SUBJECT: Enterprise Zone Municipal Realty Tax Incentive Grant Program
Application for 150 Main Street West, Hamilton EZ06/05 (PED06418) (Ward 2)

RECOMMENDATION:

That upon approval of the requisite variances to Hamilton Zoning By-law 05-200, Application EZ06/05 for the proposed conversion of a vacant 7 storey office building (the former Federal Building) to residential, and the development of a 3-storey parking facility for use by the residential occupants, located at 150 Main Street West, Hamilton, be approved as an eligible project under the “Enterprise Zone Municipal Realty Tax Incentive Grant Program”.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

Report PED06418 summarizes an application under the “Enterprise Zone Municipal Realty Tax Incentive Grant Program” submitted by 150 Main Street West Holdings Inc. for the property located at 150 Main Street West, Hamilton (see Appendix “A” to Report PED06418). The proposal involves the redevelopment of 150 Main Street West, an existing 7 storey office building that will involve the conversion of the property to accommodate 170 new residential units. A 3-storey parking facility will also be developed at the rear of the property. The proposed development meets the criteria and requirements of the EZ Program and is consistent with the designations and policy
direction of the Downtown Hamilton Secondary Plan with the exception of applying for a minor variance and minor site plan application to permit the construction of residential units on the ground floor. 150 Main Street West Holdings Inc. is working with staff of the Planning and Economic Development Department through the permitting processes.

**BACKGROUND:**

On August 22, 2001, City Council approved an amendment to the Downtown Hamilton Community Improvement Plan which introduced the “Enterprise Zone – Municipal Realty Tax Incentive Grant Program” (“EZ Program”). Since that time, a number of program refinements have been approved by City Council. The EZ Program applies to properties within the Downtown Hamilton Community Improvement Project Area. The program authorizes for each approved grant application, a 9 year grant, the amount of which is subject to Council approval, in an amount not exceeding the increase in municipal realty taxes as a direct result of the development/redevelopment of the land and/or building. The total of each property’s 9 years of approved grants shall not exceed the costs of the property’s development/redevelopment. The grant does not exceed 100% of the municipal realty tax increase during the first five (5) years, 80% in year six (6), 60% in year seven (7), 40% in year eight (8) and 20% in year nine (9). One of the program enhancements approved since the original program was introduced is the ability of a developer of residential condominium units to pass the tax grant on to first residential condominium purchasers only. If the developer chooses to exercise this option the tax grant program is reduced from nine (9) years to five (5) years at 100%.

As applications have been received under the EZ Program since 2002, the Downtown Renewal Division has sought City Council’s initial approval of the proposed developments. Once the projects have been completed and reassessment by the Municipal Property Assessment Corporation (MPAC) has occurred, staff will submit a final report relating to the proposal recommending a program of tax grants as contemplated under the terms of the EZ Program.

**ANALYSIS/RATIONALE:**

Application EZ06/05 for the property at 150 Main Street West is for the redevelopment of an existing 7 storey building and the development of a 3-storey parking facility for the residents. The redevelopment cost is estimated at $25 million. The proposed development meets the policy direction of the Downtown Hamilton Secondary Plan with the exception of requiring a minor variance and minor site plan application for allowing the construction of residential units at the ground level. The subject property is within the area of the Enterprise Zone as outlined in the Downtown Hamilton Community Improvement Plan and is a permitted use under said Zoning By-law 05-200. The property is listed on the Inventory of Buildings of Architectural and/or Historical Interest.
ALTERNATIVES FOR CONSIDERATION:

The Enterprise Zone Municipal Realty Tax Incentive Grant Program enhances the financial viability of the proposed development at 150 Main Street West. In the event that the project was not to be considered for the program, the development would be faced with a significant financial difficulty.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financing - Report PED06418 recommends that 150 Main Street West be approved as an eligible project under the Enterprise Zone Municipal Realty Tax Incentive Grant Program. The recommendation also authorizes staff to continue processing this application, and as such, there are no current financial implications. Final approval by City Council will be the subject of a further staff report.

Staffing - Administration of this application under the terms of the program can be accommodated by staff of the Downtown Renewal Division and the Corporate Services Department.

Legal – Upon City Council approval of the staff recommendation and reassessment of the property by the Municipal Property Assessment Corporation (MPAC), an Agreement between the City and the applicant will be negotiated and executed in a form satisfactory to the Director of Downtown Renewal and the City Solicitor. Appendix “B” to Report PED06418 outlines the issues to be addressed within the Agreement.

POLICIES AFFECTING PROPOSAL:

In accordance with program criteria, variances to Zoning By-law 05-200 are required prior to final approval of this Enterprise Zone application.

Report PED06418 relates to the processing of an application under the EZ Program which is contained within the City’s Provincially-approved Downtown Hamilton Community Improvement Plan. The proposed development is consistent with the designation, intent and policy direction of the Downtown Hamilton Secondary Plan.

RELEVANT CONSULTATION:

Comments from the Taxation Division as well as the Legal Services and Corporate Counsel Division of the Corporate Services Department have been incorporated within Report PED06418. The recommendations within this report are in a form satisfactory to the City Solicitor.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

**Community Well-Being is enhanced.** ☑ Yes ☐ No
Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens.

Downtown Renewal actively engages Downtown and BIA stakeholders in decision making as well as other City Departments.

**Environmental Well-Being is enhanced.** ☑ Yes ☐ No
Human health and safety are protected.

The rehabilitation of the building stock and the development of properties in the Downtown makes efficient and effective use of City services as well as protecting human health and safety.

**Economic Well-Being is enhanced.** ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

Downtown Renewal programs lead to effective partnerships with community stakeholders and the development community. Developers and property owners invest in Downtown properties leading to property assessment increases through the rehabilitation of buildings and properties.

**Does the option you are recommending create value across all three bottom lines?**
☑ Yes ☐ No

**Do the options you are recommending make Hamilton a City of choice for high performance public servants?**
☑ Yes ☐ No
Hamilton continues to lead initiatives related to renewal. Such initiatives are professionally stimulating and result in Hamilton being a choice for employment to those interested in bettering community life.

GM:HM
Attachs. (2)
Location Map

File Name/Number: 150-Main-St-W
Date: September 27, 2006
Appendix "A"
Scale: N.T.S.
Planner/Technician: HM/LMM

Subject Property

- 150 Main Street West

Ward 2 key map
AGREEMENT REGARDING APPLICATION EZ06/05
Enterprise Zone Municipal Realty Tax Incentive Grant Program
150 Main Street West, Hamilton

Agreement between the City and the applicant regarding the application will address the following:

- Application is in respect of proposed development at 150 Main Street West, Hamilton.
- Applicant is 150 Main Street West Holdings Inc. the owner of the property.
- Eligible improvement work is the conversion of the building to create 170 new residential units and the development of a parking facility for use by the residents. The estimated construction cost is approximately $25 million.
- Application is based on current assessment, as of the date the application was received complete.
- Property taxes must be paid current, to receive final approval by City Council.
- Grant to be calculated based upon the recorded assessed value as above.
- Grant comprises the municipal portion of the tax increase attributable to the assessment increase resulting from the project, in accordance with and subject to the provisions of the Enterprise Zone Municipal Realty Tax Incentive Grant Program. All other provisions of the program shall also be referenced within the Letter of Understanding.
- Applicant to acknowledge that although the project may be recognized by City Council as an acceptable, eligible project, the award and the final amount of a grant (if any) is solely within City Council’s discretion (except award may not exceed maximum amount determined within program parameters) and no grant is available unless and to the extent the assessment and municipal taxes increase, as required by the program.
- The program starts following post development reassessment.
- Any other matters deemed appropriate by the City of Hamilton.