

## **BUSINESS IMPROVEMENT AREA COMMERCIAL PROPERTY IMPROVEMENT GRANT PROGRAM**

### **PROGRAM DESCRIPTION**

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The Business Improvement Area Commercial Property Improvement Grant Program is intended to provide financial assistance for commercial property owners / authorized tenants within active\* City-wide Business Improvement Areas as identified within the Downtown and Community Renewal Community Improvement Project Area By-law. The Program aims to improve upon the appearance of commercial properties, support commercial property / business owners with limited rehabilitation of interior space and assist in creating a barrier free and accessible environment. It is understood that smaller scale commercial activities contribute greatly to the economic vitality and health of the commercial sector within the City of Hamilton. This Program seeks to build upon these successes, resulting in long lasting physical improvements to the assets of commercial property owners / authorized tenants, to assist business development within the commercial areas as defined by the Business Improvement Areas, and to broadly improve commerce within the entire City.

\*An active BIA is not considered dormant as defined by the Dormant Business Improvement Area Status Procedure as approved by City Council at its meeting held November 11, 2009.

### **PROGRAM TERMS**

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1. Commercial property owners / authorized tenants are eligible for a maximum grant per property 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 for each property). Exceptions may be made at the sole discretion of the General Manager of Planning and Economic Development if:
  - i) a new tenant / owner is occupying the property and applies for new signage; or
  - ii) the property has been damaged due to fire, vandalism or a natural disaster such as a flood, earthquake or hurricane.

Eligible items under the Program when a property has been damaged for one of the aforementioned reasons shall be capital costs only as follows:

**Façade Improvements:** windows, doors, storefronts, awnings, signage, surveillance cameras or other items deemed eligible at the sole discretion of the General Manager of Planning and Economic Development.

**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 property for interior improvements).

**Fees:** 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 construction.

**Ineligible items shall be:** business interruption expenses, equipment, sewer/drain repair and other items deemed ineligible at the sole discretion of the General Manager of Planning and Economic Development.

Assisting commercial property owners / authorized tenants to repair property damage due to fire, vandalism 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 under the CPIG that are not covered by their insurer due to the deductible amount or due to limits set by their insurance policy.

In recognition that a property owner / authorized tenant may have work completed within hours or days of the damage to the property for safety reasons or in order to prevent further damage to the property 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 property has been damaged due to fire, vandalism 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 to the property occurred. Completed works must meet the requirements of the City of Hamilton By-law 07-170 being a by-law to license and regulate various businesses 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 however if the glazing only is 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.

All grants are subject to the availability of funding.

Where funding is requested for property 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.
  - c) At the City's discretion, a police report may also be required.
2. Buildings that have a linear foot street frontage greater than twenty-five feet (25'), grants will be paid on a matching basis of \$400 per linear foot of street frontage up to a maximum of \$20,000 for eligible work under the Program.
  3. Buildings that have a linear foot street frontage of 25 feet or less, grant amounts will be paid on a matching basis to a maximum of \$10,000 for eligible work under the Program.
  4. As a further incentive for corner properties the City will increase the maximum grant amount to \$25,000, on a similar matching basis for eligible work under the Program to recognize the importance of flankage facades. The grant amount will be determined by the measurement of the street frontage and the measurement of the corner / exposed wall multiplied by \$400 per linear foot.
  5. Commercial properties are to be identified by municipal address to identify multiple and separate commercial units with separate ground floor street entrances.
  6. Commercial uses must be in conformity with applicable policy documents of the City including but not limited to Official Plans, the provisions of the applicable Zoning By-law and any other applicable City by-laws.
  7. Performance measures are to be applied to the payment of grants.

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 Department at (905) 546-2424 Ext. 2720.

An owner who is proposing to undertake the work and not hire a contractor may present an estimate based on material only.

Grants will be calculated based upon lowest cost estimate.

In the case where the applicant is the owner of a contracting company and wishes to utilize their company to undertake the improvements on their property, one (1) cost estimate from an arms-length contractor will also be required.

A Building Inspector will review all estimates provided for the purpose of ensuring competitiveness.

9. Restoration / conservation of heritage features on commercial properties designated under the *Ontario Heritage Act* are not eligible under this grant program, however, improvements other than those on heritage features are eligible subject to the approval of a City heritage permit. Commercial Districts and Small Business staff will work closely with Development Planning staff on all applications received that are designated under the *Ontario Heritage Act*.
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 Bylaws including the Ontario Building Code, Property Standards By-Law, Trade Licencing By-Law, Sign By-law etc.
11. Approval of the grant is at the sole discretion of the General Manager of Planning and Economic Development and subject to the availability of funds.
12. 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 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 Commercial Districts and Small Business Section.

14. 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.
15. 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.
16. An application fee of \$423.75 for grants greater than \$12,500, \$271.20 for grants less than or equal to \$12,500 but greater than \$5,000, and \$101.70 for grants \$5,000 or less, must be submitted at the time of application. The fee will be authorized through a by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council.
17. Approval of the grant application is at the absolute discretion of the City and subject to the availability of funds.
18. Without limiting the discretion as set out in paragraph 17 herein, the City, Council, may reject any application received from an applicant, whether or not an Applicant satisfies the requirements of the Program, 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.
19. Without limiting the discretion as set out in paragraph 17 herein, the 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.
20. 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 GM 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.
21. 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.

22. The grant 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 the tenant(s) of the property.

23. The grant 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.

### **ARTS COMPONENT:**

An additional matching grant to a maximum of \$10,000 may be available for artfully designed façade improvements or art pieces placed on private property that can be viewed by the public.

The applicant will provide an adequate brief and rendering of the proposed art piece.

A jury will be established and may comprise a selection of the following: Commercial Districts and Small Business Section, urban designer, Business Improvement Area member. The Director of Culture or representative will be on the jury.

The selection jury will review, evaluate and approve all proposed art projects.

The jury will reserve the right to deem what is eligible for funding under the arts component.

Note: Murals must be appropriate for public display; must not fall under the definition of a “sign”; and, must not be subject to royalty rights.

### **ELIGIBILITY REQUIREMENTS**

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- Property owners and authorized tenants are eligible;
- Property taxes must be paid current;
- The proposed work to be pre-inspected by the City Building Inspector;

- The improvements shall be in accordance with Property Standards and the Ontario Building Code and in compliance with all applicable City by-laws, official plans, zoning regulations, design guidelines and site plan approvals;
- Commercial properties must be located within one of the City's active Business Improvement Areas and be within the corresponding Community Improvement Project Area; and,
- Existing use must be in conformity with the applicable Zoning By-law regulations, and other relevant planning controls.

## **ELIGIBLE IMPROVEMENTS**

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### **Exterior Improvements:**

- Replacement or repairing of storefronts;
- Improvements / replacement to doors, cornices, parapets, soffit, fascia;
- Addition of new lighting and upgrading of existing fixtures, on exterior of the façade and within the storefront area normally associated with the display area;
- Awning replacements and / or additions;
- Brick repairs and / or pointing;
- Painting and façade treatments;
- Installation or improvement of signage (Signage must comply with Sign By-law 10-197);
- Barrier free entrance to property (ramps, doors and automatic door openers);
- Permanent landscape features only such as flagstone and natural stones / rocks, statuary, irrigation, containers ;
- Permanent Fencing;
- Front-yard decks / patios or side yard decks / patios that abut a street; and,
- Surveillance cameras affixed to the exterior of the property (must comply to the Fortification By-law 10-122).

### **Interior Improvements:**

**Note: The maximum grant for interior improvements is 50% of the maximum grant per property**

- Barrier-free washrooms;
- Ramps to access barrier-free washrooms;
- Interior signage to meet *Accessibility for Ontarians with Disabilities Act* (AODA) requirements;
- Commercial kitchen cooking exhaust / ventilation systems;

- Sprinkler systems; and,
- Widening of doors to meet AODA requirements.

**Fees:**

- Architectural, engineering, lawyer's, BCIN designer, building permit, site plan application, road occupancy permit, street occupancy permit and encroachment agreement application fees may be eligible for up to 100% of the cost to a maximum of \$3,000 per application as part of the total grant awarded for completed construction.

Other improvements deemed health, safety and accessible issues eligible at the sole discretion of the General Manager of Planning and Economic Development.

**In-Eligible:** (this list is not intended to be exclusive)

- Trees, shrubbery, perennials, annuals, soil, mulch, grass;
- Roofing (apart from mansard roofs above the eligible frontage);
- Sandblasting;
- Paving of parking lots;
- Interior furniture, display cases, equipment;
- Outdoor patio furniture; and,
- Tools.