. examining the major witnesses under oath;
 - c. at least one pre-trial conference conducted by a judge; and
 - d. assuming that the claimants continue to pursue their claims, a trial; and
3. commenced an investigation through the City's Auditor's Office to ascertain if there is any credence to the claims against the named employees.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

- City Manager's Office
- Planning and Economic Development Department
- Public Works Department

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As outlined in this Report LS21009.

SUBJECT: Waterdown Garden Supplies Ltd. Update (LS21009) - Page 4 of 4

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Our People and Performance


Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report LS21009—Related Issues: Status Update



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 24, 2021
SUBJECT/REPORT NO:	Chedoke Creek Order – Associated Costs (PW19008(I)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Cari Vanderperk (905) 546-2424 Ext. 3250
SUBMITTED BY:	Andrew Grice Director, Hamilton Water Public Works Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable

INFORMATION

The City of Hamilton (City) has been served four Ministry of the Environment, Conservation and Parks (MECP) Orders as a result of the combined sewage discharge from the Main/King Combined Sewer Overflow (CSO) tank.

Provincial Officer's Order No. 1-J25YB (First Order) was served to the City by the MECP on August 2, 2018; Director's Order No. 1-MRRCX (Second Order) was served to the City by the MECP on November 28, 2019; Provincial Officer's Order No. 1-OW6SS (Third Order) was served to the City by the MECP on November 20, 2020, and lastly Director's Order No. 1-PE3L3 (Fourth Order) was served to the City by the MECP on December 4, 2020, all pursuant to their authority under the *Environmental Protection Act* (EPA) and the *Ontario Water Resources Act* (OWRA).

Report PW19008(I) contains costs incurred to date by the City for the internal investigation related to the discharge, the responses to the MECP Orders previously listed and the corrective and preventative operational initiatives carried out in response to the event.

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**SUBJECT: Chedoke Creek Order – Associated Costs
(PW19008(I)) (City Wide) - Page 2 of 4**

The Orders required the City to retain the service of third-party consultants to undertake several studies to quantify and evaluate the environmental impacts of the combined sewage discharge from the Main/King CSO tank. In addition, the City completed various operational works in coordination with the requirements of the Orders. These efforts include operational inspections and clean-up along with initiating outreach and education programs. The costs incurred to date are summarized below.

Required Study Costs - \$904,803.26 (Total breakdown below)

Calder Engineering Limited \$39,336.21

Storm sewer inspection walk through to verify active discharge from Main/King CSO, flow monitoring at Glen Road and Aberdeen CSO monitoring and sampling.

Hatch Limited \$183,709.00

CSO Facility Inspection Study including identification of critical control points and recommended maintenance practices/frequencies along with a Feasibility Study conducted for the installation of additional monitoring/detection equipment at CSO facilities, in response to the First Order.

Wood Environment and Infrastructure Solutions Inc. \$187,510.97

Quantify the volume and contaminant loadings from the Main/King CSO Tank discharge and engineering services for Chedoke Creek Sewage Contamination Study and Remedial Action Plan, in accordance with the requirements of the First Order.

SLR Consulting Limited \$309,247.08

Emergency services for the Cootes Paradise environmental impact evaluation per the Director's order, engineering services for the Chedoke Creek ecological risk assessment, aquatic biology and water quality peer review services for Chedoke Creek along with additional services to complete a human health and ecological risk assessment at Chedoke Creek and a Sediment and Delineation of Contamination Survey.

GM BluePlan Engineering Limited \$185,000.00

Chedoke Creek Water Quality Improvement Framework Study, including engagement and facilitation of key stakeholders, technical review and development of recommended solutions and an implementation plan.

**SUBJECT: Chedoke Creek Order – Associated Costs
(PW19008(I)) (City Wide) - Page 3 of 4**

Operations & Outreach Costs \$817,819.18 (Total)

This work includes the following activities:

- Surface Water Quality Program
- Enhanced Facility Inspection Team
- CSO Bypass Notification Website
- CSO Educational Video
- Wastewater Quality Management System
- Floatables Study
- CSO Outfall Monitoring Feasibility Study

Initial Creek Clean-up Costs \$111,646.23 (Total)

This work includes, but is not limited to, the following activities:

- CCTV Investigations
- Vacuum Truck Services
- Floating Booms and Containment Barriers

Legal Services Costs \$174,021.99 (Total)

Staff retained external legal counsel, a specialist in environmental law with significant experience with environmental investigations and charges. The fees associated with the external legal counsel since August 2018 include:

- Legal advice related to the orders
- Support for the MECP investigation
- Legal guidance related to the fines and charges
- Written legal opinions.

In summary, the total incurred costs to date in response to the Main/King CSO discharge and the subsequent MECP Orders is currently \$2,008,290.66. This total does not include the existing Wood Environment and Infrastructure Solutions consultant assignment associated with the Fourth Order as it relates to the plans for targeted dredging and proposed remediation efforts in Chedoke Creek and Cootes Paradise, as that work is still ongoing.

**SUBJECT: Chedoke Creek Order – Associated Costs
(PW19008(I)) (City Wide) - Page 4 of 4**

Summary of Costs

Required Studies	\$904,803.26
Operations & Outreach	\$817,819.18
Initial Creek Clean-up	\$111,646.23
Legal Services	\$174,021.99
Total Costs (to date)	\$2,008,290.66

APPENDICES AND SCHEDULES ATTACHED

Not Applicable