




**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	May 5, 2021
<b>SUBJECT/REPORT NO:</b>	Hamilton Tax Increment Grant - 233-237 King Street East, Hamilton (PED21088) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Carlo Gorni (905) 546-2424 Ext. 2755
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That a Hamilton Tax Increment Grant Program Application submitted by Malleum Real Estate Partners III, by way of its General Partner, Malleum General Partner III Limited (Tyler Pearson and Greg Clewer), for the property at 233-237 King Street East, Hamilton, estimated at \$51,303.63 over a maximum of a five (5) year period, and based upon the incremental tax increase attributable to the development of 233-237 King Street East, 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 give effect to the Hamilton Tax Increment Grant for Malleum Real Estate Partners III, by way of its General Partner, Malleum General Partner III Limited, for the property at 233-237 King Street East, Hamilton, 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,

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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.

provided that the terms and conditions of the Hamilton Tax Increment Grant Program, as approved by City Council, are maintained.

## **EXECUTIVE SUMMARY**

The Hamilton Tax Increment Grant Program (HTIGP) Application for the development of the project at 233-237 King Street East, Hamilton was submitted by Malleum Real Estate Partners III, by way of its General Partner, Malleum General Partner III Limited, owner of the property. Now completed, the project saw the renovation of three (3) commercial units on the ground floor and the renovation of ten (10) residential units on the upper floors. Regarding the commercial units, two (2) of them are being used for a digital marketing agency and a condominium sales centre while the third (3<sup>rd</sup>) is currently vacant.

Development costs are estimated at \$746,500 and it is projected that the proposed redevelopment will increase the assessed value of the property from its current value of \$911,000 to approximately \$1,609,000.

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 \$17,101.21, of which 100% would be granted to the owner during year one, 80% or approximately \$13,680.97 in year two, 60% or approximately \$10,260.73 in year three, 40% or approximately \$6,840.48 in year four and 20% or approximately \$3,420.24 in year five. The estimated total value of the grant is approximately \$51,303.63. 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 7**



**233-237 King Street East (Before Renovation)**  
**Source: City of Hamilton Building Division**



**233-237 King Street East (Post Renovation)**  
**Source: City of Hamilton Building Division**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The City will collect full property taxes on the property and, in turn, provide a grant for five (5) 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 233-237 King Street East, 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 \$85,506.05, of which the applicant would receive a grant totalling approximately \$51,303.63 and the City retaining taxes totalling approximately \$34,202.42.

**Staffing:** Applicants and subsequent grant payments under the HTIGP are processed by the Commercial Districts and Small Business Section and Taxation Section, 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 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 HTIGP are maintained.

## **HISTORICAL BACKGROUND**

City Council, at its meeting held August 22, 2001, approved an amendment to the Downtown and Community Renewal Community Improvement Plan which introduced the HTIGP. 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, the corridors of Barton Street and Kenilworth Avenue as identified in the Downtown and Community Renewal Community Improvement Project Area and most recently, 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 233-237 King Street East, 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 at \$746,500. The total estimated grant over the five (5) year period is approximately \$51,303.63.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### Urban Hamilton Official Plan

The subject lands are municipally known as 233 King Street East, Hamilton, and is located within the "Downtown Urban Growth Centre" on Schedule "E" – Urban Structure.

The property is located within the Downtown Hamilton Secondary Plan area (OPA 102) and designated "Downtown Mixed Use" with a "Pedestrian Focus" on Map "B.6.1-1" – Downtown Hamilton Secondary Plan – Land Use Plan (OPA 102).

The planned use of the property conforms to the above designation. The specific ground floor commercial uses will be subject to the respective sections of the in force and effect Urban Hamilton Official Plan with respect to permitted uses and associated policies.

### Zoning By-law No. 05-200

Under the City of Hamilton Zoning By-Law No. 05-200, the subject property is zoned "Downtown Mixed Use – Pedestrian Focus (D2) Zone".

The planned use of the property is permitted. The specific ground floor commercial uses will be subject to the respective sections of the in force and effect Zoning By-Law with respect to permitted uses and associated regulations.

## **RELEVANT CONSULTATION**

Staff from the Taxation Section and the Finance and Administration Section, Corporate Services Department and the Legal Services Division, Corporate Services Department was consulted, and the advice received is incorporated into Report PED21088

## **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 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.

The estimated grant shall be calculated according to the following formulas:

Grant Level:	100%
Total Eligible Costs (Maximum):	\$ 746,500
Total Pre-project CVA:	
MT(Multi-Residential)	\$ 444,900 Year: 2019
CT (Commercial)	<u>\$ 466,100</u>
Total	\$ 911,000
Pre-Project Property Taxes	
Municipal Levy:	\$ 22,874.73
Education Levy:	<u>\$ 5,869.87</u>
Pre-project Property Taxes	\$ 28,744.60
*Post-project CVA:	
MT (Multi Residential)	\$ 992,000
CT (Commercial)	\$ 617,000
<b>Estimated</b> Post-project CVA	\$ 1,609,000 Year: TBD
Post-Project Property Taxes	
<b>**Estimated</b> Municipal Levy:	\$ 39,975.94
<b>**Estimated</b> Education Levy:	<u>\$ 7,956.41</u>
<b>**Estimated</b> Post-Project Property Taxes:	\$ 47,932.35

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\*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).

\*\*2019 tax rates have been used for calculation of the estimated post-development property taxes.

Pre-project Municipal Taxes = Municipal Levy = \$22,874.73  
Municipal Tax Increment = \$39,975.94 - \$22,874.73 = \$17,101.21

Payment in Year One = \$17,101.21 x 1.0 = \$17,101.21

**ESTIMATED GRANT PAYMENT SCHEDULE for commercial building: Mixed Use building with three (3) commercial units on ground floor and ten (10) residential units on upper floors**

Year	Grant Factor	Tax Increment*	Grant
1	100%	\$17,101.21	\$17,101.21
2	80%	\$17,101.21	\$13,680.97
3	60%	\$17,101.21	\$10,260.73
4	40%	\$17,101.21	\$6,840.48
5	20%	\$17,101.21	\$3,420.24
<b>Total</b>		<b>\$85,506.05</b>	<b>\$51,303.63</b>

\*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**

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.

**Financial:** Grants totalling \$51,303.63 over a five (5) year period would not be issued.

**Staffing:** Not applicable

**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.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED21088 – Location Map