



DRAFT Town of Whitby By-law # 8046-24

Downtown Whitby Community Improvement Plan

Being a By-law to Adopt a Community Improvement Plan for the Downtown Whitby Community Improvement Project Area.

Whereas pursuant to provisions of Section 28 of the Planning Act, R.S.O. 1990, as amended, Council passed By-law # 7422-18 to designate the Downtown Whitby Community Improvement Project Area; and,

Whereas pursuant to provisions of Section 28 of the Planning Act, R.S.O. 1990, as amended, Council may provide for the preparation of a plan suitable for adoption as a Community Improvement Plan for the Community Improvement Project Area; and,

Whereas such a plan has been prepared attached hereto as Schedule "A" and forming part of this by-law; and,

Whereas the Town of Whitby has consulted with the Ministry of Municipal Affairs and Housing in accordance with Section 28 of the Planning Act, R.S.O. 1990, as amended; and,

Whereas a public meeting was held on May 14, 2018 pursuant to the Planning Act, R.S.O. 1990 as amended, to hear submissions respecting the proposed Community Improvement Plan;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. Definitions

- 1.1. "development charge" means a charge with respect to local development charges as per the Town's Development Charges By-law, as amended from time to time.
- 1.2. "dwelling unit" means a dwelling comprised of a room or suite of rooms used or designated or intended for use by one (1) or more persons living together in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- 1.3. "gross floor area" means the total floor area on a site at the time the CIP By-law comes into full force and effect, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above grade; and for the purpose of this definition, in a mixed-use building the gross floor area of any area common to the residential and non-residential parts of such mixed-use building shall be allocated one-half to the residential part of the building and one-half to the non-residential part of the building;
- 1.4. "high density residential development" means an apartment dwelling of a minimum of four (4) storeys or containing more than sixty-five (65) dwelling units per net hectare;

- 1.5. “industrial” means a building or a portion thereof that is used or designed or intended to be used for:
- (a) manufacturing, producing, processing, warehousing, storage or distributing and includes a greenhouse;
 - (b) research or development in connection with manufacturing, producing or processing;
 - (c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales area at the site where the manufacturing, production, or processing takes place; or
 - (d) office or administrative purposes, if carried out with respect to manufacturing, producing, processing, warehousing, storage or distribution and in the building used for the manufacturing, producing, storage or distribution or attached to the building, but “industrial” shall not include “retail commercial” as defined in this by-law;
- 1.6. “institutional” means a building or a portion thereof that is used or designed or intended to be used by an organized body, society or religious group for promoting a public or non-profit purpose and shall include, without limiting the generality of the foregoing, a place of worship and a hospital;
- 1.7. “mixed use” means any land or building or portion thereof that is used or designed or intended to be used for both residential and non-residential uses;
- 1.8. “medical office” means, a building or portion thereof that is used or designed or intended to be used for professional offices by medical practitioners licensed by the College of Physicians and Surgeons of Ontario and ancillary facilities related to the delivery of services by medical practitioners;
- 1.9. “office” means a building or portion thereof that is used or designed or intended to be used for the practice of a profession, the carrying on of a business or occupation, or the conduct of a non-profit organization including the premises of a bank or other financial institution which are not a retail branch of that bank or other financial institution, but “office” shall not include “retail commercial” or “medical office”;
- 1.10. “retail commercial” means a building or a portion thereof that is used or designed or intended to be used for the sale or rental or offer for sale or rental of goods or services to the general public for consumption or use and shall include, but not be limited to:
- (a) ancillary facilities and uses of any kind that support or are related to the sale, rental or service use;
 - (b) restaurant uses;

- (c) hotel/motel uses;
- (d) storage or warehousing areas which are used, designed or intended to be used in connection with sales, service or rental areas;
- (e) warehouse clubs or similar uses;
- (f) self-storage units;
- (g) secure document storage;
- (h) a branch of a bank or other financial institution, (including credit unions), that offers banking services to consumers and businesses; and,
- (i) the sale or rental of goods or services where membership is a precondition to a person being able to acquire the goods or services at that place, but “retail commercial” shall not include office uses that are located in the same building.

2. Regulation

- 2.1. Calculation and payment of Development Charges shall be determined as per the Town’s Development Charges By-law as amended from time to time.

3. General

- 3.1. An owner or applicant under the Downtown Whitby Community Improvement Plan may only receive one Development Charge Grant even if they qualify for or apply for more than one.

4. Schedule(s)

- 4.1. That the Downtown Whitby Community Improvement Plan attached hereto as Schedule “A” is hereby adopted.

5. Repeal of Existing By-law

- 5.1. That By-law # 7827-21 being a By-law to adopt a Community Improvement Plan for the Downtown Whitby Community Improvement Project Area be repealed after this by-law comes into force and effect.

6. Effective Date

- 6.1. That the Downtown Whitby Community Improvement Plan be effective as of January 29, 2024.
- 6.2. This By-law expires on December 31, 2027.

- 6.3. The Town reserves the right to amend, cancel or alter the incentive programs described in Schedule “A” attached to and forming part of this by-law at any time.

By-law read and passed this 29th day of January, 2024.

Appendices

Appendix 1

Schedule ‘A’ - Downtown Whitby Community Improvement Plan

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk



Downtown Whitby Community Improvement Plan

June 2018

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Part A: Introduction and Background

Part A of this document contains introductory and background information, which do not form part of the Downtown Whitby Community Improvement Plan.

1.0 What is a Community Improvement Plan?

A Community Improvement Plan (CIP) seeks to address and provide support to the physical, social, economic or environmental matters of identified areas in a municipality.

Presently, municipalities in Ontario are using community improvement planning to address a range of challenges including the management of growth, the intensification of communities, employment opportunities, and accessibility enhancements.

Community improvement planning is used to benefit communities in the Province of Ontario by enabling municipalities to provide grants and loans to encourage private sector investment in target areas. The revitalization of communities through the implementation of CIPs can be used to promote and attract tourism, business investments, and economic development.

Community Improvement Plans have been effective in supporting and encouraging neighbourhood revitalization and commercial area improvement throughout the Province.

1.1 The “Toolbox” Approach to Community Improvement Plans

The “toolbox” approach is to enable a variety of incentives that can be used to target various types of desired development in specific locations, subject to Council approval of implementation guidelines and budget approval for each program.

One, some or all of the incentive programs in the toolbox can be activated, modified, or terminated based on Council approval of detailed Implementation Guidelines for each of the programs and for the municipal investment allocation for each program (as applicable) through the budget approval process.

The approval of Implementation Guidelines based on the toolbox made available in the CIP does not require an amendment to the CIP. However, the introduction of new programs not included in the “toolbox” would require an amendment to the CIP and associated public process in accordance with the Planning Act.

2.0 Legislative Authority and Policy Framework

2.1 Legislative Authority

The Planning Act and the Municipal Act, provides municipalities the authority to prepare Community Improvement Plans. The following subsection provides an overview of the legislation, as it relates to municipalities and Community Improvement Plans.

2.1.1 Planning Act

Section 28(1) of the Planning Act defines **Community Improvement** as “the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, of a Community Improvement Project Area”.

A **Community Improvement Project Area** is defined as a “municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.”

Section 28 of the Planning Act requires that municipalities must have provisions within the Official Plan relating to community improvement, in order to designate a Community Improvement Project Area by By-law and prepare and adopt a Community Improvement Plan. The passing of the By-law and the programs provided through the Community Improvement Plan require approval from Council.

Once the Community Improvement Plan has been adopted by the municipality and comes into effect, the municipality may exercise authority under Section 28 of the Planning Act or Section 365.1 of the Municipal Act, 2001.

For example, Section 28 of the Planning Act informs that once a Community Improvement Plan comes into effect, the 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 the municipality;
- Sell, lease or dispose of any lands and buildings acquired or held by the municipality;
- Make grants or loans to owners and tenants of land and buildings within the community improvement project area to pay for the whole or any part of the eligible costs of the community improvement plan (s 28(7)).

Section 28 (7.1) of the Planning Act specifies that the eligible costs of a Community Improvement Plan for the purposes of Subsection 28(7) may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.

Section 28 (7.3) of the Planning Act states that the total of the grants, loans, and tax assistance made for a property and its buildings shall not exceed the eligible cost of the Community Improvement Plan with respect to those lands and buildings.

Section 28 (10) of the Planning Act specifies that as conditions of sale, no land acquired and no building constructed by the municipality in the Community Improvement Project Area shall be sold, leased or otherwise disposed of unless a written agreement is entered into with the municipality that the person will keep and maintain the land and building in conformity with the Community Improvement Plan.

2.1.2 Municipal Act

Section 106 of the Municipal Act, 2001 prohibits municipalities from assisting any manufacturing, industrial or commercial businesses either directly or indirectly through the granting of bonuses. Prohibited actions include:

- giving or lending money or municipal property;
- guaranteeing borrowing;
- leasing or selling any municipal property at below fair market value; and
- giving a total or partial exemption from any levy, charge or fee.

The Municipal Act (Section 106(3)) does provide exceptions to this rule for municipalities using powers under Section 28 of the Planning Act or Section 365 of the Municipal Act which authorizes lower-tier municipalities, to promote the land within the municipality for any purpose.

Section 365.1 of the Municipal Act, 2001 allows municipalities to pass a by-law providing tax assistance to an eligible property in the form of a deferral or cancellation of part or all of the taxes levied on that property for municipal and education purposes during the rehabilitation period and development period of the property. A municipality with an approved Community Improvement Plan in place that contains provisions specifying tax assistance will be permitted to provide said tax assistance for municipal purposes.

2.1.3 Development Charges Act

Section 5 of the Development Charges Act allows a municipality to exempt a type(s) of development from a development charge, but any resulting shortfall in the municipality's development charge reserve fund cannot be made up through higher development charges for other types of development. This allows upper and lower tier municipalities to offer partial or total exemption from municipal development charges in order to promote community improvement such as downtown/mixed use area redevelopment. This financial incentive is normally offered before construction (i.e. at the time of building permit issuance) and is considered a very powerful community improvement tool.

2.1.4 Ontario Heritage Act

The Ontario Heritage Act came into effect in 1975 and was developed to provide municipalities and the provincial government with powers to preserve the cultural

heritage resources of Ontario. The purpose and focus of the Ontario Heritage Act is to protect heritage properties and archaeological sites in Ontario. Properties of significant heritage value are designated Under Part IV (individual designation), Part V (Heritage conservation district designation) or listed on the municipal Heritage Register. Downtown Whitby has numerous properties that are designated, listed and protected by the Ontario Heritage Act.

The CIP considers incentives to support the conservation and rehabilitation of Downtown Whitby's cultural heritage resources.

2.1.5 Accessibility for Ontarians with Disabilities Act

The Accessibility for Ontarians with Disabilities Act (AODA) is legislation that was passed in 2005 and serves to identify, remove and prevent barriers for persons with disabilities. The AODA applies to both public and private sector organizations in Ontario with one and/or more employees that provide services, goods and facilities.

The Town of Whitby may provide incentives through the Community Improvement Plan that will help improve accessibility in Downtown Whitby.

2.2 Provincial Policy Statement

The Planning Act authorizes the issuance of policy statements on matters of municipal planning which are of provincial interest. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 3(5) of the Planning Act requires that "decisions affecting planning matters shall be consistent with policy statements issued under the Act." Therefore, the Downtown Whitby CIP must be consistent with the PPS.

The stated vision of the PPS is to maintain strong communities, a clean and healthy environment and a strong economy. The PPS does not make specific reference to Community Improvement Plans, but it is premised in the wise management of growth through:

- Efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (Section 1.1.1);
- A range of uses and opportunities for intensification and redevelopment (Section 1.1.3.3);
- An appropriate range of housing types and densities that support alternative transportation modes (Section 1.4.3);
- Maintaining where possible, enhancing the vitality and viability of downtowns and mainstreets (Section 1.7.1);
- Encouraging a sense of place through built form and cultural heritage (Section 1.7.1); and
- Encouraging the conservation of significant heritage resources (Section 2.6.1).

The Downtown Whitby CIP has been designed to support and promote these and other key provincial policy directions contained in the PPS.

2.3 Places to Grow – the Growth Plan for the Greater Golden Horseshoe

The Growth Plan is intended to help municipalities located within the Greater Golden Horseshoe, plan for growth in a more sustainable manner, and contribute to the creation of more liveable, healthy communities. Municipal planning instruments are required to conform to the Growth Plan at both the Regional and Area Municipal levels.

The Growth Plan provides the following guiding principles (Section 1.2.1):

- Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime;
- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability;
- Provide flexibility to capitalize on new economic and employment opportunities;
- Support a range and mix of housing options, including second units and affordable housing to serve all sizes, incomes and ages of households; and
- Conserve and promote cultural heritage resources to support the social, economic and cultural well-being of communities.

The Downtown Whitby CIP helps to support the policy direction of the Growth Plan by providing various incentives to realize land use planning goals.

2.4 Region of Durham Official Plan

The Region of Durham Official Plan (ROP) provides broad policy direction for the entire Region which is further implemented in lower-tier Official Plans. Section 14.4 of the ROP provides policies related to Community Improvement Plans.

The ROP provides for Regional CIPs to address the following:

- a) Affordable housing;
- b) Infrastructure within the Region’s jurisdiction;
- c) Land and buildings within and adjacent to existing or planned transit corridors that have the potential to provide higher density mixed-use development; and
- d) Other matters the Province may prescribe in accordance with the Planning Act.

The ROP also recognizes that area municipalities may adopt Community Improvement Plans in accordance with the Planning Act, to stimulate the re-use, revitalization, redevelopment and rehabilitation of Urban Areas, based on local needs and priorities.

To assist in the implementation of area municipal Community Improvement Plans, the region has adopted a Revitalization Program to guide how the Region may participate financially, or otherwise, in area municipal Community Improvement Plans.

2.4.1 Regional Revitalization Program

The Regional Revitalization Program (RRP) supports municipal CIP projects that advance the goals of the ROP and achieve positive economic and community objectives. The RRP was created to provide financial support to appropriate development and intensification projects that otherwise would not be initiated without municipal financial assistance.

The RRP targets new CIP projects as recommended and supported by the area municipality. Eligible projects must entail significant and substantial revitalization and/or development. Projects involving façade improvements, streetscaping, etc. are not eligible under the RRP. Area municipalities must provide significant financial contributions to the project and Regional financial assistance cannot be greater than the area municipalities' financial contribution.

2.5 Town of Whitby Official Plan

Section 6.3.3 of the Official Plan (OP), as amended by Official Plan Amendment (OPA) 105, provides policies related to the establishment of Community Improvement Plans. The goal of Community Improvement is to provide for ongoing maintenance, improvement, rehabilitation and upgrading of the Municipality's residential, commercial, industrial and mixed use areas in a manner which is integrated into the overall planning and development of the Municipality (Section 6.3.1.1).

The objectives of a Community Improvement are (Section 6.3.2):

- To retain the existing building stock in a safe and attractive form in compliance with the provisions of the Property Standards By-law;
- To maximize the efficient use of the existing public infrastructure and improve or provide new public infrastructure where deficiencies or deteriorating conditions exist;
- To provide additional public services, amenities and utilities in existing development areas where deficiencies exist;
- To preserve and enhance the viability of existing residential, commercial, industrial and mixed use areas;
- To provide a range of incentive programs to encourage, support and assist with improvements to private property;
- To encourage the rehabilitation and redevelopment of brownfield properties; and
- To maximize the use of municipal investment and participation in programs of various levels of government and other agencies that facilitate community improvement.

Section 6.3.3.6 identifies that community improvement projects areas may be designated by By-law for any and all lands within a Community Improvement Area. Community Improvement Plans for designated community project areas are to address matters such as:

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- a) The acquisition and development of land for parks, open space, recreational or community uses;
- b) Actions and programs related to aesthetic improvements such as landscaping, street furniture and lighting;
- c) Actions and programs related to the upgrading of infrastructure such as roads, sidewalks, storm sewers, water and wastewater services and telecommunications;
- d) Incentive programs for improvements and redevelopment of private property which criteria identified in the Plan;
- e) Opportunities to promote sustainable development and energy efficiency;
- f) Opportunities for pre-zoning lands or for the use of bonusing to facilitate redevelopment;
- g) Any other improvements or programs deemed appropriate.

Schedule “E” of the Official Plan identifies Downtown Whitby as Community Improvement Area A.

Section 6.3.4 provides further direction for the implementation of Community Improvement Plans, including:

- The designation by By-law, of Community Improvement Project Areas within the Community Improvement Areas identified on Schedule “E” and the preparation, adoption and implementation of Community Improvement Plans identifying community improvement projects and programs;
- Participation in funding programs with other levels of government to assist in the implementation of policies and programs to encourage the general rehabilitation of Community Improvement Areas; and
- The establishment and promotion of municipal incentive programs to provide financial assistance to property owners for improving their properties in accordance with the objectives of this Plan including through provisions in the Development Charges By-law and any other applicable municipal by-law.

2.5.1 Downtown Whitby Secondary Plan

The Downtown Whitby Secondary Plan (Section 11.3) provides further integrated development policies for commercial, residential, institutional, cultural and recreational uses that will enhance the Downtown’s role as a focal point and source of identity for the entire municipality.

Section 11.3.2 outlines the Objectives of the Secondary Plan as follows:

- To provide for a pedestrian-oriented, compact, commercial core offering a full range of retail and personal service uses which emphasize human scale and the historic and social aspects of the core;

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- To provide for a strong residential component with a variety of housing types to complement and support the commercial core and to encourage affordable housing through intensification and/or redevelopment;
- To provide for a balance between higher density residential redevelopment and the preservation of existing, stable, residential areas;
- To preserve buildings of architectural and historical significance and encourage their rehabilitation where necessary;
- To provide for the efficient movement of both through traffic and local traffic that will minimize traffic congestion in the Downtown; and
- To provide sufficient sewer and water servicing to accommodate the level of development proposed as efficiently as possible.

The Downtown Whitby CIP incentive programs provide opportunities to encourage more compact built form, while conserving the historical and cultural attributes of the neighbourhood.

2.6 Downtown Whitby Action Plan

Town of Whitby Council adopted the Downtown Whitby Action Plan in 2016 which provided a vision, objectives and a set of action items to engage stakeholders and the community in downtown renewal initiatives.

The Vision of the Action Plan is as follows:

“Downtown Whitby is a vibrant, viable, innovative and walkable urban destination that engages and inspires people to shop, live, work, play and connect.”

Action Item 1.1 of the Downtown Whitby Action Plan seeks to: “update the Downtown Whitby Community Improvement Plan (CIP) with improved financial incentives for development/redevelopment projects including expanding the CIP boundaries”.

Therefore, this CIP document supports the vision and one of the action items of the Downtown Whitby Action Plan.

Part B: Downtown Whitby Community Improvement Plan

This document sets the purpose, goal and objectives of the CIP, establishes the Community Improvement Project Area and general program requirements. It also establishes or enables the “toolbox” of potential incentive programs. These programs are only activated upon approval by Council of specific Program Implementation Guidelines (Appendix C) and corresponding budget. The Implementation Guidelines are a companion document and include the program specific details and application process.

The CIP also outlines how the CIP will be implemented through a marketing program and monitoring criteria in order to gauge success and provide Council with a sound basis for making decisions on the activation and deactivation/termination of incentive programs. Changes to this plan or an expansion of the Community Improvement Project Area will require an amendment in accordance with Planning Act requirements and Council approval.

3.0 Downtown Whitby Community Improvement Plan

3.1 Purpose of the Community Improvement Plan

The purpose of the Downtown Whitby Community Improvement Plan (CIP) is to help achieve the vision of the Whitby Official Plan and the Downtown Whitby Action Plan by establishing programs that link land use planning with financial and other incentives to act as catalyst to spur new development and redevelopment in Downtown Whitby. The CIP enables Council to provide such incentives so as to direct support to those projects that best meet the needs for revitalization and conservation efforts.

The CIP aligns with new policy direction provided at the Provincial, Regional and local levels and does the following:

- Outline the goal and objectives of the CIP;
- Outline the Community Improvement Project Area;
- Create flexibility through the plan structure inclusive of using the “toolbox” approach for incentive programs. Council can activate one, some or all of the incentive programs in the toolbox based on the detailed Implementation Guidelines for each of the programs and for the municipal investment allocation for each program (as applicable) through the budget approval process. This approach can also be used to apply assistance where needed in a targeted manner;
- Outline the implementation, marketing and monitoring strategies; and
- Implement policies of the Provincial Policy Statement, Growth Plan, Region of Durham Official Plan, Town of Whitby Official Plan, Downtown Whitby Secondary Plan, and the Downtown Whitby Action Plan.

The addition of any new programs to this Plan, or an expansion of the Community Improvement Project Area requires a formal amendment to this Plan in accordance with Section 28 of the Planning Act.

3.2 Goal of the Community Improvement Plan

The goal of the Downtown Whitby Community Improvement Plan is to transform Downtown Whitby into a dynamic social and cultural district by incentivizing new positive downtown developments and investing in Whitby’s historic commercial core. The goal of the CIP aligns with the policies in the Town’s Official Plan, Downtown Whitby Secondary Plan and the Vision of the Downtown Whitby Action Plan.

3.3 Objectives

The objectives of the Downtown Whitby Community Improvement Plan are to:

- Encourage the retention, restoration and protection of the existing cultural heritage resources in a safe and attractive form;
- Increase the population in Downtown Whitby to support the commercial core;
- Develop more office and mixed use buildings in Downtown Whitby;

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- Redevelop under-utilized and/or vacant land in Downtown Whitby to achieve intensification targets and increase the liveability of the Downtown;
- Bring more people and visitors to enjoy Downtown Whitby as a destination;
- Support internal and external building upgrades and restoration;
- Upgrade and enhance business signage throughout the Downtown to compliment the heritage character of the area;
- Remove barriers and increase accessibility to support all user groups;
- Maximize the efficient use of the existing public infrastructure;
- Preserve and enhance the viability of existing commercial and employment areas;
- Balance heritage conservation with development/redevelopment at key sites;
- Maximize the use of funding from various levels of government;
- Provide additional public services and amenities in existing developed areas;
- Provide a range of incentive programs to encourage, support and assist with improvements to private property; and
- Demonstrate municipal leadership and commitment to community improvement.

3.4 Community Improvement Project Area

The intersection of Brock Street and Dundas Street, also known as the Four Corners, marks the historic downtown core of Whitby. The Community Improvement Project Area (CIPA) is centred at this intersection extending to the CP Railway in the north, Highway 401 in the south, Garden Street in the east and Cochrane Street in the west.

A priority area referred to as the “Historic Downtown Whitby Priority Area” is inclusive of the commercially zoned properties within the larger CIPA bounded by John Street in the north, Ontario Street in the south, Hickory Street in the east and Henry Street in the west.

As part of the CIP, eligibility of the incentive programs apply to the both the larger Community Improvement Project Area (Appendix A) and the Historic Downtown Whitby Priority Area (Appendix B).

3.5 The Toolbox of Incentives

This CIP provides a “toolbox” of incentives that can be used to promote the development goals of the CIP. The “toolbox” comprises the following types of incentives:

- Development Charge (DC) Full or Partial Exemption;
- Cash-in-Lieu (CIL) of Parking;
- Tax Increment Equivalent Grant (TIEG);
- Façade Improvement Grant / Design Grant;

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- Sign Grant; and
- Interior Heritage Building Grant.

The DC Full or Partial Exemption, CIL of Parking, and Façade Improvement Grant represent improvement, continuation, and/or expansion of previously existing incentives. The Sign Grant, Interior Heritage Building Grant and TIEG are new incentives which have been added to the CIP.

The Toolbox of Incentives and the Development Lifecycle

The incentives in the toolbox apply to different periods in the development lifecycle, in order to address the CIP goal and objectives across the lifespan of individual developments and properties within the Community Improvement Project Area (CIPA):

- During the Development and Redevelopment planning stage, eligible developments may make use of the DC Full or Partial Exemption and CIL of Parking incentives to promote new development;
- Following development and reassessment, eligible developments may be able to get TIEGs to offset increased assessment valuation and taxation costs and support uses which address CIP goals. Eligibility of this program would be evaluated at the time of Site Plan Review; and
- Existing buildings may be eligible to make use of Façade Improvement Grants, Sign Grants, and Interior Heritage Building Grants to promote beautification and maintenance of existing building stock.

A conceptual model of a typical development lifecycle is shown below, laying out how the incentives could apply at different times in the development.

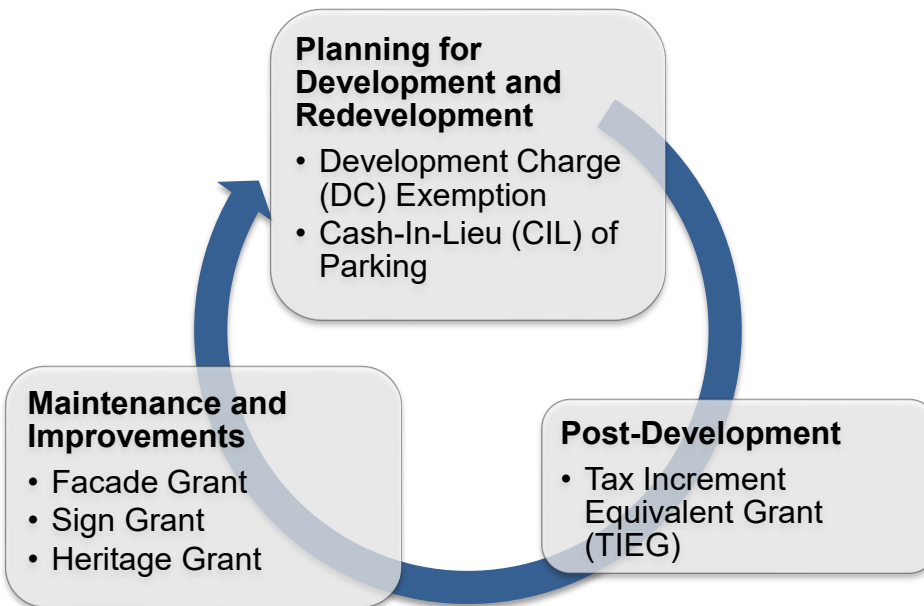


Figure 1: Development Lifecycle and the Toolbox of Incentives

It is intended that the toolbox of incentives will support the goal and objectives of the CIP by encouraging private investment throughout the lifecycle of eligible developments within the CIPA.

Implementation Guidelines (Appendix C)

Each incentive program may be activated, modified, or terminated by Council through the approval, revision or revocation of Implementation Guidelines. Implementation Guidelines will deal with matters such as a description of the incentive, evaluation criteria, municipal investment, and the application process and may differ for projects inside or outside of the identified Historic Downtown Whitby Priority Area.

The general eligibility criteria and a general description of each incentive are included in the next sections. It is noted that the municipal investment is distributed throughout the toolbox of incentives which is further detailed in the applicable Implementation Guidelines.

Applicants may apply for more than one incentive program for the same project, but individual program applications shall be completed and evaluated separately. The total investment of all grants, incentives and/or tax assistance provided in respect of a single project in this CIP shall not exceed the eligible cost of the project. For more information about the municipal investment for each program, eligibility criteria and the approval process, please see the Implementation Guidelines outlined in Appendix C for each program (as applicable).

3.5.1 General Eligibility Criteria

The general eligibility criteria for participation in the CIP programs are as follows:

- a) The incentive programs are only available for properties within the established Community Improvement Project Area (CIPA) as outlined in Appendix A to this Plan.
- b) A completed application form, as applicable, for any of the incentive programs must be submitted to the Town prior to any work being commenced to which the incentive applies or as stipulated in the Implementation Guidelines for the program.
- c) If the applicant is not the registered owner of the property, the applicant must provide written consent from the owner of the property to make the application.
- d) An application for incentive programs must include plans, drawings, estimates, contracts, reports and other relevant information applicable to the project as required by the Town in order to fulfill the CIP goal and objectives.
- e) The land uses and development must be in conformity with applicable policies and provisions of the Whitby Official Plan, Downtown Whitby Secondary Plan, the Zoning By-law and any other requirements and approvals at the local, regional or provincial level.

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- f) All improvements made to buildings and/or land shall be made pursuant to a Site Plan, Building Permit and/or other required permits, and constructed in accordance with the Ontario Building Code and other codes and/or standards as required.
- g) Property owners who are in arrears of property taxes or who have outstanding liens against the property are not eligible to receive any of the incentive programs offered through this CIP, until such time as all taxes owing are paid or cancelled, and all liens lifted.
- h) Where other sources of government and/or non-profit organization funding (Federal, Provincial, Regional, Municipal etc.) that can be applied against the eligible costs are anticipated or have been secured, these must be declared as part of the application. Accordingly, the amount of the incentive provided by the Town may be reduced on a pro-rated basis.

In addition to the general eligibility criteria outlined in the CIP, each incentive program may have specific requirements that must be met as established in the Implementation Guidelines. Each program contained in the CIP is considered active if detailed Implementation Guidelines and a budget allocation (as applicable) are approved by Council.

The following conditions shall be considered as part of the CIP application process:

- The applicant may be required to enter into an Agreement with the Town which will specify the terms, conditions, duration and default provisions of the incentive to be provided.
- Outstanding work orders, and/or orders or requests to comply, and/or charges from the Town must be satisfactorily addressed prior to grant and/or loan approval/payment.
- The Town reserves the right to audit the cost of any and all works that have been approved under any of the incentive programs, at the cost of the applicant.
- Town staff may inspect any property that is subject of an application for any of the incentive programs offered by the Town.
- The Town may discontinue any of the programs contained in this CIP at any time, but applicants with approved grants and/or incentives will still receive said grant and/or incentive, subject to meeting the general and program specific requirements.
- The Town is not responsible for any costs incurred by an applicant in relation to any of the programs contained in this CIP, including without limitation, costs incurred in the preparation and submission of applications, and/or in anticipation of a grant/incentive.

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- All works completed must comply with the description of the works as provided in the application form and contained in the Agreement, with any amendments as approved by the Town.
- The Town reserves the right to nullify any program application(s) which has been approved but which doesn't result in any building activity within 1 year of the issuance of a Building Permit. Extensions of this timeframe may be permitted provided an extension of the Building Permit is also granted.
- The CIP is not to be applied retroactively to developments that have already occurred, unless otherwise previously committed by Council. The incentive programs apply to new qualifying developments following the implementation of the CIP By-law and approval of the Implementation Guidelines for applicable incentives.

3.5.2 Development Charge Full of Partial Exemption

Intent

The intent of the Program is to promote catalyst projects within the Community Improvement Project Area (CIPA) by increasing the financial feasibility of eligible developments. This program would effectively provide a full or partial exemption (grant-in-lieu) on the local Development Charges payable for eligible developments.

Description

Development Charges are fees collected by municipalities and other levels of government to help pay for the cost of infrastructure that comes with growth such as roads, transit, water, sewers, community centres, fire and police facilities. A major cost associated with new development is the payment of applicable development charges at the time of building permit issuance. In the Town of Whitby, development charges are payable to the Town of Whitby, Region of Durham and local school boards.

The Program would provide a full or partial exemption (grant-in-lieu) from a portion of Town's development charges for eligible developments within the CIPA. The relief may take the form of an exemption or a grant-in-lieu of DCs paid, subject to the details of the Implementation Guidelines

Eligibility

All development and redevelopment within the CIPA may be eligible for the program, subject to meeting detailed requirements in the Implementation Guidelines. The value of the incentive may be calculated based on meeting certain performance criteria as set out in the Implementation Guidelines.

It should be noted that the total value of grants and other incentives cannot exceed eligible costs as per the requirements of the Planning Act.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire Plan envelope on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions.

The program is expected to be implemented in conjunction with the Development Charge review process.

3.5.3 Cash-in-Lieu of Parking

Intent

The intent of the Program is to encourage a higher intensity of non-residential development in the CIPA, with the understanding that much of the required parking for customers and employees will not be able to be provided on the same property. It is intended also to provide a source of funding for the development of higher-capacity Town-owned parking facilities within Downtown Whitby.

Description

This program would reduce the applicable cash-in-lieu of parking rate for eligible non-residential developments in the CIPA.

Cash-in-lieu of parking may be collected when parking cannot be acquired on site or if another acceptable site cannot be obtained. Given the historic nature of Downtown Whitby and existing site constraints at some locations, cash-in-lieu of parking may help to incentivize non-residential development in the CIPA.

Eligibility

All non-residential developments may be eligible for a reduced rate, subject to meeting detailed requirements in the Implementation Guidelines. This may include where the provision of the required number of parking spots is considered not feasible and/or not desirable for the character of the CIPA. The Implementation Guidelines may also set a maximum number of parking spaces which may be eligible on a per-development or area-specific basis.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire CIPA on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The Program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions. The guidelines may rely on or be developed concurrently with a Parking Study to determine the appropriate provisions of the Program.

3.5.4 Tax Increment Equivalent Grant (TIEG)

Intent

The intent of the Program is to promote the desired type of redevelopment and rehabilitation within the CIPA by increasing the financial feasibility of eligible developments. This program would effectively rebate a portion of the property tax increase for a period of time following development and reassessment of eligible non-residential projects.

Description

Property improvement through redevelopment is expected to result in an increased assessment of the value of the property. The TIEG program would provide a rebate equal to a portion of the increase in municipal taxes of non-residential development resulting from the increased reassessment (known as the Tax Increment). The rebate amount is fixed following the reassessment of the property by the Municipal Property Assessment Corporation (MPAC). At the end of the TIEG period, the property owner would continue to pay the full tax amount, but receive no further rebates.

Eligibility

All non-residential development and redevelopment within the CIPA may be eligible for the Program, subject to meeting detailed requirements in the Implementation Guidelines.

It should be noted that the total value of grants and other incentives cannot exceed eligible costs as per the requirements of the Planning Act.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire Plan envelope on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions.

3.5.5 Façade Improvement and Design Grant Program

Intent

The intent of the Program is to stimulate commercial/institutional façade improvements within the CIPA to enhance the aesthetic quality and character of the area, including the heritage character of the Historic Downtown Whitby Priority Area.

Description

The Program would provide financial assistance to eligible owners and/or tenants of non-residential and mixed-use buildings within the CIPA to partially offset the costs of façade maintenance, restoration, improvements and/or design work.

Grant amounts may vary within the CIPA, Historic Downtown Whitby Priority Area and/or for designated properties under the Ontario Heritage Act.

- Designated Heritage Properties – are cultural heritage resources designated under Part IV (individual designation) or Part V (heritage conservation district designation) of the Ontario Heritage Act.

This is intended to also include improvements to enhance the accessibility of eligible properties and provide design assistance associated with building improvements.

Eligibility

All non-residential and mixed-use buildings in the CIPA may be eligible, subject to meeting detailed requirements in the Implementation Guidelines.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire CIPA on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The Program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions.

3.5.6 Sign Grant Program

Intent

The intent of the Program is to stimulate commercial/institutional signage improvements within the CIPA to enhance the historic look of Downtown Whitby, and to improve wayfinding and accessibility for both pedestrians and motorists.

Description

The Program would provide financial assistance to eligible owners and/or tenants of non-residential and mixed-use buildings within the CIPA to partially offset the costs of maintenance, restoration, and improvements of signage and associated elements.

Eligibility

All non-residential and mixed-use buildings in the CIPA may be eligible, subject to meeting detailed requirements in the Implementation Guidelines.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire CIPA on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The Program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions. Council may update the Heritage Sign Guidelines as a part of the requirements of the Program.

3.5.7 Interior Heritage Building Grant

Intent

The intent of the Program is to encourage the protection, enhancement and safety of Downtown Whitby's built heritage assets, as they contribute to the heritage character and economic vitality of the area. This is particularly important as many of the Town's heritage properties are within the CIPA. This includes bringing existing heritage properties to current Building Code requirements, Fire Code requirements, and Accessibility requirements to improve the functionality, resilience, marketability and aesthetic value of the Downtown Whitby building stock.

Description

The Program would provide financial assistance to owners and/or tenants of eligible non-residential and mixed-use buildings within the CIPA to partially offset the costs of eligible interior building improvements.

This grant applies to interior renovations to listed and designated properties that are commercially and institutionally zoned and located in the CIPA. In accordance with requirements of the Ontario Heritage Act, the Town of Whitby has identified listed and designated heritage properties as follows:

- Listed Heritage Properties: non-designated properties that have been identified by Council as having cultural heritage value or interest and are identified on the Whitby Heritage Register.
- Designated Heritage Properties: cultural heritage resources designated under Part IV (individual designation) or Part V (heritage conservation district designation) of the Ontario Heritage Act.

Eligibility

All non-residential and mixed-use buildings within the CIPA may be eligible, subject to meeting detailed requirements in the Implementation Guidelines. The Implementation Guidelines shall include Heritage status requirements for the Program.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire CIPA on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The Program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions.

3.6 Implementation

3.6.1 Municipal Investment

It is intended that the municipal investment for the Community Improvement Plan and related incentives include alternative models designed to support: (1) priority development and re-development which creates new assessment value as and when needed; and (2) facade, accessibility and signage improvements on an on-going basis.

The CIP program toolbox of incentives will be included in the capital budget and forecast in the amount of the municipal investment identified over the life of the CIP By-law. The capital projects will be supported through the Long Term Capital Financing Reserve and forecast years are recommended to have pre-budget approval so that future municipal investment can be advanced if needed to address where recommended applications exceed the municipal investment threshold.

The municipal investment will be established through the budget process and subject to Council approval.

3.6.2 Staff Resources

The Community Improvement Plan will generally be administered by the Town's Planning and Development Department, with additional departmental support for the administration and marketing of specific incentives as appropriate.

The Application Review Team is comprised of staff from the following departments / divisions:

- Planning and Development (Lead)
- Economic Development
- Building Division
- Tax/Finance

Staff from Public Works (Transportation & Engineering) and Legal Services may be requested to provide advice on applications as needed.

The Application Review Team is responsible for the following tasks (as modified from time to time):

- Meet and consult with applicants to review their proposal prior to submission of application;
- Attend formal Planning pre-consultation meetings for development applications where required;
- Liaise with Regional staff to determine in advance any potential incentives from both the Town and Region, in an effort to co-ordinate with the Regional Revitalization Program;
- Review and evaluate applications from the Development Charge Full or Partial Exemption Program, Interior Heritage Building Grant Program and Tax Increment

Equivalent Grant (TIEG) Program against program requirements and evaluation criteria; and

- Present recommendations to Commissioners or delegated staff and/or Council for consideration and approval.
- Should the Application Review Team refuse an application, the decision may be reconsidered by Council, and would require a resolution by Council to overturn the Application Review Team's decision.

3.6.3 Activation, Modification, or Termination of Incentive Programs

The incentive programs in the “toolbox” may be activated, modified, or terminated, subject to Council approval and budget allocation for one or more of the incentives. This shall not require an amendment to the CIP, so long as the incentives are based upon the incentives in the “toolbox” as described above. A modification to the toolbox of incentives included within Appendix C can include such things as a change to the program parameters, eligibility requirements, evaluation criteria, municipal investment and administration.

The introduction of new incentive programs not included in the “toolbox” and a change to the Community Improvement Project Area boundaries require an amendment to the CIP as per the requirements of the Planning Act.

3.6.4 Implementation Guidelines

Implementation Guidelines (refer to Appendix C) shall deal with the following matters:

- Description of incentive program;
- Eligibility requirements, including priority area-specific requirements;
- Eligible Works;
- Municipal Investment;
- Program Administration including the application process and evaluation; and
- Program expiry.

3.6.5 Monitoring and Evaluation

The performance and impact of the incentive programs will be monitored and evaluated annually against a number of monitoring criteria outlined below to ensure that the purpose, goal and objectives of the CIP are successfully being met. Feedback obtained by participants of the incentive programs, staff, and the Downtown Whitby community may be obtained as part of the monitoring and evaluation process.

The monitoring of the CIP will align with the annual Downtown Whitby Action Plan Benchmarking Data Report, which tracks existing conditions in Downtown Whitby in order to measure the success and impacts of the Action Plan and CIP over time.

The CIP incentive programs will be evaluated to determine:

- Whether program uptake is satisfactory;

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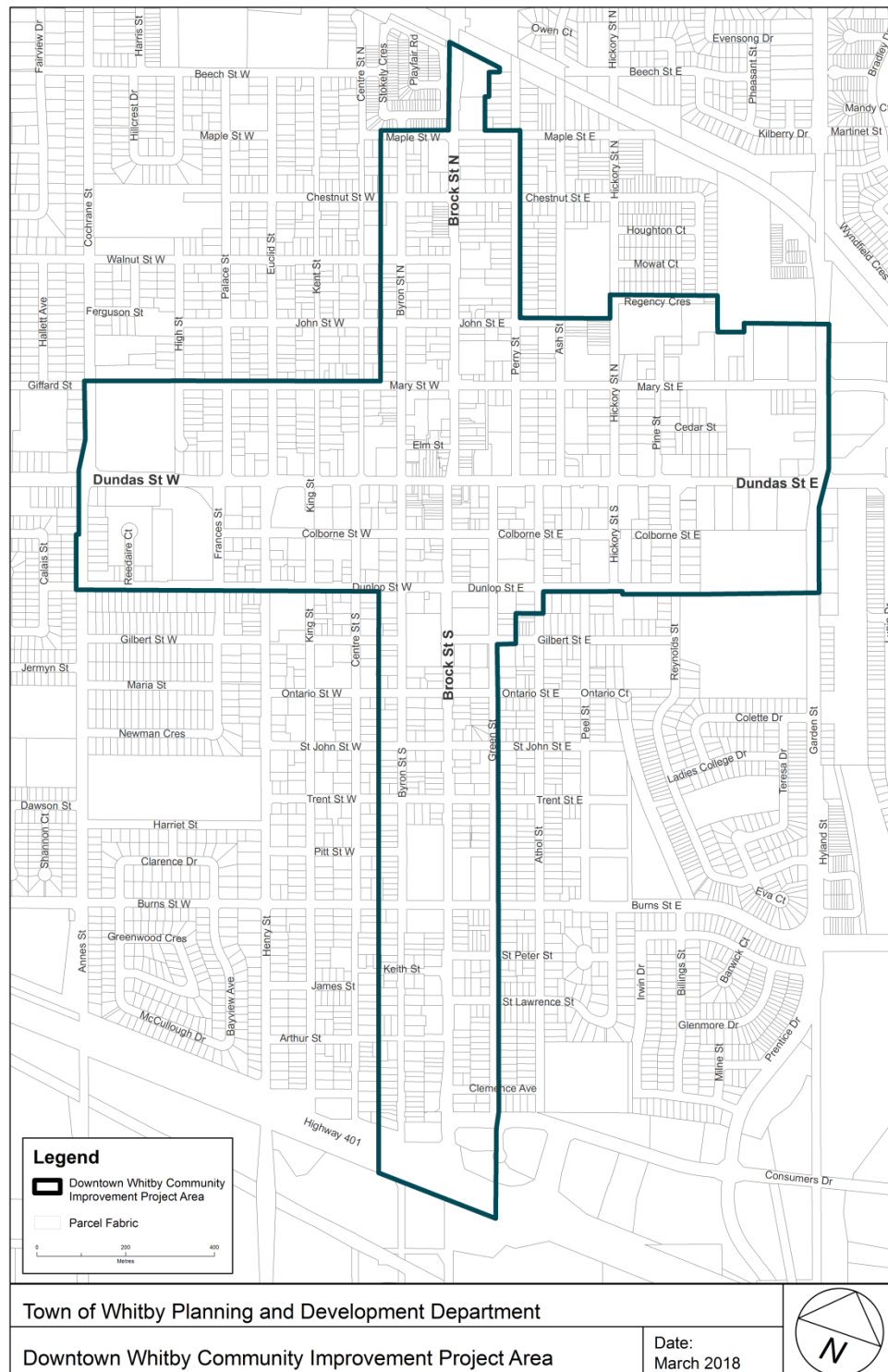
- If the objectives and desired outcomes are being achieved;
- If applicants are completing their commitments, and if not, understanding the reasons why;
- The estimated economic impact associated with each program;
- Trends over time; and
- Whether adjustment to or terminating of incentive programs are warranted.

Monitoring criteria relating to the purpose, goal and objectives of the CIP involve an assessment of the following:

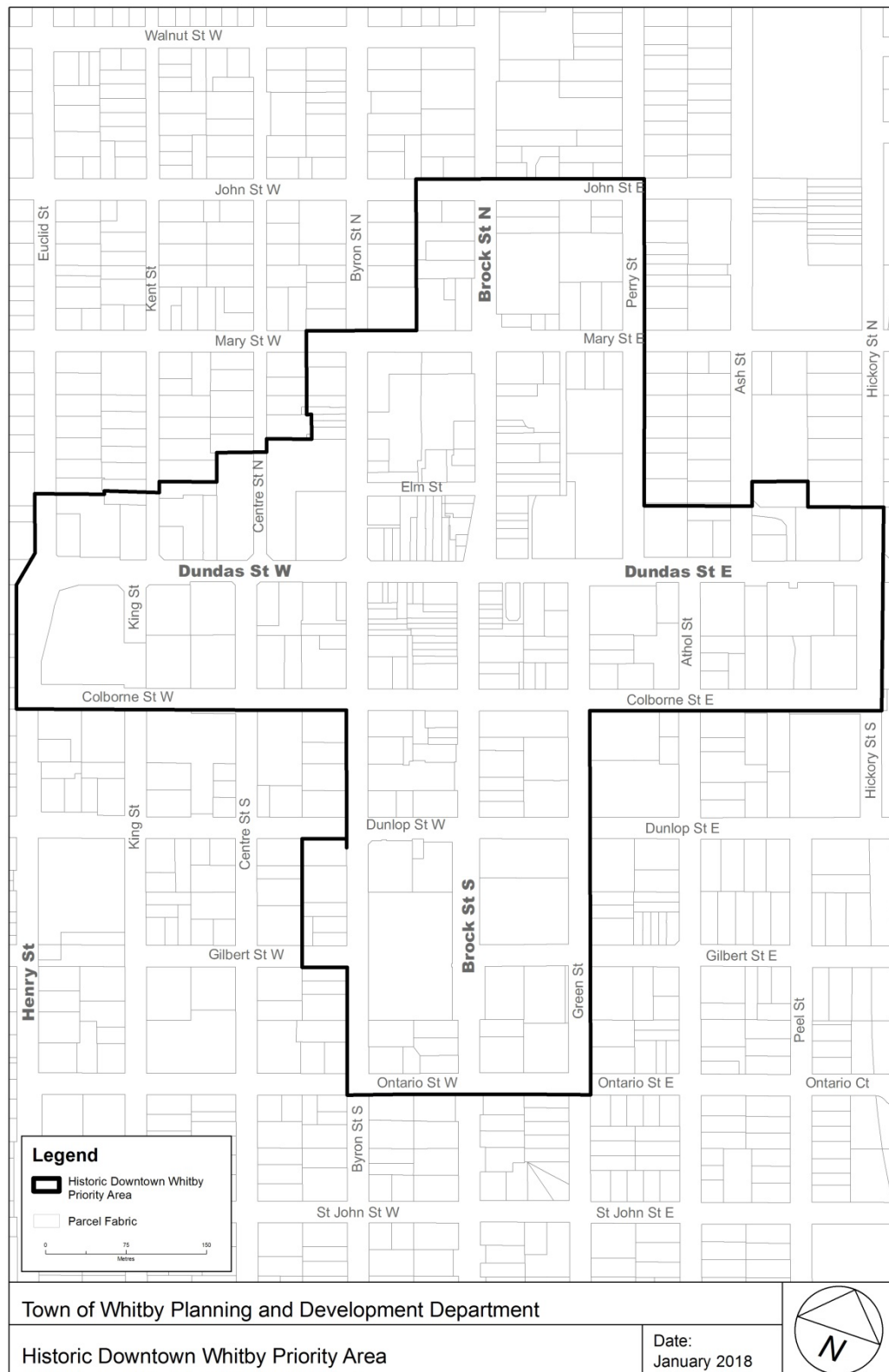
- Heritage property conservation and restoration;
- New business development specifically targeting office and retail commercial;
- Increase in the number of employees working downtown;
- Increase in the gross floor area of new available office supply;
- Increase in the number and type of housing units and population growth;
- Increase in property assessments;
- Increase in taxable assessment growth;
- Increase in building permit activity;
- Increase in accessibility for persons with disabilities;
- Decrease in office / commercial vacancy rates;
- Increase in the number of visitors and pedestrians;
- Decrease in the number of vacant or underutilized properties; and
- Increase in the overall quality of streetscape and public realm improvements.

Part C: Appendices

Appendix A: Map of Downtown Whitby Community Improvement Project Area



Appendix B: Map of Historic Downtown Whitby Priority Area





Appendix C

Downtown Whitby Community Improvement Plan

Implementation Guidelines for:

Development Charge Full or Partial Exemption

Cash-in-Lieu of Parking

Tax Increment Equivalent Grant

Façade Improvement Grant / Design Grant

Sign Grant

Interior Heritage Building Grant

1.0 Introduction

These Implementation Guidelines activate and provide further details on all available incentive programs within the “toolbox” of incentives in the CIP, namely:

- Development Charge (DC) Full or Partial Exemption;
- Cash-in-Lieu (CIL) of Parking;
- Tax Increment Equivalent Grant (TIEG);
- Façade Improvement Grant / Design Grant;
- Sign Grant; and
- Interior Heritage Building Grant.

2.0 Development Charge (DC) Full or Partial Exemption

The following Development Charge Full or Partial Exemptions (grant-in-lieu) apply to high density residential development, mixed use development and commercial and office development in the Downtown Whitby Community Improvement Project Area (CIPA) for local (Town of Whitby) Development Charges:

2.1 DC Partial Exemption for High Density Residential and Residential Mixed Use Development:

A 75% DC exemption for high density residential developments and the residential component of mixed use developments within the Historic Downtown Whitby Priority Area.

A 50% Development Charge exemption for high density residential and the residential component of mixed use developments outside the Historic Downtown Whitby Priority Area.

2.2 DC Full Exemption for Retail Commercial and Office Expansion Development:

Within the Historic Downtown Whitby Priority Area, a 100% DC exemption is provided for existing retail commercial and office buildings which are enlarged by up to 50% of the existing Gross Floor Area (GFA), up to a maximum of 929 square metres (10,000 square feet).

Outside of the Historic Downtown Whitby Priority Area, a 100% DC exemption is provided for existing retail commercial and office buildings enlarged by up to 50% of the existing GFA, up to a maximum of 464 square metres (5,000 square feet).

2.3 DC Partial Exemption for New Office Development:

Where the gross floor area of a new office (not including a medical office) development exceeds 90 square metres (968 square feet), the exemption shall be either:

- a) 75% DC exemption in the Historic Downtown Whitby Priority Area; or
- b) 50% DC exemption outside of the Historic Downtown Whitby Priority Area.

2.4 Eligibility

This program applies to:

- New high density residential developments and residential components of mixed use developments in the Historic Downtown Whitby Priority Area;
- Expanded retail, commercial and office uses in the Downtown Whitby CIPA; and
- New office development in the Downtown Whitby CIPA.

2.5 Municipal Investment

Development Charge Partial Exemption provided through the CIP Incentive for the High Density Residential and Residential Mixed Use Development, as described above, includes a municipal investment that shall not exceed \$2,598,010 for all qualifying residential developments in the Downtown Whitby Community Improvement Project Area over the life of the CIP by-law.

The municipal investment for Development Charge Full Exemption for Retail Commercial and Office Expansion Development and Development Charge Partial Exemption for New Office Development has been reallocated to another program in the CIP and therefore no budget is currently available for these programs.

The scope, municipal investment and benefits of the incentive can be examined and re-evaluated regularly.

2.6 Administration

The application process for the Development Charge (DC) Full or Partial Exemption Program is as follows:

- a) The owner of the property submits a completed application at the time of Site Plan submission. The application must include information with the exact number and type of units, GFA of retail commercial and office uses, timeline and commitment to proceed to building permit.
- b) Approval of Development Charge Full or Partial Exemptions would be delegated to a Senior Leadership Team comprised of the Commissioners of Planning and Development, Financial Services/Treasurer and the Director of Strategic Initiatives. The Application Review Team confirms eligibility, complete application and provides a summary of application to the Senior Leadership Team for approval.
- c) A letter is provided to the owner confirming eligibility is met and providing a maximum approved grant amount for the DC full or partial exemption.
- d) Just prior to Building Permit issuance, the payable DC amount is calculated accordingly, net of the application grant amount.
- e) The Development Charge Full or Partial exemption is based on the applicable percentage of the Development Charges required in accordance with the Development Charge By-law in effect at the time the CIP application is approved. Upon application for a Building Permit, should:
 - Increased development charge rates apply to the development, the grant amount will not exceed the maximum grant identified in the approval letter;
 - The development proposal change (i.e. development type, the residential units (number/ type) or non-residential GFA), the Development Charge Full or Partial Exemption will be recalculated accordingly, and will not exceed the previous approved maximum in the CIP application; and

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- New legislation on Development Charges come into effect that reduces the Development Charge from the time of the CIP application, the Development Charge Full or Partial Exemption will be recalculated accordingly and the applicable grant shall not exceed the identified CIP program's maximum contribution.
- f) The Development Charge exemption/reduction grant payment will be charged to the Community Improvement Plan capital project and credited to the applicable Development Charge reserve funds.
- g) In cases where the total approved municipal investment in these programs has been reached, applicants will be contacted and invited to re-submit an application if and when the municipal investment is increased by Council.
- h) A Building Permit must be issued and Development Charges paid within 1 year from the date the Development Charge CIP application was approved. Extensions may be granted at the discretion of the CIP Senior Leadership Team through a written request outlining the reasons for the extension.

2.7 Evaluation Criteria

- a) The proposed development/redevelopment will provide additional, commercial, office and/or residential space in Downtown Whitby.
- b) The proposed development/redevelopment will result in additional tax revenue;
- c) The proposed development/redevelopment will result in a more complete streetscape;
- d) The proposed development/redevelopment will maximize the impact of the funding in terms of representing a comprehensive development or redevelopment of a building/property;
- e) The proposed development/redevelopment will meet requirements of the designation by-law if the building/property is designated under the Ontario Heritage Act;
- f) The owner/developer has experience in the field with similar size developments/redevelopments;
- g) The owner/developer has financial ability to complete the identified work; and
- h) The proposed improvement are in accordance with all applicable policies, by-laws and building code requirements.

3.0 Cash-in-Lieu (CIL) of Parking

3.1 Cash-in-lieu of Parking Rate Reduction

The Town's cash-in-lieu of parking rate is \$7,500 per surface parking space or the amount determined by any future Parking Master Plan for non-residential development. This amount excludes the cost of land, and is not available for accessible parking spaces.

For qualifying developments, the Town may provide a 50% discounted cash-in-lieu of surface parking rate of \$3,750 per space ($\$7,500 * 50\% = \$3,750$ taxes excluded).

3.2 Eligibility

The following eligibility criteria are used to evaluate a request for cash-in-lieu of parking in the Downtown Whitby CIPA:

- Development proposal is non-residential (i.e. retail, commercial, and office);
- Development is not able to provide/secure off-site parking within an acceptable walking distance of the site;
- It is not financially feasible to provide parking on site as part the development; and
- The addition of parking on site is determined to have negative urban design impacts.

3.3 Municipal Investment

The municipal investment for cash-in-lieu of parking has been reallocated to other programs in the CIP and therefore no budget is currently available for this program.

3.4 Administration

The application process for the Cash-in-lieu of Parking Program is as follows:

- a) Through the Site Plan submission, an owner/applicant requests to use the cash-in-lieu of parking provision.
- b) The owner/applicant provides a summary outlining how the development proposal qualifies/meets the eligibility criteria listed above. This can be submitted in conjunction with the Parking Study or as a separate document.
- c) Staff evaluates the request and confirms eligibility and complete application.
- d) Staff prepares the Site Plan Agreement including the cash-in-lieu of parking requirements and any associated conditions.
- e) The owner/applicant pays the required cash-in-lieu at the time the Site Plan Agreement is registered.
- f) Construction must be started within 1 year for which the Cash-in-Lieu of Parking CIP application was approved. Extensions may be granted at the

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discretion of the CIP Senior Leadership Team through a written request outlining the reasons for the extension.

4.0 Tax Increment Equivalent Grant (TIEG)

4.1 Tax Increment Equivalent Grant (TIEG)

Within the Historic Downtown Whitby Priority Area, an overall 45% rebate on a declining basis over a five year period on the municipal tax increment for eligible non-residential (commercial and office) development or redevelopment is provided.

4.2 Eligibility

This program is limited to non-residential (commercial and office) development or redevelopment within the Historic Downtown Whitby Priority Area. In the case of a mixed use development, the grant only applies to the increase in assessment related to eligible uses. The TIEG only cover costs related to the Town's portion of the property tax increment. Eligible projects must include:

- A minimum new development or expansion of an existing building of 232 square metres (2,500 square feet).
- New development may include reconstruction of a building that was demolished or lost more than 3 years.

If there is minimal uptake within the Historic Downtown Whitby Priority Area within the first two years of the CIP By-law, the program may be expanded to the entire CIPA through a technical by-law amendment to the Implementation Guidelines.

The following limitations apply:

- Only the property owner is eligible for the rebate.
- The program does not exempt property owners from an increase/decrease in municipal taxes due to a general tax rate increase/decrease or changes in tax legislation.
- The annual rebate is not based upon occupancy or changes in occupancy.
- All annual rebates are retroactively adjusted to reflect any assessment valuation changes resulting from assessment appeals, requests for reconsideration or other similar adjustment to the assessment value.
- Rebate payments will cease once the total rebate along with all other grants provided equals the eligible costs or after five years, whichever comes first.
- All levies related to the Downtown Whitby Business Improvement Area (BIA) or other similar levies are excluded from the calculation to determine the eligible amount of taxation.
- Where properties that are not previously subject to taxes are redeveloped, the base tax shall be based on the tax that would be applied to the land and building based on the current use.

4.3 Evaluation Criteria

The following criteria are used when reviewing and evaluating applications for the Tax Increment Equivalent Grant Program:

- a) The proposed development/redevelopment will provide additional commercial and/or office space in Downtown Whitby;
- b) The proposed development/redevelopment will result in additional tax revenue;
- c) The proposed development/redevelopment will result in a more complete streetscape;
- d) The proposed development/redevelopment will maximize the impact of the funding in terms of representing a comprehensive development or redevelopment of a building/property;
- e) The proposed development/redevelopment will meet requirements of the designation by-law if the building/property is designated under the Ontario Heritage Act;
- f) The owner/developer has experience in the field with similar size developments/redevelopments;
- g) The owner/developer has the financial ability to complete the identified work; and
- h) The proposed improvements are in accordance with all applicable policies, by-laws and building code requirements.

4.4 Municipal Investment

The TIEG incentive program is limited to a municipal investment that shall not exceed \$41,865 for all qualifying non-residential (commercial and office) developments in the Historic Downtown Whitby Priority Area over the life of the CIP By-law. This will be monitored through the Site Plan Application process to track eligible development applications. The program ceases once the municipal investment is exhausted or the CIP program expires.

The total value of grants and other incentives cannot exceed eligible costs of the development/redevelopment as per the requirements of the Planning Act.

4.5 Administration

The application process for the TIEG Program is as follows:

- a) Consult with the Application Review Team regarding the proposed project to ensure eligibility.
- b) The owner submits a completed application form at the time of Site Plan. The application must include the following information:
 - Professional drawings/plans that provide sufficient detail to describe the proposed work including number, size, tenure and

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projected unit sale prices and/or rental rates of units to be constructed and construction drawings.

- If the scope of work requires additional approvals such as a Building Permit, more detailed drawings may be required, specific to the approval department or external agency.
 - A written estimate of project construction costs, including a breakdown of said costs, from a qualified architect or contractor.
- c) The Application Review Team confirms eligibility, complete application and provides report to Council for approval for all development proposals.
 - d) Pre-project municipal taxes are determined by the Town before commencement of the project at the time the application is reviewed. These base municipal property taxes are adjusted to reflect the actual property taxes for the year in which the work is completed.
 - e) A letter is provided to the owner confirming eligibility is met.
 - f) Applicable development approvals such as Site Plan, Building Permit, Heritage Permit or other requirements as necessary, must be obtained as part of the application.
 - g) The owner is required to enter into a TIEG Agreement with the Town outlining any conditions as part of the application. In the event of sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property, any future Grants will be terminated unless otherwise approved by Council.
 - h) Any proposed deviations/changes from the approved drawings by the owner shall be discussed and approved by Town staff prior to undertaking the associated works. Any works completed that are not consistent with the approved drawings, without agreement from Town staff, are at risk of not receiving funding.
 - i) Construction must be started within the 1 year from the date the TIEG application was approved.
 - j) Extensions may be granted at the discretion of the Town through a written request outlining the reasons for the extension.
 - k) The owner shall co-operate with MPAC to facilitate a post-improvement assessment of the property following completion of an eligible project.
 - l) The Town determines the difference between the amount of Town taxes prior to the improvement and post-improvement. This difference is known as the “municipal tax increment” and shall be the portion eligible for a partial rebate under this program
 - m) Rebates are issued over a 5 year period. This 5 year period is calculated effective for the first 60 months after MPAC has issued the supplemental/omitted assessment valuation, and is effective as of the date used by MPAC to reflect the increased assessment.

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- n) All TIEG rebates are applied to the property tax account for tracking purposes. Property owners receive a written notification when the rebate has been processed. If property taxes are paid in full, the owner has the option to request a refund or leave the credit on their tax account to be used again future property taxes.
- o) Rebates are calculated and applied to the tax accounts within 120 days of the initial supplemental/omitted tax bill being issued and within 60 days of the final tax billing in each subsequent year.
- p) The rebate program does not reward poor stewardship. As a result, the Town of Whitby reserves the right to withhold payment of a grant to work/projects that are substandard or completed poorly; and/or inconsistent with the TIEG Agreement.

5.0 Façade Improvement Grant

5.1 Façade Improvement Grant in Historic Downtown Whitby Priority Area

A Façade Improvement Grant equal to 50% of the costs of external improvements, up to a maximum of \$10,000 per municipal street address, storefront or commercial unit, whichever is less, subject to an overall maximum of \$30,000 per property for a building with multiple street addresses, storefronts or commercial units.

5.2 Façade Improvement Grant outside Priority Area

A Façade Improvement Grant equal to 50% of the costs of external improvements, up to a maximum of \$7,500 per municipal street address, storefront or commercial unit, whichever is less, subject to an overall maximum of \$22,500 per property for a building with multiple street addresses, storefronts or commercial units.

Designated (Part IV or Part V) heritage properties outside of the Historic Downtown Whitby Priority Area in the CIPA are eligible for a grant equal to 50% of the costs up to a maximum of \$10,000 per municipal street address, storefront or commercial unit, subject to an overall maximum of \$30,000 per property for a building with multiple street addresses, storefronts or commercial units.

5.3 Design Grant

A Design Grant equal to 50% of the costs for professional design fees associated with a Façade Improvement Grant, Sign Grant and/or Interior Heritage Building Grant project up to a maximum of \$2,000 per municipal street address, storefront or commercial unit for properties within the CIPA. This grant is provided in addition to the grants available as part of the Façade Grant, Sign Grant and/or Interior Heritage Building Grant.

5.4 Eligibility

These grants are available for existing buildings that are commercially or institutionally zoned properties in the CIPA. Grants apply to eligible building improvements to the front and side facades visible from the street. Eligible projects include:

- Structural/safety replacement and repair for exterior facade;
- Repair/replacement of windows, doors, storefronts, awnings, canopies, cornices, eaves, parapets and other architectural features;
- Installation or repair of exterior lighting;
- Cleaning/painting of facades visible from adjacent streets and public walkways;
- Repair/restore historic masonry;
- Entrance modifications, including the installation of ramps for accessibility purposes;

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- Repair of facades visible from adjacent streets and public walkways;
- Landscaping such as walkways, planters and permanent plantings;
- Exterior fire safety upgrades to code;
- Water/flood/weather proofing;
- Structural repairs to exterior walls and foundations;
- Installation, repair or reinstall of cable, telephone, fibre and other service-specific installations to support business development and growth to the Historic Downtown Whitby Priority Area; and,
- Other capital improvements which the Town, in its sole discretion, determines are important to incorporate as an integral part of the total façade improvement design.

The following types of projects are ineligible:

- New construction (unless signage see Section 6);
- Roof repairs / replacement (unless considered a decorative element) at the discretion of the Town;
- General maintenance and repairs at the discretion of the Town;
- Security systems;
- Insulation;
- Sandblasting and high-pressure water blasting of brick;
- Painting historic masonry;
- Driveway paving / widening for parking areas;
- Manufacturing of commemorative plaques; and
- Interior window coverings.

The following limitations apply:

- A property owner/tenant of a given property may only apply for a façade improvement and design grant once every five years.
- Funds may be advanced prior to the five year timeline at the discretion of the Town if the application uptake is low for a particular year. This will be reviewed in September of each calendar year.
- Eligible grant amount(s) are based on costs exclusive of HST.

5.5 Evaluation Criteria

The following criteria are used when reviewing and evaluating applications for building improvements:

- a) The improvement is sensitive to existing streetscape with respect to proportions, materials, colour, signage and architectural detail;

- b) The improvement meets requirements of the designation by-law if the building is designated under the Ontario Heritage Act;
- c) The improvement results in a comprehensive renovation of the façade leading to significant overall positive impact to the aesthetic qualities of the area;
- d) The improvement results in restoration/preservation of original façade features (i.e. glazing, storefronts, doorways);
- e) The improvement uses original or similar materials and historic colours where feasible;
- f) The improvement represents a significant restoration of a key heritage building (listed or designated);
- g) The contractor(s) has experience working on heritage facades and ability to complete the identified work(s); and
- h) The proposed improvements are in accordance with identified design policies, by-laws and building code requirements.

5.6 Municipal Investment

A joint fund is provided for the Façade Improvement Grant, Design Grant, Sign Grant, and Interior Heritage Building Grant Programs.

The total municipal investment allocated to the Façade Improvement Grant, Design Grant, Sign Grant and Interior Heritage Building Grant is \$45,000 per year plus \$113,838 carried-over from the prior CIP program (\$293,838 over the four year duration of the CIP program).

5.7 Administration

Applications are received on a first-come, first-serve basis until the total municipal investment has been reached. In cases where the municipal investment has been reached, applicants may be contacted and invited to re-submit an application if and when the municipal investment is increased by Council.

The application process for the Façade Improvement and Design Grant Programs is as follows:

- a) Consult with Staff regarding the proposed project to ensure eligibility prior to submitting the application.
- b) The applicant submits a completed application form prior to any work being undertaken. The application must include the following information:
 - A photograph of the existing façade.
 - Two quotes for the estimated work(s) from qualified contractor(s). The cost estimate(s) should break out the cost for labour and material by type of improvement in order for staff to fully understand the scope of work and the costs involved. (Note: that if the applicant is the contractor, a second estimate is still required).

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- One quote for the design professional engaged to provide design services where applicable.
 - Attach drawings/sketches, manufacturer information, building product information of proposed improvements. Drawings/sketches must indicate what areas of the facade are to be cleaned, repaired, painted, rebuilt, resurfaced, replaced, etc., or what new features will be installed.
- c) Staff confirms eligibility and complete application.
- d) A letter is provided to the owner/applicant confirming eligibility is met and outlining an estimate of the eligible grant(s).
- e) Applicable development approvals such as Building Permit, Heritage Permit, Road Occupancy Permit or other requirements as necessary, must be obtained as part of the application.
- f) Any proposed deviations/changes from the approved drawings by the applicant shall be discussed and approved by Town staff prior to undertaking the associated works. Any works completed that are not consistent with the approved drawings, without agreement from Town staff, are at risk of not receiving funding.
- g) Construction must be completed within the calendar year (i.e. before December 31) from the date the application was approved.
- h) Extensions may be granted at the discretion of the Town through a written request outlining the reasons for the extension beyond December 31.
- i) The approved grant cheque amount for construction costs are issued to the applicant when construction is completed, contractors have been paid, invoices submitted to the Town and a site inspection has occurred to confirm the work was completed in accordance with the approved application.
- j) The grant program does not reward poor stewardship. As a result, the Town of Whitby reserves the right to withhold payment of a grant to work/projects that are substandard or completed poorly; inconsistent with the Façade Grant Application; or that requires a building permit and inspections have not been conducted.

6.0 Sign Grant

6.1 Sign Grant in CIPA

For projects that meet the Town's Permanent Sign By-law and associated heritage sign guidelines, a grant equal to 50% of the cost of signage and associated lighting is provided, up to a maximum of \$2,000.

6.2 Eligibility

This grant is available for existing and new buildings that are commercially or institutionally zoned properties in the CIPA. Eligible projects include:

- Construction and Installation of new signage including the use of frosted glass, projecting signs and/or appropriate window signs;
- Refurbishment of existing signage; and
- Decorative lighting improvements associated with signage.

The following types of signs are ineligible:

- Internally illuminated signs;
- "Open" signs (electronic);
- Hours of Operation signs (electronic);
- Digital signs; and
- Temporary signs.

The following limitations apply:

- An owner or tenant of a given property may only apply for a Sign Grant once every five years, unless ownership or tenancy changes. In this instance, within the five-year period the new owner or tenant may be eligible for a Sign Grant equal to 50% of the costs of the improvements, up to a maximum of \$1,000.
- Eligible grant amount(s) are based on costs exclusive of HST.

6.3 Evaluation Criteria

The following criteria are used when reviewing and evaluating applications for signage:

- a) The sign is sensitive to the existing building and streetscape with respect to scale, proportions, and architectural detail;
- b) The sign is placed in a traditional location such as above the storefront or a ground sign;
- c) The sign uses traditional/authentic materials, historic colours and appropriate font or letter styles where feasible;
- d) The sign meets requirements of the designation by-law if the building is designated under the Ontario Heritage Act;

- e) The sign is in accordance with provisions in the Sign By-law and heritage sign guidelines.

6.4 Municipal Investment

A joint fund is provided for the Façade Improvement Grant, Design Grant, Sign Grant, and Interior Heritage Building Grant.

The total municipal investment allocated to the Façade Improvement Grant, Design Grant, Sign Grant and Interior Heritage Building Grant is \$45,000 per year plus \$113,838 carried-over from the prior CIP program (\$293,838 over the four year duration of the CIP program).

6.5 Administration

Applications are received on a first-come, first-serve basis until the total municipal investment has been reached. In cases where the municipal investment has been reached, applicants may be contacted and invited to re-submit an application if and when the municipal investment is increased by Council.

The application process for the Sign Grant Program is as follows:

- a) Consult with Staff regarding the proposed project to ensure eligibility prior to submitting the application.
- b) The applicant submits a completed application form prior to any work being undertaken. The application must include the following information:
 - A photograph of the existing sign (if applicable) and/or building façade where the sign will be installed;
 - Two quotes for the estimated work from the sign company and/or lighting contractor;
 - Attach drawings/sketches, manufacturer information, product information of proposed sign/lighting. Drawings/sketches must indicate sign/lighting placement on building, dimensions, colours etc. or how the existing sign will be refurbished.
- c) Staff confirms eligibility and complete application.
- d) A letter is provided to the owner/applicant confirming eligibility is met and outlining an estimate of the eligible grant.
- e) Applicable development approvals such as Building Permit (sign permit), Heritage Permit, Road Occupancy Permit or other requirements as necessary, must be obtained as part of the application.
- f) Any proposed deviations/changes from the approved drawings by the applicant shall be discussed and approved by Town staff prior to undertaking the associated works. Any works completed that are not consistent with the approved drawings, without agreement from Town staff, are at risk of not receiving funding.

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- g) Construction must be completed within the calendar year (i.e. before December 31) from the date the application was approved.
- h) Extensions may be granted at the discretion of the Town through a written request outlining the reasons for the extension beyond December 31.
- i) The approved grant cheque amount for signage are issued to the applicant when the sign/lighting is installed, contractors have been paid, invoices submitted to the Town and a site inspection has occurred to confirm the work was completed in accordance with the approved application.
- j) The grant program does not reward poor stewardship. As a result, the Town of Whitby reserves the right to withhold payment of a grant to work/projects that are substandard or completed poorly; inconsistent with the Sign Grant Application; or that requires a building permit and inspections have not been conducted.

7.0 Interior Heritage Building Grant

7.1 Interior Heritage Building Grant

The Interior Heritage Building Grant covers 50% of the costs of internal improvements, to a maximum of \$10,000 for listed or designated heritage properties within the Historic Downtown Whitby Priority Area as well as designated heritage properties outside the Priority Area within the larger CIPA.

7.2 Eligibility

This grant is limited to designated and/or listed heritage properties (as per the Ontario Heritage Act) within the Historic Downtown Whitby Priority Area and designated properties in the larger CIPA that are commercially or institutionally zoned. The grant also applies to the residential portion of a mixed use commercially zoned property. Eligible projects include:

- Interior modifications to provide barrier-free accessibility;
- Installation/upgrading of fire protection systems;
- Structural repairs to walls, ceilings, floors and foundations;
- Water, flood, weatherproofing;
- Extension/upgrading of plumbing and electrical services for the creation of retail and office spaces;
- Required improvements to heating and ventilations systems;
- Interior works specifically referred to in the Reasons for Designation of a designated property, including but not limited to: woodwork, plasterwork, wall or ceiling murals, or metal work and other decorative features;
- Comprehensive improvements to building systems for the purpose of activating previously unused space or to make the buildings more attractive to potential leasers; and
- Other similar repairs/improvements related to health and safety issues, as may be approved by the Town.

The following types of projects/works are ineligible:

- General maintenance and repair;
- Security systems; and
- New additions or construction.

The following limitations apply:

- Proposed works under \$1,000 per property are not eligible.
- An owner of a given property may only apply for an Interior Heritage Building Grant once every five years.

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- Funds may be advanced prior to the five year timeline at the discretion of the Town if the application uptake is low for a particular year. This will be reviewed in September of each calendar year.
- If cost estimates appear unreasonable or incomplete, staff may require further documentation or a new cost estimate.
- Eligible grant amount(s) are based on costs exclusive of HST.

7.3 Evaluation Criteria

The following criteria are used when reviewing and evaluating applications for the Interior Heritage Building Grant Program:

- a) The proposed eligible improvements maximize the impact of the funding in terms of representing a comprehensive renewal of a building, its systems and interior space;
- b) The project includes more than one of the eligible items as part of the renovation;
- c) The project represents a significant restoration of a key heritage building (listed or designated);
- d) The improvements meet requirements of the designation by-law if the building is designated under the Ontario Heritage Act;
- e) The contractor(s) has experience working on heritage buildings and ability to complete the identified work(s); and
- f) The improvements are in accordance with all applicable by-laws and building code/fire code requirements.

7.4 Municipal Investment

A joint fund is provided for the Façade Improvement Grant, Design Grant, Sign Grant, and Interior Heritage Building Grant.

The total municipal investment allocated to the Façade Improvement Grant, Design Grant, Sign Grant and Interior Heritage Building Grant is \$45,000 per year plus \$113,838 carried-over from the prior CIP program (\$293,838 over the four year duration of the CIP program).

7.5 Administration

Applications are received on a first-come, first-serve basis until the total municipal investment has been reached. In cases where the municipal investment has been reached, applicants may be contacted and invited to re-submit an application if and when the municipal investment is increased by Council.

The application process for the Interior Heritage Building Grant Program is as follows:

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- a) Consult with Staff regarding the proposed project to ensure eligibility and whether any necessary permits or other approvals are required prior to submitting the application.
- b) The applicant submits a completed application form prior to any work being undertaken. The application must include the following information:
 - Photograph documentation of area of work for the proposed project.
 - Two quotes for the estimated work(s) from a qualified contractor(s). The cost estimate(s) should break out the cost for labour and material by type of improvement in order for staff to fully understand the scope of work and the costs involved. (Note: that if the applicant is the contractor, a second estimate is still required).
 - Professional drawings/plans that provide sufficient detail to describe the proposed work. (Note: If the scope of work requires additional approvals such as a Building Permit, more detailed drawings may be required, specific to the approval department or external agency).
- c) If cost estimate appears unreasonable or incomplete, staff may require further documentation or a new cost estimate. With respect to heritage resources, the applicant is strongly encouraged to utilize a contractor that has expertise and experience with heritage buildings.
- d) The Application Review Team confirms eligibility and complete application.
- e) A letter is provided to the owner/applicant confirming eligibility is met and outlining an estimate of the eligible grant.
- f) Applicable development approvals such as Building Permit, Heritage Permit, Road Occupancy Permit or other requirements as necessary, must be obtained as part of the application.
- g) Any proposed deviations/changes from the approved drawings by the applicant shall be discussed and approved by Town staff prior to undertaking the associated works. Any works completed that are not consistent with the approved drawings, without agreement from Town staff, are at risk of not receiving funding.
- h) Construction must be completed within the calendar year (i.e. before December 31) from the date the application was approved.
- i) Extensions may be granted at the discretion of the Town through a written request outlining the reasons for the extension beyond December 31.
- j) The approved grant cheque amount for construction costs are issued to the applicant when construction is completed, contractors have been paid, invoices submitted to the Town and a site inspection has occurred to confirm the work was completed in accordance with the approved application and/or permits.

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- k) The grant program does not reward poor stewardship. As a result, the Town of Whitby reserves the right to withhold payment of a grant to work/projects that are substandard or completed poorly; inconsistent with the Interior Heritage Building Grant Application; or that requires a building permit and inspections have not been conducted.