



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	July 10, 2017
SUBJECT/REPORT NO:	Amendments to Delegating Authority By-law 10-052, Barton / Kenilworth Planning and Building Fee Rebate Program (PED17123) (Wards 2, 3 and 4)
WARD(S) AFFECTED:	Wards 2, 3 and 4
PREPARED BY:	Hazel Milsome (905) 546-2424 Ext. 2755
SUBMITTED BY:	Glen Norton Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Amending By-law (attached as Appendix “A” to Report PED17123), being a by-law to amend By-law 10-052 to delegate authority to the General Manager, Planning and Economic Development Department for certain grants and loans under the Downtown and Community Renew Community Improvement Plan, be enacted.

EXECUTIVE SUMMARY

By-law 10-052 delegates authority to the General Manager, Planning and Economic Development to approve grants and loans for certain financial incentive programs.

City Council at its meeting held May 10, 2016 approved the “Schedule of Applicable Application Fees to be rebated within the Barton Village Business Improvement Area (BIA), the Barton / Kenilworth Commercial Corridors and properties that front on Barton Street between James Street North and Victoria Avenue North”. At that time, the intent of staff was that rather than applicants pay applicable Planning and Building fees when submitting their application, Urban Renewal staff would arrange for the appropriate Planning / Building accounts to be credited. However, after further assessment of the Program, staff determined that, rather than the fees being automatically covered through the Program, eligible fees would be rebated to applicants as follows:

- i) Building Permit Fees: upon Final Inspection and Building Permit completion.

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- ii) Committee of Adjustment (COA) Minor Variance (complex or routine): if the variance supports the revitalization of the corridors and can be supported by Planning staff, the rebate would be issued upon approval of the variance, as long as there were no appeals to the Ontario Municipal Board (OMB). If appeals were filed with the OMB and the OMB upheld the COA's decision, the rebate of the fee would be issued. If there were appeals and the OMB overturned a COA decision, a rebate would not be issued.

- iii) Site Plan Application (major or minor): after issuance of a Building Permit.

In order that the General Manager, Planning and Economic Development has delegated authority to approve eligible Planning or Building Fee rebates under the Barton / Kenilworth Planning and Building Fees Rebate Program, an amendment to By-law 10-052 is required.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Eligible Planning and Building fee rebates will be funded from Project ID# 8201703701. Project ID#8201703701 has a balance of \$50,000.

Staffing: Applications and rebates under the Barton / Kenilworth Planning and Building Fee Rebate Program are processed by the Urban Renewal Section and Corporate Services Division. There are no additional staffing requirements.

Legal: Sections 9 and 10 of the *Municipal Act, 2001* S.O. 2001, c. 25 in accordance with Section 23.1 of the *Municipal Act, 2001*, states the powers of a municipality under that or any other Act may be delegated to a person or body subject to the restrictions set in sections 23.2 to 23.5, inclusive of the *Municipal Act, 2001*.

Section 28 of the *Planning Act* permits a municipality, in accordance with a Community Improvement Plan, to make loans and grants which would otherwise be prohibited under Section 106(2) of the *Municipal Act*, to registered / assessed owners and tenants of lands and buildings. A Community Improvement Plan can only be adopted and come into effect within a designated Community Improvement Project Area.

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

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HISTORICAL BACKGROUND

City Council, at its meeting held January 27, 2010, authorized the General Manager of the Planning and Economic Development Department to approve loans and grants to a maximum of \$200 K under the Business Improvement Area Commercial Property Improvement Grant Program, the Commercial Corridor Housing Loan and Grant Program and the Hamilton Heritage Property Grant Program. Staff was directed to report back on a quarterly basis on details of the loans/grants that the General Manager approves. By-law 10-052, enacted by City Council at its meeting held March 10, 2010, delegates the aforementioned authority.

City Council, at its meeting held November 16, 2011, enacted By-law 11-274, that amends By-law 10-52, authorizing the General Manager of the Planning and Economic Development Department to also approve loans and grants under the Gore Building Improvement Grant Program and the Commercial Façade Property Improvement Grant Program.

City Council at its meeting held April 9, 2014, enacted By-law 14-085, that amends By-law 10-52, authorizing the General Manager of the Planning and Economic Development Department to also approve grants under the Hamilton Heritage Conservation Grant Program.

City Council at its meeting held May 11, 2016, enacted By-law 16-127, that amends By-law 10-52, authorizing the General Manager of the Planning and Economic Development Department to also approve grants under the Barton / Kenilworth Commercial Corridor Building Improvement Grant Program.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The proposed amendment to the Delegating Authority By-law 10-052 complies with the *Municipal Act, 2001 S.O. 2001, c. 25*.

RELEVANT CONSULTATION

Staff from the Finance and Administration Division, Corporate Services Department and the Legal Services Division, City Manager's Office was consulted, and the advice received is incorporated into Report PED17123.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Delegated authority to the General Manager, Planning and Economic Development for approving rebates under the Barton / Kenilworth Planning and Building Rebate Program would shorten the length of time between an applicant submitting a rebate application

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under the Program and receiving the rebate, therefore improving customer experience and satisfaction.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED17123 – Amending By-law

HM:dt