



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Economic Development Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 21, 2021
SUBJECT/REPORT NO:	The Revitalizing Hamilton’s Commercial Districts Community Improvement Plan, Community Improvement Project Area and Associated Financial Incentive Programs (PED21035(a)) (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 the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan, attached as Appendix “A” to Report PED21035(a), be approved;
- (b) That existing By-law No. 16-125 “To Designate The Downtown and Community Renewal Community Improvement Project Area” be repealed on such day that the By-law enacting the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*;
- (c) That existing By-law No. 16-126 “To Adopt The Downtown and Community Renewal Community Improvement Plan (2016)” be repealed on such day that the By-law enacting the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*;

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.

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- (d) That By-law 10-052, as amended, being a By-law to delegate authority to the General Manager of Planning and Economic Development for financial incentive programs, be repealed on such day that the By-law enacting the Revitalizing Hamilton's Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*;
- (e) That the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area draft by-law, prepared in a form satisfactory to the City Solicitor and attached as Appendix "B" to Report PED21035(a), be enacted;
- (f) That the Revitalizing Hamilton's Commercial Districts Community Improvement Plan draft by-law, prepared in a form satisfactory to the City Solicitor and attached as Appendix "C" to Report PED21035(a), be enacted;
- (g) That the following implementing Financial Incentive Program Descriptions be approved and appended to the Revitalizing Hamilton's Commercial Districts Community Improvement Plan:
 - (i) the Commercial District Housing Opportunities Program Description attached as Appendix "D" to Report PED21035(a);
 - (ii) the Downtown and Barton/Kenilworth Housing Opportunities Program Description attached as Appendix "E" to Report PED21035(a);
 - (iii) the Revitalizing Hamilton Tax Increment Grant Program Description attached as Appendix "F" to Report PED21035(a);
 - (iv) the Barton/Kenilworth Tax Increment Grant Program Description attached as Appendix "G" to Report PED21035(a);
 - (v) the Commercial District Revitalization Grant Program Description attached as Appendix "H" to Report PED21035(a);
 - (vi) the Barton/Kenilworth Revitalization Grant Program Description attached as Appendix "I" to Report PED21035(a);
 - (vii) the Gore Building Improvement Grant Program Description attached as Appendix "J" to Report PED21035(a);
 - (viii) the Start-up and Office Tenant Attraction Program Description attached as Appendix "K" to Report PED21035(a);

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- (ix) the Commercial Vacancy Assistance Program Description attached as Appendix "L" to Report PED21035(a);
- (x) the Barton/Kenilworth Planning and Building Fees Rebate Program Description attached as Appendix "M" to Report PED21035(a).
- (h) That the Hamilton Heritage Property Grant Program Description, as a Program provided under Subsection 39(1) of the *Ontario Heritage Act* and attached as Appendix "N" to Report PED21035(a), be approved;
- (i) That the revised draft by-law to delegate authority to the General Manager of Planning and Economic Development for certain grant and loan programs, prepared in a form satisfactory to the City Solicitor and attached as Appendix "O" to Report PED21035(a), be enacted on such day that the By-law enacting the Revitalizing Hamilton's Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*.

EXECUTIVE SUMMARY

In 2020, staff initiated a review of the existing Downtown and Community Renewal Community Improvement Plan (DCR CIP) and its associated Financial Incentive Programs which was presented in detail via Report PED21035 as approved by Council on March 31, 2021. Staff's review concluded that the existing DCR CIP Financial Incentive Programs have leveraged significant private sector investment over the last five years in eligible strategic commercial districts and designated heritage properties and supported achievements including: a significant increase in the number of new residential and mixed use developments being constructed/planned; growth in the residential and non-residential assessment in eligible areas by approximately \$1.3 B (inclusive of growth and reassessment); an increase in the proportion of assessment growth across all eligible areas attributed to non-residential and mixed use developments as well as supporting nearly 250 physical Improvement Projects to various commercial and mixed use properties.

However, staff's review also identified key issues and concerns commonly raised through stakeholder consultation which highlighted the continued importance and need for Incentive Programs to sustain revitalization efforts going forward due to the continued presence of significantly under-utilized buildings/properties across the eligible areas 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/Council priorities not currently supported by existing programs including environmental sustainability and climate change, housing affordability and the potential for rising commercial vacancies

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as a result of the COVID-19 pandemic; issues that pose both short and long-term risks to sustained revitalization efforts in the eligible areas.

Staff's findings supported the continuation of the existing Programs with only minor changes along with the introduction of modifications that could further support the identified emerging community/Council priorities. These proposed modifications were presented via Report PED21035 which included a recommendation that staff bring forward the proposed amendments to a Planning Committee for a statutory public meeting in accordance with the *Planning Act*.

The modifications presented in Report PED21035 and which have been incorporated into the Revitalizing Hamilton's Commercial Districts Community Improvement Plan (RHCD CIP) and Community Improvement Project Area (RHCD CIPA) By-laws and associated Program Descriptions being recommended through this Report include:

- 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;
- 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;
- Extending commercial corridor focused incentive programs to include under-utilized, commercially zoned properties on Cannon Street between Emerald Street North and Wentworth Street North;
- Increasing flexibility respecting the location of new permanent outdoor patios/decks in order to be eligible for assistance under Property Improvement Grant Programs;
- Expanding the scope of the Office Attraction Program to include new incentives to attract start-up businesses and incubators to Hamilton;
- Minor updates to the Hamilton Heritage Property Grant Program to improve consistency and facilitate its future authorization under the *Ontario Heritage Act*; and,

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- Technical Program refinements to improve clarity, consistency and administration.

In addition, staff are also recommending the framework for a future tax increment-based Financial Incentive Program, the Downtown Entertainment Precinct Advancement (DEPA) Program, arising from Council's approval of recommendations contained in Report PED18168(g) regarding the advancement of private-sector funded improvements to downtown entertainment facilities including the FirstOntario Centre, FirstOntario Concert Hall and Hamilton Convention Centre. The DEPA Program would facilitate improvements by incentivizing private-sector redevelopment of specific, under-utilized City-owned properties within Downtown Hamilton and rebate a portion of the new municipal tax revenue generated to an applicant who has, as a condition of receiving a DEPA Grant, be required to undertake and fund improvements to the aforementioned downtown entertainment facilities.

Subsequent to Council's approval of Report PED21035 on March 31, 2021, staff directions/Motions of Council arose in the following months that required further amendments to be incorporated into the draft RHCD CIP and associated Program Descriptions including:

- A Council Motion approved June 23, 2021 respecting a Hamilton Light Rail Transit (LRT) Project Memorandum of Understanding in which staff were directed to eliminate the Hamilton Tax Increment Grant Program in Downtown Hamilton through the next incentive program review; and,
- A staff direction approved July 9, 2021 seeking policy revisions to existing programs to address the eligibility of property's subject to potential historical displacement of tenants and which was the subject of a subsequent recommendation Report PED21159 approved by Council September 15, 2021.

Amendments addressing the above matters have been incorporated into the draft RHCD CIP and associated Program Descriptions recommended through this Report and are further discussed in greater detail in the "Analysis and Rationale for Recommendations" Section.

The recommendations of this Report do not impact existing budget allocations to the Economic Development Division to administer the CIP and its programs and no additional funds are required.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Staff established a first principle that any proposed modifications arising from the review of the current DCR CIP 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.

Through Council's approval of the recommendations contained in Report PED21035 on March 31, 2021, reallocation of recently uncommitted funds from the former pilot Gore Building Improvement Grant Program Project to the new, temporary Commercial Vacancy Assistance Program have been approved.

The recommended Revitalizing Hamilton Tax Increment Grant Program will result in future program applicants receiving grants in an amount either less or more than what is provided under the current Hamilton Tax Increment Grant Program depending how the Subject Project addresses specific City priorities. This proposed grant increase/decrease does 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.

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 recommended RHCD CIP and its associated financial incentive program will continue to be administered by staff from the Commercial Districts and Small Business (CDSB) Section of the Economic Development Division with support from staff in various divisions including Building, Housing Services, Legal Services, Planning and Taxation/Finance.

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

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Legal: Under Section 28 of the *Planning Act*, municipalities with enabling policies in their official plans may adopt a Community Improvement Plan (CIP) for the purposes of providing grants and/or loans within a Community Improvement Project Area (CIPA) which would otherwise be prohibited under Subsection 106(2) of the *Municipal Act*. These grants and/or loans may be provided to the registered owner(s), assessed owner(s) or tenant(s) (or their respective assignees) of lands within a CIPA.

Municipal authorization for the establishment of a CIP is contained in Section 1.15 of the Urban Hamilton Official Plan (UHOP) and further referenced 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.

In accordance with the above, public notice of the statutory public meeting at which the RHCD CIP and RHCD CIPA was to be considered by Planning Committee was published in The Hamilton Spectator on September 3, 2021.

HISTORICAL BACKGROUND

In 2020, staff began a comprehensive review of the existing DCR CIP and its associated Financial Incentive Programs which have been part of the City’s revitalization efforts in commercial districts including Downtown Hamilton, the Community Downtown/Village Cores of Ancaster, Binbrook, Dundas, Stoney Creek and Waterdown, Business Improvement Areas (BIA), the Mount Hope/Airport Gateway, commercial corridors throughout the City’s urban area and heritage properties designated under Part IV or V of the *Ontario Heritage Act* located within the City’s municipal boundary (hereon collectively referenced as the “commercial district CIPAs”). 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, improve the appearance, functionality, marketability and usability/safety of existing commercial buildings and/or attracts tenants from targeted business sectors to locate within one or more of the areas in the commercial district CIPA.

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

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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 district CIPAs that are the subject of the DCR CIP's Programs; the continued relevance and effectiveness of current incentive programs in the commercial district CIPAs, 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/Council priorities which the DCR CIP and its programs could further support within the commercial district CIPAs.

Staff's findings were that the existing DCR CIP incentive programs have leveraged significant private sector investment over the last five years that have supported the continued revitalization of the commercial district CIPAs. Achievements included a significant increase in the number of new residential and mixed use developments being constructed/planned, 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. A fulsome discussion of staff's review and its outcomes was provided through Report PED21035 as approved by Council on March 31, 2021.

Although these accomplishments were significant and not to be understated, staff's review also identified key issues and concerns commonly raised 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 included 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/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.

As such, staff's findings supported the continuation of the existing programs with only minor changes. Furthermore, in response to the emerging community/Council priorities identified above, staff proposed modifications to the existing suite of incentive programs in order to provide greater support in terms of:

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- Promoting environmentally sustainable building/property improvements/developments through existing incentive programs 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;
- Better utilizing existing programs to further incentivize the incorporation of housing affordability in market-focused developments; and,
- Introducing limited-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.

These proposed program modifications were the subject of Report PED21035 and an associated staff presentation at the March 24, 2021 General Issues Committee and are further captured through this Report's "Analysis and Rational for Recommendations" Section. As part of Council's approval of the recommendations of Report PED21035 on March 31, 2021, staff were directed to bring forward the implementing RHCD CIP and RHCD CIPA By-laws and final Program Descriptions reflecting staff's proposed modifications to Planning Committee for a statutory public meeting in accordance with the *Planning Act*.

Subsequent to Council's approval of Report PED21035, staff directions/Motions of Council occurred in the following months that required further amendments to be incorporated into the draft RHCD CIP and associated Program Description including:

- A Council direction via Report PED18168(g) approved on June 9, 2021 respecting advancing improvements to downtown entertainment facilities including the FirstOntario Centre, FirstOntario Concert Hall and Hamilton Convention Centre to incorporate the "Downtown Entertainment Precinct Advancement Program" as part of the draft RHCD CIP;
- A Council Motion approved June 23, 2021 respecting a Hamilton Light Rail Transit (LRT) Project Memorandum of Understanding in which staff were directed to eliminate the Hamilton Tax Increment Grant Program in Downtown Hamilton through the next incentive program review; and,
- A direction approved July 9, 2021 seeking policy revisions to existing programs to address the eligibility of property's subject to potential historical displacement of tenants and which was the subject of a subsequent recommendation Report PED21159 approved by Council September 15, 2021.

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Amendments addressing each of the above matters is further discussed in greater detail in the “Analysis and Rationale for Recommendations” Section of this Report.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The RHCD CIP and its associated draft implementing by-law, contained in Appendix “A” and “C” to this Report respectively, establishes the supporting policy framework under which the City may provide financial incentives that will support the City’s goal of revitalizing strategic urban commercial districts, gateways and corridors by minimizing financial barriers to, and stimulating new private sector investment in, the development of under-utilized properties and/or to improve the appearance, functionality, marketability usability and/or safety of existing commercial and mixed use commercial buildings in these areas.

The RHCD CIPA implementing by-law, as contained in Appendix “B” to Report PED21035(a), establishes the geographic areas under which the RHCD CIP and its associated financial incentive programs may be provided to support the improvement of these areas.

Together, the draft by-laws contained in Appendix “B” and “C” to Report PED21035(a) fulfil legislated requirements under Section 28 of the *Planning Act* for the purposes of providing grants and/or loans to registered owner(s), assessed owner(s) or tenant(s) (or their respective assignees, where permitted).

The purpose and goals of the RHCD CIP are supported by Provincial and City planning policy including applicable sections of the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), the Urban Hamilton Official Plan (2013) and various City secondary plans. The RHCD CIP is further supported by the City’s 2016-2025 Corporate Strategic Plan and the most recent 2016-2020 Economic Development Action Plan as well its forthcoming successor. These supporting plans and policies are further detailed in Section 5.0 “Supporting Policy Framework” of the RHCD CIP contained in Appendix “A” to Report PED21035(a).

Appendices “D” through “M” of Report PED21035(a) contain individual program descriptions containing the detailed program terms, eligibility criteria and administrative processes which will be implemented via Council resolution as appendices to the RHCD CIP.

The RHCD CIP and RHCD CIPA By-laws and associated implementing Program Descriptions will come in to effect in accordance with subsection 28(4) of the *Planning Act* after the conclusion of the applicable appeal period. Any existing Program Applications which have not yet been approved by Council, or its designate, by the date

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the RHCD CIP By-law come into effect will become subject to the new RHCD CIP and the associated program descriptions.

The updated Hamilton Heritage Property Grant (HHPG) Program Description, contained in Appendix "N" to this Report, incorporates updates which are intended to facilitate the removal of this Program from the scope of the RHCD CIP and allow for its future authorization under Section 39(1) of the *Ontario Heritage Act* and associated City By-law 07-346. The Program Description also incorporates additional minor program refinements which are further discussed in the "Analysis and Rational for Recommendations" Section of this Report. Approval of the HHPG Program Description is recommended to occur in accordance with Section 39(1) of the *Ontario Heritage Act* and as such would come into effect upon Council's approval of this Report and its recommendations.

Appendix "O" to Report PED21035(a) contains a recommended updated Delegated Approval Authority By-law intended to replace the existing By-law 10-052, as amended, being a By-law to delegate authority to the General Manager of Planning and Economic Development (GM) for Financial Incentive Programs. The replacement By-law maintains the existing authority provided to the GM to approve grants/loans under the RHCD CIP's Programs valued under \$200,000 but adds additional delegated authority for the recommended new Commercial Vacancy Assistance Program as well as undertaking a variety of technical updates primarily with respect to updating the names of programs that the GM has existing delegated approval authority for.

RELEVANT CONSULTATION

As part of the review of the existing DCR CIP and its Programs, 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;

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- 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.

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.

Through Report PED21035, a staff provided a public presentation to the General Issues Committee on March 24, 2021 regarding the details and outcomes of staff’s review as well as an overview of proposed modifications being considered.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As described via Report PED21035, staff identified opportunities for modifications to the existing incentive programs that were informed by staff’s comprehensive review of the existing DCR CIP. A summary of the findings of this review is provided within the “Historical Background” section of this Report and further detailed in Report PED21035 as approved by Council March 31, 2021.

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The following is a detailed overview of the specific modifications and matters that have been incorporated into staff’s recommended RHCD CIP, RHCD CIPA By-laws and associated Program Descriptions being recommended through this Report. These modifications are described and grouped under the following subheadings:

- “Modifications proposed via Report PED21035” which have been carried forward and incorporated into the staff’s recommendations in this Report;
- “Modifications arising after Council Approval of PED21035 on March 31, 2021” and includes the introduction of the new Downtown Entertainment Precinct Advancement Program as per Council’s approval of recommendations contained in Report PED18168(g) on June 9, 2021 as well as minor updates to the Hamilton Heritage Property Grant Program; and,
- “Other Matters Addressed Through Report Recommendations” which includes discussion regarding potential residential tenant displacement and the limited continuation of the Gore Building Improvement Grant Program.

MODIFICATIONS PROPOSED VIA REPORT PED21035

- Revitalizing Hamilton’s Commercial Districts CIP (formerly the Downtown and Community Renewal CIP) (Appendix “A” and the associated implementing draft by-law contained in Appendix “C” to Report PED21035(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-conforming use may be eligible under a program; and,
 - 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" to Report PED21035(a)):
 - Minor adjustment of the Downtown Hamilton CIPA boundary to include a portion of lands within the CN Rail property between John Street North and Catharine Street North; and,
 - 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 "D" to Report PED21035(a)):
 - 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; and,
 - 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 "F" to Report PED21035(a)):
 - Introduction of changes to further incentivize improvements/developments that will address housing affordability and environmental sustainability and climate change priorities. As part of this recommendation, 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

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that not only generate an increase in municipal taxes, but which achieve one of the following:

- 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; and,
- 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 stated 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. Recommended 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 recommended program structure for a Project with a realized municipal property tax increment of \$100,000.

Table 2 – Example: \$100,000 Municipal Property Tax Increment

Year of Grant	Current Program	Proposed Program	
		Revitalization Projects	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

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Even though staff's recommendation 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 of 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 "H" to Report PED21035(a)):
 - The current Commercial Property Improvement Grant and Business Improvement Area Commercial Property Improvement Grant Programs are recommended 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 or 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 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 recommended 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

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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; and,
 - 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 "K" to Report PED21035(a)):
 - Staff are recommending 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 10% of their loan forgiven for every \$5,000 advanced (to a maximum of \$25,000 or other amount at the discretion of, and subject to approval by Council). This change 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;
 - Clarification that financial institution retail locations as well as medical clinics are not eligible under the Program; and,
 - Introduction of a one application per property limit.
 - Commercial Vacancy Assistance Program (new program) (Appendix "L" to Report PED21035(a)):

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

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recommending a new temporary grant program applicable to all commercial districts, gateways and corridors recommended as part of the RHCD CIPA 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 business locations including exploring/testing opportunities for new commercial businesses in the form of ‘pop-up’ retail/food 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 for tenants who commit to a lease term of between three and six months less a day, and \$10,000 for those with lease commitments of six months or longer. This Program would be available to authorized commercial tenants only.

This Program is recommended as a temporary two-year Program intended to address potential increases 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 has been allocated via the repurposing of existing Economic Development Division budget allocations approved by Council via Report PED21035 and discussed in the “Financial Implications” 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 recommended to be delegated to the General Manager of Planning and Economic Development (GM) in the same manner as the City’s existing commercial property improvement grant programs. This added delegated authority is included in a recommended updated delegated approval authority by-law contained in Appendix “O” to this Report that is intended to replace the existing By-law 10-052, as amended, being a By-law to delegate authority to the General Manager of Planning and Economic Development for Financial Incentive Programs.

- Technical/Administrative Updates

The following summary of technical/administrative program updates have been incorporated into the Program Descriptions contained in this Report - Appendices “D” through “M” (except “J”):

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- Updates to improve the consistency of language for Program terms across all programs;
- Refinement of Program names to better communicate Program objectives and support future marketing to the public;
- Providing greater clarity as to the minimum number of new residential units (10 units) which must be created to constitute a multi-residential development that could be eligible under the Downtown, Barton/Kenilworth Housing Opportunities Program (formerly the Hamilton Downtown, Barton and Kenilworth Multi-residential Property Investment Program); and,
- Additional language providing clarity of Council's ability to refuse applications or provide reduced grants for all or a portion of a development that 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.

MODIFICATIONS ARISING AFTER COUNCIL APPROVAL OF PED21035 ON MARCH 31, 2021:

- The Downtown Entertainment Precinct Advancement (DEPA) Program

Through Report PED18168(g), the framework for a future tax-increment based financial incentive program, the DEPA Program, was proposed in order to advance private-sector funded improvements to downtown entertainment facilities including the FirstOntario Centre, FirstOntario Concert Hall and Hamilton Convention Centre.

The DEPA Program would facilitate these improvements by incentivizing private-sector redevelopment of specific, under-utilized City-owned properties located within Downtown Hamilton. A portion of the new municipal tax revenue generated as a result of redevelopment would be rebated to the developer who, as a condition of eligibility under the DEPA Program, would also be required to have entered into a Master Agreement with the City to undertake and fund improvements to the aforementioned downtown entertainment facilities as a condition of receiving the DEPA Grant.

Properties on which the DEPA Program is intended to apply include 12 and 28 York Boulevard (an existing municipal parking garage), 14 Vine Street (an existing municipal surface parking lot) and 191 York Boulevard (an existing office building). Similar to all other Financial Incentive Programs described within this Report, the DEPA Program is required to be implemented via a CIP, in accordance with Section

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28 of the *Planning Act*, in order to enable the City’s providing grants to registered owners, assessed owners, tenants or to any person to whom the owner or tenant of the eligible property has assigned the right to receive a grant or loan for the improvement/development of an eligible property.

As such, staff were directed through Council’s approval of Report PED18168(g) recommendations to include the proposed framework for the DEPA Program as part of staff’s preparation of the RHCD CIP draft by-law.

The inclusion of the DEPA Program within the RHCD CIP is appropriate as the improvement/development of these under-utilized properties will support the goals and objectives of the RHCD CIP and because the properties which will be eligible for the DEPA program are already located within the boundaries of the Downtown Hamilton Commercial District CIPA that comprises part of the RHCD CIPA draft by-law being recommended via Appendix “B” to this Report.

The proposed term and corresponding value of grants to be provided under the DEPA program have been developed to provide a meaningful incentive to promote the redevelopment of eligible properties and to recognize the financial obligation the program requires of an applicant to undertake and fund improvements the downtown entertainment facilities. The DEPA program’s grant term and annual amounts as a percentage of the new municipal property taxes generated on each eligible property is outlined in Table 3 below:

Table 3 – DEPA Program Framework

Year of Grant	Maximum Annual Grant as a Percentage of Actual Municipal Property Tax Increment
1	100%
2	80%
3	60%
4	40%
5	20%
6-22 (inclusive)	39%
23-30 (inclusive)	35%

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Although included within the recommended RHCD CIP draft by-law, this Program will not be available for use or be open to applications until such time as the detailed program terms, eligibility criteria and administrative processes for the Program are developed and approved via a future Council resolution. At this time, staff are tentatively planning to bring these terms forward for Council consideration before the end of Q4 2021.

Once the DEPA Program is in effect, applications will be reviewed by staff for eligibility and brought forward to Council for consideration/approval.

- Hamilton Heritage Property Grant (HHPG) Program

As originally discussed in Report PED21035, the HHPG 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. *Ontario Heritage Act's* 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 staff proposed that the HHPG Program be removed from the recommended RHCD CIP and instead authorized via the *Ontario Heritage Act*. This recommendation will remove the existing duplication of authorizing legislation, provide greater clarity regarding applicable legislation for undertaking future program updates and allow for more efficient Program administration going forward.

To enable this change, staff have undertaken minor technical updates to the HHPG Program Description. Staff have also taken this opportunity to incorporate minor updates to the HHPG Program Description to ensure the Program terms and administrative practices reflect current practice and are consistent with other incentive programs offered by the City. The updated Program Description recommended for approval, and attached as Appendix "N" to this Report, includes the following updates:

- Providing added clarity that where an application is to be submitted for a designated building/property whose ownership structure is that of a condominium or co-operative, that individual unit owners are not eligible to apply and that applications to the program must be submitted by the Condominium Corporation or incorporated co-operative with the authorization of all registered unit owners;
- Providing clarification that the maximum eligible grant amount under the Program (\$150,000 + \$20,000 in eligible studies) can be obtained only once in a five-year period but that this maximum can be achieved through multiple applications or one application within this period; and,

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- Introducing the ability for staff to audit or require an independent review by a third-party qualified heritage consultant for estimated or actual costs and any supporting documents/studies, at the applicant's expense, to support staff's ability to determine eligibility of works in accordance with the purpose and terms of this Program.
- Barton/Kenilworth Planning and Building Fees Rebate (BKPBFRR) Program (Appendix "M" to Report PED21035(a))

Subsequent to PED21035, staff undertook a review of the existing BKPBFRR Program, which was created in 2016 in response to the outcomes of the Barton/Kenilworth Commercial Corridor Study. The Program provides rebates for fees paid to the City for certain Planning and Building applications within the Barton Village Commercial District CIPA, the Barton Street and Kenilworth Avenue North Strategic Commercial Corridor CIPAs and properties within the Downtown Hamilton Commercial District CIPA fronting on Barton Street East between James Street North and Victoria Avenue North. The intent of the Program is to promote the submission of applications to the City that will facilitate the redevelopment of under-utilized properties or facilitate the undertaking of works that will improve the maintenance, functionality, viability, accessibility and aesthetics of existing commercial, mixed use commercial, multi-residential or institutional use buildings in these areas.

Through a review of the existing Program Description by Economic Development Division and Legal Services staff, refinements to the terms of the Program were identified as being required in order ensure the Program terms, eligibility criteria and administrative processes are consistent with other programs. These refinements do not alter the intent/purpose of the Program and include the following:

- Clarification that the program is enabled through the RHCD CIP;
- The introduction of a maximum rebate amount of \$50,000 (\$25,000 for Planning Application fees and \$25,000 for Building Application fees) per Project;
- The introduction of a limit on the timing of applications under the Program such that applications to the BKPBFRR Program cannot be submitted more than six months after final approval of an eligible Planning Application or completion of an eligible Building Permit Application; and,
- Clarification that the eligibility of fees for Minor Variance Applications are eligible only where the supported by City Planning staff or at the discretion of the General Manager.

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These refinements have been incorporated into the recommended Program Description contained in Appendix "M" to this Report.

OTHER MATTERS ADDRESSED THROUGH REPORT RECOMMENDATIONS

- Potential Residential Tenant Displacement

On October 9, 2019 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 at such time as a Program Application is submitted to the City. These added measures came in to effect on January 1, 2020.

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. As such, all amendments approved through Report PED19178-HSC19052 have been maintained and included in the applicable updated Program Descriptions contained in the appendices to this Report.

On July 9, 2021 a subsequent staff direction was approved by Council seeking policy revisions to existing Programs to address the eligibility of applications for renovations to existing residential rental units at properties subject to potential historical displacement of tenants. In response, staff identified a series of further Program amendments that would apply to the same Programs amended via PED19178/HSC19052. These amendments would have the effect of removing from Program eligibility renovations to existing residential rental units except in certain limited circumstances. These amendments were presented via Report PED21159 with a recommendation that the amendments be incorporated into the draft RHCD and associated Program Descriptions. Report PED21159 was approved by Council September 15, 2021.

Accordingly, amendments identified in Report PED21159, have been incorporated into the draft RHCD CIP By-law contained in Appendix "A" and Appendix "C" as well as the applicable Program Descriptions contained in Appendices "D", "F", "G" and "I" to Report PED21035(a).

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- 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 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 the recommended RHCD CIP Implementing By-law contained in Appendix "C" of this Report. 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.

No changes have been made by staff to the Program's purpose as outlined in the RHCD CIP nor to the Program Description contained in Appendix "J" to this Report.

- Future Availability of the Revitalizing Hamilton Tax Increment Grant Program and Downtown and Barton/Kenilworth Housing Opportunities Program in Downtown Hamilton

Subsequent to staff's concluding of the comprehensive review of the DCR CIP via Council's approval of PED21035 on March 31, 2021, Council approved the following at the June 23, 2021 Council meeting in relation to a Motion respecting a Hamilton Light Rail Transit (LRT) Project Memorandum of Understanding:

"(d) That the Hamilton Tax Increment Grant Program be eliminated in downtown Hamilton through the next incentive program review, which is estimated to result in additional estimated savings of \$0.917 million annually for the City."

In response, staff have amended the recommended RHCD CIP and the associated implementing draft by-law, attached as Appendix "A" and "C" respectively to this Report, to include the following statement:

"In accordance with Council direction at its June 23, 2021 meeting, as part of the next scheduled review of the RHCD CIP, anticipated to commence in 2025, staff

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will present for a future Council's consideration a recommendation that the [Revitalizing Hamilton Tax Increment Grant Program and Downtown and Barton/Kenilworth Housing Opportunities Program] cease to be made available within the Downtown Hamilton CIPA taking into consideration progress/timing of the Hamilton Light Rail Transit (LRT) Project."

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.

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 PED21035(a) - Revitalizing Hamilton's Commercial Districts Community Improvement Plan
- Appendix "B" to Report PED21035(a) - Revitalizing Hamilton's Commercial Districts Community Improvement Project Area Draft By-law
- Appendix "C" to Report PED21035(a) - Revitalizing Hamilton's Commercial Districts Community Improvement Plan Draft By-law
- Appendix "D" to Report PED21035(a) - Program Description: Commercial District Housing Opportunities Program
- Appendix "E" to Report PED21035(a) - Program Description: Downtown and Barton/Kenilworth Housing Opportunities Program
- Appendix "F" to Report PED21035(a) - Program Description: Revitalizing Hamilton Tax Increment Grant Program
- Appendix "G" to Report PED21035(a) - Program Description: Barton/Kenilworth Tax Increment Grant Program
- Appendix "H" to Report PED21035(a) - Program Description: Commercial District Revitalization Grant Program

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- Appendix "I" to Report PED21035(a) - Program Description: Barton/Kenilworth Revitalization Grant Program
- Appendix "J" to Report PED21035(a) - Program Description: Gore Building Improvement Grant Program
- Appendix "K" to Report PED21035(a) - Program Description: Start-up and Office Tenant Attraction Program
- Appendix "L" to Report PED21035(a) - Program Description: Commercial Vacancy Assistance Program
- Appendix "M" to Report PED21035(a) - Program Description: Barton/Kenilworth Planning and Building Fees Rebate Program
- Appendix "N" to Report PED21035(a) - Program Description: Hamilton Heritage Property Grant Program
- Appendix "O" to Report PED21035(a) - Draft By-law to delegate authority to the General Manager of Planning and Economic Development for financial incentive programs

PC/jrb