



Hamilton

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO: Mayor and Members General Issues Committee	WARD(S) AFFECTED: WARDS 1, 2, 3, 4, 6, 7, 9, 12, 13, and 15
COMMITTEE DATE: August 12, 2013	
SUBJECT/REPORT NO: Hamilton Heritage Property Improvement Grant Program and GORE Building Improvement Grant Program – Amendments to Program Descriptions (PED13132) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Hazel Milsome (905) 546-2424 Ext. 2755
SIGNATURE:	

RECOMMENDATIONS

- (a) That the amended Program Description of the Hamilton Heritage Property Grant Program attached as Appendix “A” to Report PED13132 be approved and appended to the Downtown and Community Renewal Community Improvement Plan;
- (b) That the amended Program Description of the GORE Building Improvement Grant Program attached as Appendix “B” to Report PED13132 be approved;
- (c) That, subject to the approval of recommendation (b) above, staff be directed to prepare an amendment to the Downtown and Community Renewal Community Improvement Plan for presentation to a Public Meeting of the Planning Committee.

EXECUTIVE SUMMARY

Report PED13132 recommends the approval of amended Program Descriptions for the Hamilton Heritage Property Grant Program and the GORE Building Improvement Grant Program. Presently grants for both programs are based on a per deeded property basis which is a disadvantage to owners of larger buildings. The amendments would determine eligible grant amounts based on municipal addresses, identifying multiple and separate units with ground floor street frontages. These amendments would align with how grants are assigned under the BIA Commercial Property Improvement Grant Program and the Commercial Façade Property Improvement Grant Program. Additional funding will not be required as a result of the proposed amendments at this time or during the 2014 budget process.

Alternatives for Consideration – See Page 5

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial:

Hamilton Heritage Property Improvement Grant Program:

Funding for the approved grants under the Hamilton Heritage Property Grant Program is contained in the Main Street Program Reserve (102048) and Capital Project ID# 8201341800. Payments from the Reserve account flow through Dept. ID 58201-815025.

GORE Building Improvement Grant Program:

Funding for the approved grants under the GORE Building Improvement Grant Program is contained in Capital Project ID# 8201203620 and ID# 8201303620.

Additional funding will not be required as a result of the proposed amendments at this time or during the 2014 budget process.

Staffing: Administration of the Hamilton Heritage Property Grant Program and GORE Building Improvement Grant Program can be accommodated within the Urban Renewal Section of the Economic Development Division and the Development Planning Section of the Planning Division, Planning and Economic Development Department as well as the Taxation Division of the Corporate Services Department.

Legal: Section 28 of the Planning Act permits a municipality, in accordance with a Community Improvement Plan, to make loans and grants which would otherwise be prohibited under Section 106(2) of the Municipal Act, to registered/assessed owners

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and tenants of lands and buildings. A Community Improvement Plan can only be adopted and come into effect within a designated Community Improvement Project Area. Changes to a Community Improvement Plan or Community Improvement Project Area require formal amendments, as dictated by the Planning Act.

Upon approval of Recommendation (c) in Report PED13132, staff will amend the Downtown and Community Renewal Community Improvement Plan accordingly as legislated by the Planning Act. The amendments will be brought forward to a Public Meeting of the Planning Committee.

HISTORICAL BACKGROUND (Chronology of events)

Hamilton Heritage Property Grant Program:

City Council, at its meeting held December 12, 2007, approved the program description of the Hamilton Heritage Property Grant Program which sets out the terms and conditions of the Program. The Program is offered to property owners of designated properties within Downtown Hamilton, Business Improvement Areas, Community Downtowns, the commercial corridors along Barton Street, east of the Barton Village BIA, and along Kenilworth Avenue North (*as identified in the Downtown and Community Renewal Community Improvement Project Area By-law*) and, the lower City between Highway 403 and the Red Hill Valley Parkway.

The Program offers a grant for structural/stability work required to conserve and restore heritage features of properties and, the conservation and restoration of heritage features of properties that are designated under Parts IV or V of the Ontario Heritage Act. For projects valued at \$40,000 or less, the grant is based on 50% of the total project cost to a maximum grant of \$20,000 for eligible work under the program. For projects valued over \$40,000, the grant includes \$20,000 (i.e. 50% of \$40,000), plus an additional grant based on 25% of the total project cost over \$40,000, to a maximum additional grant of \$130,000. In total, no more than \$150,000 will be granted for eligible work under the program. The Program also offers an additional \$20,000 grant for heritage related reports/assessments/studies.

GORE Building Improvement Grant Program:

City Council, at its meeting held October 12, 2011, approved the program description of the GORE Building Improvement Grant Program which sets out the terms and conditions of the Program. The Program was introduced as a three-year program for the purpose of supporting the maintenance, attractiveness, functionality and viability of the historic building stock that fronts on King Street East between James Street and Catharine Street, known as the “Gore” (*the program will be offered until December 31, 2014*). Applicants must provide a business case that identifies how the proposed work will improve the marketability of the property for prospective tenants and/or improve the

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business vitality and/or utilization of formerly under-utilized upper floors. The program is a tool to deter further physical decay of the building stock in the “Gore” and assist in breathing new life into formerly underutilized space.

The Program currently offers a matching grant to a maximum of \$50,000 per deeded property. Eligible work includes walls, ceilings and foundations, roofing, central air-conditioning, furnaces, fire protection systems, barrier-free accessibility including elevators, signage and façade improvements.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

The Downtown and Community Renewal Community Improvement Plan provides the framework for City programs and initiatives in a manner that meets the legislative requirements of the Planning Act intended to stimulate private sector investment and redevelopment and, to focus municipal action and investment that promotes and enhances Hamilton’s various downtowns, commercial districts, mixed use corridors and neighbourhoods targeted for community development.

The Plan provides the legal framework for the financial incentives administered by the Urban Renewal Section. As noted in Section 8.1 of the Plan, Council shall adopt by resolution detailed implementation measures to allow the efficient administration of each financial incentive. Downtown Hamilton, the Community Downtowns of Ancaster, Binbrook, Dundas, Stoney Creek and Waterdown, the Business Improvement Areas and other Commercial Corridors within the City, as well as certain heritage-designated properties, are collectively designated in the Downtown and Community Renewal Community Improvement Project Area By-law.

RELEVANT CONSULTATION

Staff from Development Planning of the Planning and Economic Development Department and staff from the Corporate Services Department were consulted and concur with the recommendations included in Report PED13132.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Historically significant properties are important to the urban revitalization and regeneration of our community. Both the Hamilton Heritage Property Grant Program and GORE Building Improvement Grant Program are intended to encourage and support private investment in the conservation of historically significant properties and help to offset the additional costs associated with specialized materials and skills for

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conservation projects. They also offer a financial incentive for undertaking basic structural rehabilitation before cosmetic improvements can be addressed particularly for buildings that have fallen into disrepair over a number of years.

When significant improvements are undertaken on a property, the value of the property increases, the public enjoy the benefits of an upgraded building appearance which in-turn contributes to creating an attractive environment.

Currently grants for both programs are based on a per deeded property basis. The proposed amendment to the Programs will base the eligible grant amounts on municipal addresses, identifying multiple and separate units with ground floor street frontages to determine the grant amount. Therefore, if a building has three assessed municipal addresses (*as confirmed by staff through the City of Hamilton's Geographic Information System and site visits*) and has three separate units with ground floor street frontages, then three applications could be submitted. Currently the property owner would be eligible to submit one application.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Non-acceptance of the recommendations contained in Report PED13132 would result in the continuation of larger buildings being disadvantage with respect to the eligible grant amounts under the Hamilton Heritage Property Improvement Grant Program and the GORE Building Improvement Grant Program. This alternative is not recommended.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.1 Continue to grow the non-residential tax base.
- 1.3 Promote economic opportunities with a focus on Hamilton's downtown core, all downtown areas and waterfronts.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

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1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

2.3 Enhance customer service satisfaction.

APPENDICES / SCHEDULES

Appendix "A" to Report PED13132 – Program Description for the Hamilton Heritage Property Grant Program

Appendix "B" to Report PED13132 – Program Description for the GORE Building Improvement Grant Program

HM/dkm



Hamilton

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HAMILTON HERITAGE PROPERTY GRANT PROGRAM

Program Description:

The Hamilton Heritage Property Grant Program (HHPGP) is intended to provide financial assistance in the form of a grant for structural/stability work required to conserve and restore heritage features of properties; the conservation and restoration of heritage features of properties; and for heritage studies/reports/assessments for properties that are designated under Parts IV or V of the Ontario Heritage Act. Eligible properties must be located within: Downtown Hamilton; a Community Downtown; an active* Business Improvement Area within the City of Hamilton; or, be designated under Parts IV or V of the Ontario Heritage Act and located within the lower city between Highway 403 and the Red Hill Valley Parkway and used for commercial, institutional or multi-residential purposes.

The objective of the Program is to assist in developing and re-using heritage properties. City Council values heritage properties as important to the urban revitalization and regeneration. Conservation and restorative initiatives must be consistent with the policies, principles and design themes contained within the Downtown Hamilton Secondary Plan, relevant Urban Design Guidelines, regulations contained within applicable Zoning By-laws as well as any other applicable City Council approved policies/regulations.

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

Terms of the Program:

1. The applicant must be the property owner of a historically designated property or, any person whom the owner of such property has assigned the right to receive the grant, to be eligible to apply for the program.

2. Properties are to be identified by municipal address to identify multiple and separate units with ground floor street frontages.
3. The grant is contingent on properties being designated under Parts IV or V of the Ontario Heritage Act.
4. An application fee of \$330 is to accompany the application. The rate of the fee may be changed from time to time as approved by City Council.
5. The grant is conditional upon a Heritage Permit; or easement approval; or other City approval, being issued for the heritage component.
6. The grant is conditional upon all planning and building code approvals required for structural/stability works.
7. Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application but prior to application approval do so at the applicant’s risk.
8. The Urban Renewal Section reserves the right to recommend works that are integral to the preservation of the building required to preserve/conservate the heritage features.
9. Proposed work is to be completed within two calendar years of the date of approval of the General Manager of the Planning and Economic Development Department to be eligible for payment. A one year extension can be authorized by the Manager of Urban Renewal.
10. Payment will be made by the City upon proof by an architect or engineer confirming the value of the work completed and the compliance with all applicable regulations/legislation or, upon proof satisfactory to the City confirming the value of the work completed.
11. Realty taxes must be paid current and in good standing.
12. Notwithstanding the above, upon completion of the improvements on condominium properties, the Urban Renewal Section will set a deadline to the condominium corporation as to when all taxes on the property are to have been paid as billed and, if on that date 100% of the taxes are not paid, the grant will be advanced proportionately based upon the percentage of paid taxes. The remainder of the grant will be cancelled.
13. For projects valued at \$40,000 or less, the grant will be based on 50% of the total project cost to a maximum grant of \$20,000 for eligible work under the program. For projects valued over \$40,000, the grant will include \$20,000 (i.e. 50% of \$40,000), plus an additional grant based on 25% of the total project cost over

\$40,000, to a maximum additional grant of \$130,000. In total, no more than \$150,000 will be granted for eligible work under the program.

14. Work completed must comply with estimates, and work proposed and identified within the application unless previously approved by the Urban Renewal Section.
15. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.
16. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.
17. The grant is not transferable upon sale of the property.
18. The heritage grants may be received by an owner in conjunction with any other City heritage program available including the Community Heritage Trust Program. Funding under these programs will not fund the same work *and* will be contingent on total financing under all heritage programs not exceeding 50% of the total cost of the restoration/conservation work.
19. The heritage grant may also be received by an owner in conjunction with any other available City program in support of the redevelopment/development of the property including the City's Hamilton Downtown Multi Residential Property Investment Program; the Hamilton Tax Increment Grant Program, the Commercial Corridor Housing Loan and Grant Program and the Business Improvement Area Commercial Property Improvement Grant Program. Funding under these programs will not fund the same work.
20. Approval of the grant application is at the absolute discretion of the City and subject to the availability of funds
21. Without limiting the discretion as set out in paragraph 19 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals; corporate entities and individuals behind the corporation (Officers/Directors/Shareholders).
22. Without limiting the discretion as set out in paragraph 19 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.
23. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.

Heritage Related Reports/Assessments/Studies Component:

- The heritage related reports/assessments/studies component provides an additional grant that will fund 100% of the cost of the document(s) to a maximum of \$20,000 per property.
- The applicant shall retain a qualified consultant to complete the heritage related reports/assessments/studies, who is acceptable to the City (Urban Renewal Section and Community Planning and Design).
- The final document is to meet the satisfaction of the City (Urban Renewal Section and Community Planning and Design).
- Copies of the final document shall be provided to the City (Urban Renewal Section and Community Planning and Design) and may be used as the basis for future work on the property by a future owner should the ownership of the property change.

Eligible structural/stability work:

- Work necessary to restore the building to structural soundness e.g., the correction of serious structural faults that threaten the building's survival; stabilization works to retain portions of the property; underpinning of building structures; repair/new roofs.

Eligible conservation work:

- Any work that conserves or enhances elements specified in the *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes* accompanying the designating by-law under the Ontario Heritage Act (“OHA”).
- The **conservation** of significant architectural features is eligible. This may include the conservation or restoration of: doors, windows, verandahs, cupolas, chimneys, bargeboard or other decorative trim, parapets, cornices, hood mouldings and any other features important to the overall composition of the structure as specified in the *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes accompanying the designating by-law under the OHA*.
- The **conservation** of fences and outbuildings if specifically referred to in *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes accompanying the designating by-law under the OHA*.
- The **conservation** or renewal of original siding and roofing materials including repair and replacement where necessary of wood clapboard or board-and-batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.). Eligible work also includes removal of a modern material (synthetic siding, asphalt shingles, etc.) and replacement with documented original materials.
- The **reconstruction** of former and significant architectural features for which the appearance can be clearly determined from documentary sources (photographs, drawings, etc.) is eligible.

- The **reconstruction** of store fronts which have been altered or replaced. The documentation should be in the form of historic photographs or drawings clearly showing the feature(s) to be reconstructed.
- Cleaning of masonry buildings may be eligible if it is necessary for the building's preservation. **Under no circumstances will grants be paid for any form of abrasive cleaning, (e.g., sandblasting or sodablasting) or high-pressure water cleaning. Heritage Staff approval is required as to cleaning method to be employed before work is undertaken.**
- Exterior painting in documented original colours. Colours must be documented for the individual building or be proved to have been a common contemporary colour in the area. Painting of unpainted masonry is not eligible.

Non-eligible works:

The following works, including repair, maintenance, reconstruction or improvements to the following are ineligible for grant assistance:

- Short-term, routine *maintenance*. This includes minor repairs (such as repairing a broken step or a broken window); repair of non-original siding or roofing materials (aluminum siding, asphalt shingles, etc.)
- Landscaping
- Work on modern additions
- Work on sheds or outbuildings not specifically referred to in the *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes*
- Installation of modern doors and windows unless replicas of the original
- Installation of new storm or screen doors and windows
- Chimney repairs other than restoration of a significant chimney
- Repair of eavestrough unless its nature is such that it is significant to the heritage of the structure
- Repairs to or renewal of modern materials
- Painting previously unpainted masonry
- Interior Work (unless required to stabilize/preserve the property e.g. furnaces)
- Abrasive cleaning (e.g. sandblasting or sodablasting) or high-pressure water cleaning



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THE “GORE” BUILDING IMPROVEMENT GRANT PROGRAM

PROGRAM DESCRIPTION

The Gore Building Improvement Grant Program (the “Program”) was developed to support the maintenance, attractiveness, functionality and viability of the historic building stock that fronts on King Street East between James Street and Catharine Street, known as the “Gore”. The Program is intended to provide financial assistance to bring existing properties to present-day Property Standards and Sign By-law requirements and, to improve their accessibility.

The Program supports an objective of the Downtown Secondary Plan: conserve and enhance the Gore as the primary landscaped open space and concentration of heritage buildings in Downtown Hamilton.

Applications under the Program will be accepted to the end of December 2014 (subject to the availability of funding). Improvements funded under the Program must be completed no later than August 1, 2015.

PROGRAM TERMS

1. Property owners and, tenants authorized in writing by the owner, are eligible to apply for a grant under the program.
2. Each application is to be defined by municipal address to identify multiple and separate units with ground floor street frontages. One grant per application.
3. Two separate cost estimates of the work to be provided by a licensed contractor other than the owner. Owner may present an estimate but is required to have at least two prepared by contractors. The grant will be calculated based upon lowest cost estimate, and is not to address cost increases or over runs. In the case where the applicant is the owner of a contracting company and wishes to utilize the company to undertake the improvements, one cost estimate will be required. A Building Inspector

- will review all estimates provided for the purpose of ensuring competitiveness.
4. Applicants will be required to provide a business case that identifies how the improvements will improve the marketability of the property for prospective tenants and/or improve the business vitality and/or utilize formerly under-utilized upper floors.
 5. Grants will be paid on a matching basis up to a maximum of \$50,000 for eligible work under the Program.
 6. A building inspector will perform initial inspection relative to the proposed improvements, and subsequent final inspection to assure compliance with Property Standards.
 7. Approval of the grant is at the sole discretion of the General Manager of the Planning and Economic Development Department and subject to the availability of funds.
 8. Proposed improvements to be completed within one year to be eligible for payment. A one year extension can be authorized by the Manager of Urban Renewal.
 9. Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Urban Renewal Section.
 10. The Applicant shall provide to the City’s Urban Renewal Section copies of paid invoices for all work undertaken on the property for which the grant is applicable. This documentation is to be provided prior to the final inspection.
 11. A City Building Inspector’s final inspection report confirming all works have been carried out satisfactorily will be provided prior to release of any grant monies.
 12. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.
 13. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.
 14. The grant is not transferable upon sale of the property.

15. The grant may also be received by an owner in conjunction with any other available City program in support of the redevelopment/development of the property with the exception of the Hamilton Downtown Commercial Façade Property Improvement Grant Program.
16. An application fee of \$330 is payable upon submission of application. The fee will be authorized through a by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council.
17. Without limiting the discretion as set out in paragraph 6 herein, the City, Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals; corporate entities and individuals behind the corporation (Officers/ Directors/ Shareholders).
18. Without limiting the discretion as set out in paragraph 6 herein, the City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.
19. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.

ELIGIBILITY REQUIREMENTS

- Property owners and authorized tenants are eligible.
- Property taxes must be paid current.
- The improvements made to buildings shall be in accordance with Property Standards and in compliance with all applicable City by-laws, official plans, zoning regulations, design guidelines and site plan approvals.
- Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application but prior to application approval do so at the applicant’s risk.
- Properties must front on King Street between James Street and Catharine Street.
- Existing use must be in conformity with the applicable Zoning By-law regulations (including the Heritage Character Zone), and other relevant planning controls.
- This program shall not apply to an existing or proposed Adult Entertainment Parlour, Body Rub Establishment as defined in the Zoning By-law.

ELIGIBLE IMPROVEMENTS

- Signage in conformity with the Sign By-law 06-243 as amended. (Note: the eligible grant amount will be increased to 75% of the cost of installing a sign that is in conformity with the Sign By-law and is replacing a legally non-conforming sign)
 - Façade improvements
 - Reinforcement of floors, walls, ceilings and foundations
 - Required improvements to ventilation systems
 - Construction or alteration of stairs, guards, handrails
 - Roofing
 - Installation or repair of central air-conditioning
 - Installation or repair of furnace
 - Installation or alteration of required window openings
 - Installation or alteration of fire protection systems; fire separations; fire doors, fire shutters and other fire protection devices
 - Improvements for barrier-free accessibility including elevators
 - Other improvements related to health and safety issues deemed eligible at the sole discretion of the General Manager of Planning and Economic Development.
-