



CITY OF KINGSTON
REPORT TO PLANNING COMMITTEE

Report No.: PC-13-002

TO: Chair and Members of Planning Committee
FROM: Cynthia Beach, Commissioner, Sustainability and Growth
RESOURCE STAFF: Grant C. Bain, Director, Planning and Development Department
DATE OF MEETING: December 6, 2012
SUBJECT: PUBLIC MEETING REPORT (File No. PLA-E05-001-2012)
Proposed Amendment to the City of Kingston's Community Improvement Plan for Brownfields Project Areas 1A & 1B

EXECUTIVE SUMMARY:

The following is a public meeting report to Planning Committee for an amendment to the Community Improvement Plan (CIP) for Brownfields Project Areas 1A & 1B. The report describes the purpose and effect of the requested amendment and includes an overview of the relevant policies and regulations that apply to the CIP.

The City of Kingston's CIP for Brownfields Project Areas 1A & 1B provides tax assistance and grants to eligible properties located within designated Community Improvement Project Areas, in order to assist with the rehabilitation and redevelopment of brownfield sites.

The purpose of the proposed amendment is as follows: to include additional properties in the Brownfields Community Improvement Project Areas; to update the CIP to reflect current policies; to amend the Initial Study Grant component of the Brownfields Program; to extend the Brownfields Program to 2025; and, to make minor administrative changes to the CIP.

AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY COMMISSIONER <hr/> Cynthia Beach, P.Eng., MCIP, RPP, Commissioner, Sustainability and Growth
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER <hr/> Gerard Hunt, Chief Administrative Officer

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Lanie Hurdle, <i>Community Services</i>	N/R
Denis Leger, <i>Transportation, Properties & Emergency Services</i>	N/R
Jim Keech, <i>President and CEO, Utilities Kingston</i>	N/R

(N/R indicates consultation not required)

K:\E05_Brownfields\Brownfields CIP - Project Area 1A & 1B & 1C\2012 AMENDMENT including Williamsville\Staff Reports\PM Report\PC-13-002 BF CIP - PM Report (Dec. 6_12).doc

OPTIONS/DISCUSSION:

The City of Kingston's Community Improvement Plan (CIP) for Brownfields Project Areas 1A & 1B provides tax assistance and grants to eligible properties located within designated Community Improvement Project Areas, in order to assist with the rehabilitation and redevelopment of brownfield sites.

The City of Kingston has prepared an amendment to the Community Improvement Plan (CIP) for Brownfields Project Areas 1A & 1B, in accordance with the provisions of Section 28 of the *Planning Act*, for the purpose of facilitating changes to the City's Brownfields Program and updating the CIP document. The proposed changes to the document are as follows:

1. Boundary changes to enlarge Community Improvement Project Area 1A (refer to the Key Map in Exhibit 'A');
2. The addition of a new Community Improvement Project Area 1C to permit properties within the Williamsville Main Street Area (Princess Street from Division Street to Bath Road / Concession Street) to participate in the Brownfields Program (refer to the Key Map in Exhibit 'A');
3. Text changes to the CIP, particularly Sections 2.0 and 3.0, to reflect current policies, including the City's new Official Plan, and to update the demographic data and land use information for the expanded Project Areas;
4. Changes to the Initial Study Grant component of the Brownfields Program to increase the amount of the grant from \$10,000 to \$20,000, and decrease the number of grants offered by the City per year from five to three;
5. An extension of the Brownfields Program to 2025, as it is currently scheduled to end in 2015; and,
6. Administrative changes to the CIP, including: additional definitions for clarification; updates to the departmental names and staff titles; and, additional wording that clarifies that the term "grant" in the CIP requires the proponent to pay all fees and taxes up front before the grants are issued.

A revised version of the Brownfields CIP, showing all of the proposed changes, has been included as Exhibit 'B' to this report.

Anyone who attends the Planning Committee public meeting may present an oral submission, and / or provide a written submission on the proposed amendment. Also, any person may make written submissions at any time before City Council makes a decision on the proposed amendment.

If a person or public body does not make oral submissions at a public meeting, or does not make written submissions before the proposed amendment has been approved by City Council, the person or public body is not entitled to appeal the decision to the Ontario Municipal Board and may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

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Anyone wishing to be notified of Council's decision on the subject application(s) must submit a written request to:

Sonya Bolton, Senior Policy Planner
The Corporation of the City of Kingston,
216 Ontario Street,
KINGSTON, Ontario, K7L 2Z3.

Planning Committee will consider a comprehensive report and recommendation from the Planning and Development Department, respecting the proposed amendment, at a future meeting. The Committee will make its recommendation to City Council at that meeting. The decision of City Council will be final unless appealed.

All persons who made oral or written submissions, or have requested notification in writing, will be given written notice of the future meeting(s) of Planning Committee at which the proposed amendment will be considered.

EXISTING POLICY/BY-LAW:

Section 28 of the *Planning Act* regulates community improvement and permits a municipality to designate a community improvement project area, adopt a community improvement plan (CIP), and provide grants or loans for the purpose of carrying out a CIP.

The *Provincial Policy Statement* (PPS) promotes the redevelopment of brownfield sites to support long-term economic prosperity and opportunities for intensification (Sections 1.1.3.3 and 1.7.1(c)).

Schedule 10 of the City of Kingston Official Plan defines the urban area of the City as a Community Improvement Area, while Section 9.8 contains policies regarding community improvement. Through the policies of the Official Plan, the City may designate all or parts of the land shown on Schedule 10 as a Community Improvement Project Area for which a detailed community improvement plan can be prepared. Section 9.8 of the Official Plan also contains objectives for community improvement and criteria for establishing project areas, which include the rehabilitation of environmentally compromised land and buildings through appropriate remediation.

Community Improvement Project Areas 1A & 1B were first designated in 2005 by By-Law No. 2005-40, while the CIP for Brownfields Project Areas 1A & 1B was adopted by By-Law No. 2005-41. Amendment No. 1 to the CIP took place in 2006, and resulted in minor administrative changes, policy updates to reflect the 2005 PPS, and the addition of one property to Project Area 1A.

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NOTICE PROVISIONS:

A Public Meeting is being held regarding this proposed amendment on December 6, 2012. Pursuant to the requirements of the *Planning Act*, a notice of the statutory Public Meeting was provided by advertisement in the *Kingston Whig Standard* on November 13, 2012, more than 20 days in advance of the Public Meeting. In addition, prepaid first class mail was sent to all affected property owners, as well as those property owners within 120 metres (400 ft.) of the subject areas (according to the latest Assessment Rolls). If the amendment is approved, a Notice of Adoption will be circulated in accordance with the provisions of the *Planning Act*.

ACCESSIBILITY CONSIDERATIONS:

This report is available in different formats upon request.

FINANCIAL CONSIDERATIONS:

N/A

CONTACTS:

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Jim Miller, Manager, Utilities Engineering, Utilities Kingston / Kingston Hydro
Stephen Sottile, Conservation Officer, Utilities Kingston / Kingston Hydro
George Wallace, Project Manager, Sustainability & Growth
Paul MacLatchy, Director, Environment & Sustainable Initiatives
Nathan Richard, Project Manager, Brownfields, Environment & Sustainable Initiatives
Hal Linscott, Director, Legal Services & City Solicitor
Desiree Kennedy, Director, Financial Services & City Treasurer
Stephen Dickey, Deputy Treasurer, Financial Services
Pat Carrol, Manager, Taxation & Revenue, Financial Services
Jeff Garrah, CEO, KEDCO

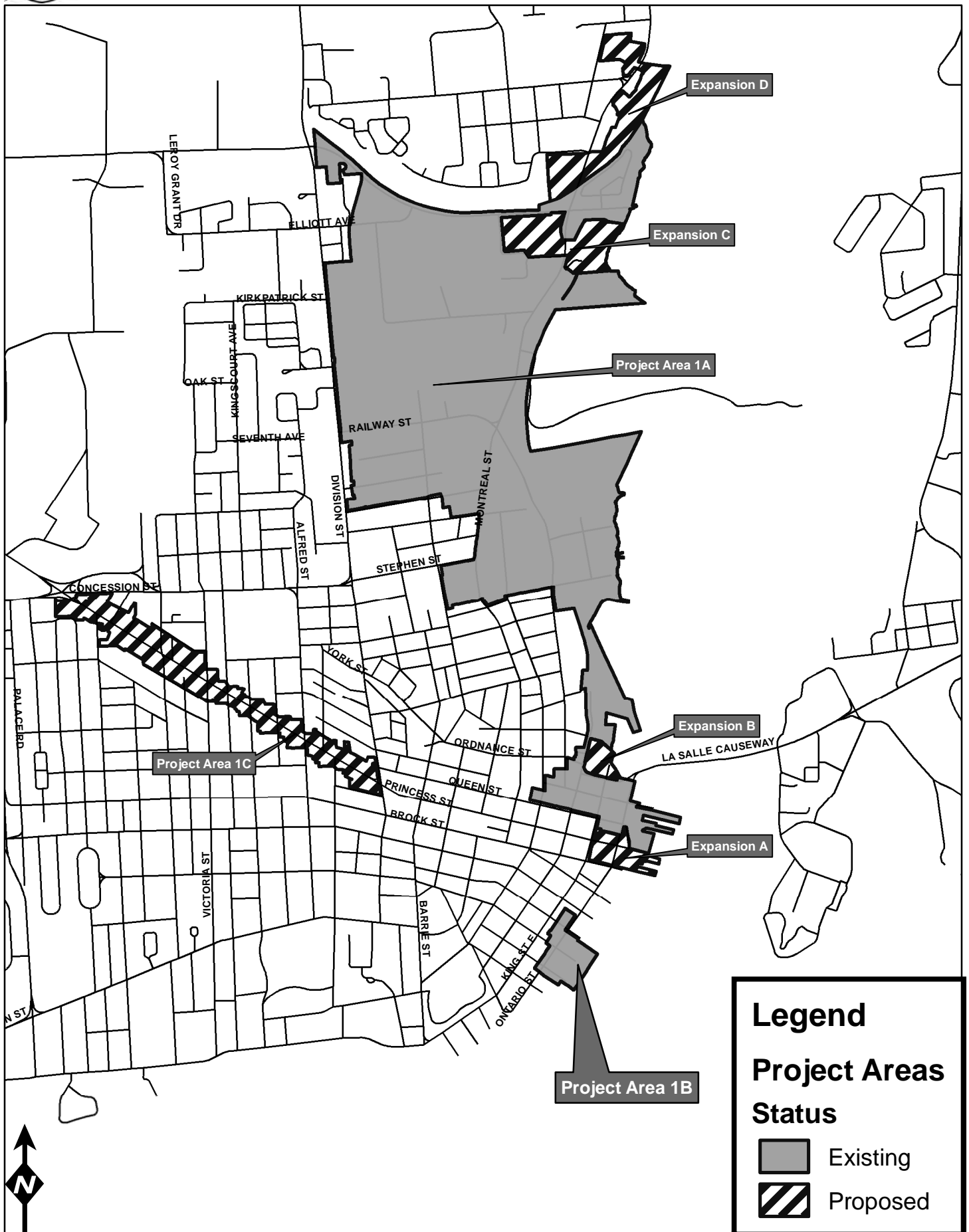
EXHIBITS ATTACHED:

Exhibit 'A' – Key Map
Exhibit 'B' – Revised CIP for Brownfields Project Areas 1A, 1B & 1C



KEY MAP: PROPOSED EXPANSION TO COMMUNITY IMPROVEMENT PROJECT AREAS

EXHIBIT 'A'



City of Kingston Community Improvement Plan



Brownfields Project Areas 1A, 1B & 1C

**Planning and Development Department &
Environment and Sustainable Initiatives Department**

Sustainability and Growth Group
City of Kingston



February 15, 2005
Revised May 23, 2006
Revised December 6, 2012

Deleted: Community Development Services



Title Page Photograph – Kingston City Hall and waterfront (circa 1919)
Source: Archives of Ontario

FOREWORD

City of Kingston Community Improvement Plan for Brownfields Project Areas 1A, 1B & 1C

Comment [sab1]: The current Brownfields CIP document contains 19 pages at the beginning that include copies of the by-laws and approval letters with respect to the CIP. The proposal is to remove these pages and replace them with the following foreword summarizing the approval history of the Brownfields CIP.

On February 15, 2005, City Council passed By-Law No. 2005-40, designating Community Improvement Project Areas 1A & 1B, and also adopted the Community Improvement Plan (CIP) for Brownfields Project Areas 1A & 1B (By-Law No. 2005-41). The CIP, consisting of the explanatory text, figures, tables and maps contained in Sections 1 through 7, constituted the City of Kingston Community Improvement Plan for Brownfields Project Areas 1A & 1B. The Appendices attached to the Plan did not constitute a part of the CIP, but were provided as support materials for information purposes only. The CIP was approved by the Ministry of Municipal Affairs and Housing (MMAH) and came into force on April 7, 2005.

On May 23, 2006, Council passed By-Laws No. 2006-125 and No. 2006-126, which constituted Amendment No. 1 to the Community Improvement Plan for Brownfields Project Areas 1A & 1B. The amendment revised the boundary of Project Area 1A (westerly extension towards Bagot Street between Queen and Ordnance Streets) and introduced a number of administrative / housekeeping amendments to reflect:

- changes requested by the Ministry of Finance;
- policies of the Provincial Policy Statement (2005);
- the City's new organizational structure (departments and staff titles); and,
- a change to the review and approval process to allow a Brownfield Application to proceed directly to Council where planning approvals were already in place.

Amendment No. 1 to the CIP was approved by the MMAH and came into force on August 16, 2006.

On _____, 2012, Council passed By-Laws No. 2012-___ and No. 2012-___, which constituted Amendment No. 2 to the Community Improvement Plan for Brownfields Project Areas 1A, 1B and 1C. This amendment revised the boundaries of Project Area 1A, added a new Project Area 1C (Williamsville Main Street Area), and introduced a number of amendments to reflect:

- updated property and land use information for the areas added to Project Area 1A and for the new Project Area 1C;
- updated mapping to show the revised boundaries, Official Plan designations, zoning categories, existing land use and buildings, vacant lands, and tax sale properties in the Project Areas;
- policies of the City's new Official Plan and other recent strategic documents;
- the City's current organizational structure (departments and staff titles); and,
- other administrative/housekeeping amendments to reflect current legislative requirements.

Due to recent legislative changes, MMAH approval was not required for Amendment No. 2 to the CIP, and it came into force on _____, 2012.

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1.0 INTRODUCTION

1.1 Community Improvement Plans

A Community Improvement Plan (CIP) is a tool that allows a municipality to direct funds and implement policy initiatives toward a specifically defined project area. Section 28 of the *Planning Act* gives municipalities that have enabling policies in their official plans, the ability to prepare Community Improvement Plans. The Community Improvement Plans are intended to encourage rehabilitation initiatives and/or stimulate development. Once implemented, the plan allows municipalities to provide tax assistance, grants or loans to assist in the rehabilitation of lands and/or buildings within the defined Community Improvement Project Area.

1.2 Purpose

The purpose of this CIP is to facilitate the implementation of the City of Kingston's Brownfields Program, and its key financial components. The Program will provide tax assistance and grants for the rehabilitation of environmentally compromised land and/or buildings through an appropriate Remedial Work Plan.

The City's Brownfields Program (originally presented as the ERASE document) was first approved in principle by City Council on June 10, 2003. The success of the Program depends on the financial incentives, which are to be implemented through a CIP grant program adopted pursuant to Section 28 of the *Planning Act*.

1.3 Rationale

At its meeting of June 25, 2002, City Council passed a resolution approving "the formation of a task force to review and develop a strategy for the remediation and redevelopment of lands affected by Brownfields." The membership of the task force included two (2) members of Council, two (2) property owners, and a total of seven (7) representatives drawn from such agencies as Queen's University, the Royal Military College, the Kingston Economic Development Corporation (KEDCO), the Kingston Environmental Advisory Forum (KEAF), the Downtown BIA Board of Management, the Chamber of Commerce, and the Ministry of Municipal Affairs.

The Task Force began its work at a meeting held on August 22, 2002, and continued to meet some seventeen (17) times over the course of 2002 and the spring and summer of 2003. The Task Force identified the expanded Community Improvement Area recommended for the Official Plan that was adopted by City Council in 2004. It also discussed potential sites where brownfields might apply, and most importantly, reviewed the City's Brownfields Program elements and components. The Brownfields Program recommended by the Task Force was approved "in principle" by City Council at its meeting of June 10, 2003 and has been incorporated by this Community Improvement Plan.

The City of Kingston Brownfields Task Force adopted a very wide scope for its discussion and defined 'brownfields' very broadly as "abandoned, idle or underused industrial or commercial properties in built-up urban areas where expansion or

development is complicated by real or perceived environmental contamination, building deterioration/obsolescence, and/or inadequate infrastructure." Brownfield sites are now defined in the City's Official Plan, and that definition has been incorporated into this CIP (refer to Section 4.2).

The City has a number of properties that have been or may be impacted by former industrial or commercial uses and may be contaminated as a result of these former activities. These properties are either vacant or under-utilized and in some cases may be abandoned. There are concerns over their environmental liability, the stigma attached to the former use, and/or the financial costs for site rehabilitation.

Brownfield sites are often strategically located in the core areas of cities, with access to existing infrastructure and services, and often in close proximity to water and other transportation networks. Left abandoned or vacant, brownfield sites represent lost property tax revenue, lost residential accommodation, and lost employment opportunities. This can trigger a downward spiral in the neighbourhoods in which these properties are located, causing an out-migration of both businesses and residents, thereby further reducing tax revenues. If these businesses and residents move away from the core area out toward undeveloped greenfield lands, there is additional pressure placed on the municipality to extend infrastructure and services.

Vacant and neglected brownfield sites can also present serious health and safety issues related to deteriorating buildings and/or surface debris present on the site.

The implementation of the City of Kingston's Brownfields Program is intended to increase the municipal tax base and to revitalize those areas of the urban core located in the Project Areas containing abandoned or vacant brownfield sites. Intensification and the rehabilitation and redevelopment of brownfield sites are components of the City's Urban Growth Strategy and are reflected in the Official Plan. As key properties are developed, it is anticipated that it will spur development on surrounding properties in the community. This development will be beneficial to the community not only in generating jobs and further expanding the tax base, but also in improving the community, contributing to sustainability, and making it a more desirable place for people to live and operate businesses.

1.4 Goals & Objectives

The goals and objectives of the CIP for the City of Kingston's Brownfields Program have been formulated in concert with the general direction of the *Provincial Policy Statement* and the policy goals of the City of Kingston Official Plan. The specific goals and objectives for the CIP are as follows:

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Goals of the Program

- A cleaner, healthier, safer and more livable environment;
- An increase in employment, economic activity and investment;
- The implementation of previous studies;
- The implementation of the City's Urban Growth Strategy;
- The rehabilitation of land for a new use;

- Better use of existing infrastructure, services and facilities;
- The revitalization of the City's waterfront and the downtown;
- The revitalization of the Williamsville Main Street area;
- Intensification and the creation of new housing;
- The redevelopment of currently underutilized or vacant lands; and,
- The encouragement of the design and construction of environmentally high performance buildings (LEED designation).

Objectives of the Program

- Commence the Brownfields Program;
- Implement the Program;
- Monitor the Program;
- Minimize risk and liability; and,
- Monitor provincial legislation and requirements and respond to any changes.

The goals and objectives are an integral part of the Community Improvement Plan and have been used to guide the development of the Brownfields Program and identify the Project Areas.

2.0 PLANNING POLICY

Comment [sab2]: Due to a very large number of changes in policy since the CIP was first adopted, the proposal for Section 2.0 is to do a complete delete and replace of the whole chapter. The proposed revised version of Section 2.0 is shown here.

2.1 Provincial Policy Statement

In addition to Section 28 of the *Planning Act*, which authorizes Community Improvement Plans, there are other provincial interests related to the rehabilitation and redevelopment of brownfield properties. The *Provincial Policy Statement (PPS)* (2005), issued under the authority of Section 3 of the *Planning Act*, provides policy direction on matters of provincial interest related to land use planning. Section 1 of the *PPS* is entitled "Building Strong Communities", and deals with efficient, cost-effective development and land use patterns. More specifically, Section 1.1 includes policies related to the following:

- establishing land requirements and land use patterns based on densities that efficiently use land, resources, infrastructure, public services, and transit;
- providing for a range of uses in areas with existing infrastructure;
- ensuring development standards are cost-effective, minimize land consumption, and reduce servicing costs; and,
- providing opportunities for redevelopment, intensification and revitalization in areas with existing infrastructure.

Section 1.1.3.3 states that "planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs." In addition, Section 1.7.1 notes that long-term economic prosperity should be supported by such initiatives as "maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets" (sub-section (b)), and "promoting the redevelopment of brownfield sites" (sub-section (c)). Section 3.2.2 indicates that "contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects."

The rehabilitation of brownfield sites in Kingston, including the redevelopment of the Williamsville Main Street area will provide renewed areas for both homes and businesses within already developed urban neighbourhoods, and therefore, will support the policies of the *PPS*.

2.2 City of Kingston Official Plan

The City of Kingston Official Plan was adopted by Council on July 15, 2009 and approved by the Ministry of Municipal Affairs and Housing (MMAH) on January 27, 2010.

2.2.1 Sustainable Development

Section 2.1 of the Official Plan outlines the City's strategic policies for attaining sustainable development in the community. These policies include: rehabilitating polluted areas; limiting the need for undue extension of infrastructure or reliance on the

automobile; achieving appropriate densities; maximizing investments in infrastructure and public amenities; revitalizing both neighbourhoods and employment areas; and, rehabilitating brownfield sites for reuse. Section 2.3 (Principles of Growth) indicates that the focus of growth will be within the urban boundary and that Council intends to increase net residential densities through such strategies as the appropriate redevelopment of under-utilized and brownfield sites and the targeting of a density increase for large-scale vacant land development in the Princess Street Corridor.

2.2.2 Protection of Health and Safety

The City's intent regarding contaminated sites, as set out in Section 5 of the Official Plan, is that such human-made hazards be responsibly managed. Sections 5.10 – 5.12 of the Official Plan identify the need for Phase 1 and 2 Environmental Site Assessments, and the mandatory filing of a Record of Site Condition (RSC) for the change of use of a property from industrial or commercial to residential or parkland. Section 5.13 addresses off-site contamination and the requirement for an Off-Site Management Plan and Remedial Action Plan. Section 5.14 addresses the development of former gas station sites and the requirements for a Record of Site Condition.

2.2.3 Community Improvement Policies

Section 9.8 of the City of Kingston Official Plan contains policies related to community improvement. These Community Improvement policies enable the creation of Community Improvement Plans (CIP's) for areas within the Community Improvement Area defined on Schedule 10 of the Official Plan. When a CIP has been prepared and a specific Community Improvement Project Area has been defined, the municipality may use the Plan as a public and/or private means for redesigning, rehabilitating or redeveloping, the Project Area. The Plan may provide for such residential, commercial, industrial, public, or recreational buildings, improvements, facilities or spaces as may be appropriate or necessary. Examples include capital improvements by the City to public infrastructure, or grants to private individuals or businesses for building façade improvements.

The policies specifically recognize the presence of lands or buildings that may require detailed environmental site assessments or designated substance surveys, and recognize the need for site remediation as a criterion for establishing a Community Improvement Plan. Implementation strategies to encourage the rehabilitation of brownfield sites include encouraging private initiatives regarding the redevelopment, conversion and environmental remediation of brownfields and developing an environmental program to assist in the remediation of environmentally compromised land or buildings. The inclusion of these policies within the Community Improvement section of the Official Plan has enabled the City to continue to monitor and implement its Brownfields Program and its key financial components of tax assistance and grants for the rehabilitation of environmentally-compromised land and buildings through an appropriate remedial work plan.

A copy of the Community Improvement policies (Section 9.8) of the Official Plan of the City of Kingston is included in Appendix 'A' of this Plan.

2.2.4 Community Improvement Area

Schedule 10 of the Official Plan of the City of Kingston identifies the City's Community Improvement Area. The Community Improvement Area shown on Schedule 10 illustrates the existing Urban Boundary of the City. The Community Improvement Area may be designated, in whole or in part, as one or more defined community improvement project areas for which detailed community improvement plans will be prepared. Project Areas 1A, 1B and 1C are all located within the defined Community Improvement Area.

A copy of the Community Improvement Area (Schedule 10) of the Official Plan of the City of Kingston is included in Appendix 'B' of this Plan.

2.3 **Sustainable Kingston Plan**

The Sustainable Kingston Plan provides high-level strategic guidance and an integrated framework for achieving the vision: Kingston – Canada's Most Sustainable City. It is a vision that is fully expressed in the comprehensive, community-built [Sustainable Kingston Plan](#). This integrated community sustainability plan, initiated by [FOCUS Kingston](#), contains goals tied to themed areas to support the four pillars of sustainability: environmental responsibility; social equity; economic health; and, cultural vitality. The City, a Community Partner to the Sustainable Kingston Plan, has committed to achieving its objectives. The Plan, and the City, use the definition of sustainable development contained in the Brundtland Report of 1987: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."¹

The Sustainable Kingston Plan supports and promotes many of the objectives of this CIP. One of the specific goals under the environmental responsibility pillar is to "reduce urban sprawl through promotion of compact development, increased density, mixed use development and restoration and appropriate reuse of brownfield sites". The redevelopment and reuse of brownfield sites will also contribute to goals under the cultural vitality pillar to enhance quality of place and quality of life, and under the economic health pillar to attract new businesses and people to Kingston.

2.4 **Kingston's Strategic Plan 2011 - 2014**

[Kingston's Strategic Plan 2011-2014](#) demonstrates how the City aims to apply sustainable thinking to all of its programs, services and facilities. Council is committed to achieving the following six priorities, which are aligned with the Sustainable Kingston Plan:

- Maintaining and Enhancing Infrastructure;
- Enabling Economic Development;
- Rejuvenating Brownfields;
- Facilitating Affordable Housing;
- Creating and Protecting Greenspaces; and,
- Developing Proactive Community Plans.

¹ *Our Common Future: World Commission on Environment and Development*, 1987, Oxford University Press, p. 43.

Implementation of this CIP in Project Areas 1A, 1B and 1C will assist Council in achieving its adopted priorities.

With respect to Rejuvenating Brownfields, Council recognizes that increased brownfield redevelopment and intensification will result in land reclamation and the redevelopment and investment in underutilized lands. Specific Council actions include: reviewing, enhancing and aggressively marketing the City's Brownfields Program; promoting intensification through brownfield redevelopment; and, exploring opportunities to acquire brownfields. The corporate commitment is to promote policies, incentives and solutions and expand existing programs to reduce the number of brownfield sites. This will rejuvenate abandoned properties, provide opportunities for economic development, expand the tax base, and improve the environment.

In terms of Enabling Economic Development, Council is committed to expanding the tax base through intensification for greater economic resiliency. Specific Council actions include: encouraging investment in housing supply; enabling Williamsville redevelopment (Project Area 1C); and enabling redevelopment of the North Block District in downtown Kingston (part of Project Area 1A).

In terms of Facilitating Affordable Housing, Council is committed to increasing the supply of affordable housing and increasing housing vacancy rates. Grants and the Brownfields Program are important incentives to support the City's efforts to increase the supply of affordable housing.

One of Council's actions related to the priority of Creating and Protecting Greenspaces is to develop policies to prevent urban sprawl. Facilitating the redevelopment of brownfield sites within the City's existing urban boundary will contribute to the protection of the City's natural resources, such as the waterfront areas. In addition, redevelopment of brownfield sites will enable intensification and infill initiatives and maximize the use of existing infrastructure within the urban boundary.

One of Council's actions related to Developing Proactive Community Plans is to implement the City's Urban Growth Strategy. One of the key components of the growth strategy is residential intensification through the redevelopment of vacant, underutilized, or brownfield sites.

3.0 COMMUNITY IMPROVEMENT PROJECT AREA (AREAS 1A, 1B & 1C)

Comment [sab3]: Due to a very large number of changes in policy, studies, and Census data since the CIP was first adopted, the proposal for Section 3.0 is to do a complete delete and replace of the whole chapter. The proposed revised version of Section 3.0 is shown here.

3.1 Project Area Description

The geographic focus of this CIP consists of three distinct project areas. Project Area 1A comprises the Old Industrial Area of the former City of Kingston, the lands along the Inner Harbour of the Great Cataraqui River, and a portion of the downtown, including a four-and-a-half block area known as the North Block Central Business District. Project Area 1B includes the property between Lake Ontario and Ontario Street known as Block 'D', as well as a few other parcels of land to the north-west of Ontario Street. Project Area 1C comprises the Williamsville Main Street Area along both sides of Princess Street between Division Street and the Bath Road/Concession Street intersection. The Project Areas, and their location within the wider community, are shown on Map 1.

3.2 General Characteristics – Area & Population

The Community Improvement Project Areas cover a total of 255.5 hectares. Project Area 1A is the largest, covering 229.3 hectares, while Project Area 1B covers 5.3 hectares and Project Area 1C covers 20.9 hectares. The three Project Areas combined contain approximately 923 properties.

The Project Areas are located in the former geographic City of Kingston, which had a total population of 55,947 in 1996, and 54,456 in 2001; a decrease of 1,491 or 2.7 percent of the population. In 2006, the population total for the former geographic City of Kingston stabilized at 54,284. Population numbers for 2011 indicated that the situation had improved, with an increase in the area's population to 54,487.² The medium case scenario for the City's population projection shows an increase in the City's overall population of 15,900 people between 2006 and 2026.

In part, the increase in population in the City's urban core can be attributed to early successes of the City of Kingston's Brownfield program, including the redevelopment of Block 'D'. It is anticipated that the Brownfields Program will continue to open up additional residential lands on currently underutilized properties and efficiently accommodate some of the projected growth.

3.3 History of the Area

3.3.1 Project Areas 1A and 1B

Community Improvement Project Areas 1A and 1B are located in the downtown core of the City of Kingston. This area of the City has been the location of almost all of the City's major historic industrial activity. The activities range from the establishment of Fort Frontenac in 1673 at the mouth of the Great Cataraqui River for trade purposes, to heavy industrial uses and the shipment of goods by both rail and water until the 1960s. The area has undergone a number of land use transitions.

² Statistics Canada

Originally, Kingston's main transportation link with the rest of the country was through its waterfront. In 1856, the Grand Trunk Railway was constructed, and later in 1859, the Hanley spur was also constructed and extended down to the Canadian Locomotive Works on what is now known as Block 'D'. With the construction of the railways, industries and businesses started locating not only along the waterfront, but also along the rail lines. They ran from the Kingston & Pembroke (K&P) station (now the tourist information centre in front of City Hall) to the Outer Station on Montreal Street. The map in Appendix 'C' illustrates the location of the former railways in Project Areas 1A and 1B.

Heavy industry in the Project Areas included a wide range of uses, some of which included: ship-building; the Canadian Locomotive Works; the drydock (just to the south of the locomotive works); the gas works across from Fort Frontenac; the rail yards of both the Canadian National and Canadian Pacific railways (now occupied by the OHIP building); the Anglin lumber yard and sash and door factory; the CPR four stall roundhouse at the foot of North Street; the Woolen Mill; and the Davis Tannery site.

Both Project Areas 1A and 1B, as well as the waterfront located within them, have undergone land use transitions over time. As a trans-shipment point, this area of the City relied first on the waterways and then also on the railways to support the industries and businesses in the area. More recent changes in the area took place in the 1960s, when the St. Lawrence Seaway was opened, diverting much of the marine traffic to the south side of the river, and when the locomotive works closed its doors. Since that time, many properties in Project Areas 1A and B have been redeveloped, and the rail lines have been removed. The whole area, however, is still in transition, as more attention is directed towards public access to the waterfront, and the area gains in importance for tourism.

Many of the properties within Project Areas 1A and 1B are included on the City of Kingston Heritage Properties Register as properties of cultural heritage value and interest. Many of the properties are also considered to have high archaeological potential due to their proximity to former railways, historic roadways and the Great Cataraqui River, which is part of the Rideau Canal and is designated as a UNESCO World Heritage Site, a National Historic Site of Canada, and a Canadian Heritage River.

Appendix 'D' contains a number of photographs illustrating some of the historic uses and buildings located within the Community Improvement Project Areas.

3.3.2 Project Area 1C (Williamsville)

In the mid-nineteenth century, Williamsville (Project Area 1C) was a small hamlet located at the western edge of the Town of Kingston. Over time, Kingston expanded its boundaries to include the hamlet and surrounding lands. The road through Williamsville became an important travel route, both locally for farm vendors heading to the Kingston Market, and regionally for those travelling to and from Prince Edward County or York (now Toronto).

The buildings along the main street of Williamsville appear originally to have been mostly two storey structures of either brick or limestone, similar to many of the older

areas of the City surrounding Downtown Kingston. Some of the structures are designated under the *Ontario Heritage Act*, while others have cultural heritage value and interest. The area has also been identified as having archaeological potential due to its association with a historic roadway.

Over time, as the importance of the automobile grew, and the area began to serve the travelling public more, many original structures and vacant lands were used for the construction of restaurants, hotels and motels, gas stations, and automobile sales lots and repair garages. Many of the buildings associated with these uses were one storey in height, and there was often a large proportion of surface parking on the lots to accommodate vehicles. More recently, as the City has experienced a great deal of growth in its suburban areas, many of the auto-centred services that were originally located along this portion of Princess Street have relocated to larger properties in Kingston West.

Prior to the amalgamation of the City of Kingston with the adjacent Townships of Kingston and Pittsburgh in 1998, this area was often referred to as Upper Princess Street or Midtown. More recently, with the adoption of the City's new Official Plan, the area has been identified as the "Williamsville Main Street". This name recognizes both the historic hamlet that originated in the area, as well as the name of the current municipal electoral district.

Appendix 'D' contains a number of photographs illustrating some of the historic uses and buildings located within the Community Improvement Project Areas.

3.4 Land Use

The Official Plan of the City of Kingston was approved in 2010 and sets out the land use policies for the City. The land use designations of the Project Areas are shown in Map 2. For Project Area 1A, the area south of Bay Street, including the North Block Central Business District (roughly bounded by Wellington Street, Ontario Street, Place D'Armes and Queen Street), is designated for commercial use. The area along the Inner Harbour predominately shows a mix of residential, environmental protection and open space uses, while the Old Industrial Area remains predominately industrially designated, with residential land use on the periphery. Project Area 1B, the area including Block 'D', shows a mix of residential, commercial and open space designations. The majority of Project Area 1C is designated as Main Street Commercial.

The Community Improvement Project Areas are subject to two zoning by-laws: Zoning By-Law No. 8499 of the former City of Kingston (1975) and the Downtown and Harbour Zoning By-Law No. 96-259 (1996). The Downtown and Harbour Zoning By-Law covers all of Project Area 1B and the southern-most portion of Project Area 1A, including the North Block Central Business District, while Zoning By-Law No. 8499 covers the remainder of Project Area 1A and Project Area 1C. The zoning for the Project Areas is illustrated in Map 3 in a generalized fashion. Although there is less land zoned for residential use than there is currently designated in the Official Plan for the City of Kingston, the zoning for the Project Areas appears to be consistent with the overall land use designations in the Official Plan.

Map 4 provides an illustration of the existing land uses in Project Areas 1A, 1B and 1C at the time of this CIP. The greatest difference between the existing land uses and those illustrated by municipal planning documents, is the prevalence of vacant parcels of land currently located in the Project Areas. Table 1 provides a breakdown of the existing land uses and the number of properties and the area covered by them. Vacant lands cover 62.3 hectares or 24.4 percent of the Project Areas. There are 82 vacant properties in the Project Areas, which means each vacant property has an average size of 0.8 hectares. These vacant lands, combined with surface parking lots, account for 27 percent of the total area. Industrial land uses account for 17.2 percent of the total area, while residential and commercial uses account for 13.1 percent and 13.3 percent respectively.

**Table 1: Community Improvement Project Areas 1A, 1B & 1C:
Existing Land Uses**

Land Use	No. of Properties	Total Area of Properties (hectares)*	% of Total Area*
Commercial	194	33.9	13.3
Industrial	79	43.9	17.2
Institutional	38	19.1	7.5
Marine Transportation	6	2.3	0.9
Parking Lot	27	6.8	2.6
Open Space / Recreational	15	16.7	6.5
Residential	482	33.5	13.1
Vacant	82	62.3	24.4
Roads	N/A	37.0	14.5
TOTAL	923	255.5	100.0

* Note: Numbers are approximate

3.5 Vacant Properties & Development Potential

In addition to Map 4 showing the existing land uses, Map 5 shows both the vacant properties in the Project Areas, as well as those properties that are currently registered for tax arrears or have been advertised for public sale and did not sell (failed tax sale), pursuant to the provisions of the *Municipal Act, 2001*.

In total, there are 82 vacant properties that account for 62.32 ha or 24.4 percent of the land area found within the Project Areas. If these vacant properties are developed, there is potential for an increase in employment and residential units in the Project Areas. Referring to the policies within Section 2.4.3 of the City of Kingston Official Plan, residential potential can be calculated by using the minimum residential density of 37.5 units per net hectare. This density is recommended for both large-scale and greenfield development by the Official Plan, as it allows for transit supportive development. In terms of employment potential, the average number of employees per net hectare is 60.³

³ J.L. Richards & Associates, July 2004, *Interim Report No. 2: Evaluating the Growth Alternatives, City of Kingston, Urban Growth Strategy*.

By taking into account the Official Plan designations for vacant land in the Project Areas, some of which may prohibit development altogether, as well as, the special case of the Davis Tannery property, the development potential of the vacant land can be estimated within the project areas. The property known as the Davis Tannery has a development potential that covers an area of approximately 15.3 hectares and has a site-specific residential zone on a portion of the property that allows for up to 790 residential units, while another portion of the property is designated as Arterial Commercial, which allows for both high density residential, as well as commercial uses. Map 6 highlights the spatial extent of the Davis Tannery site and illustrates the Official Plan designations of all Vacant Land and Parking Lots within the Project Areas.

Should all of the vacant land within the Project Areas be developed in accordance with the designations within the Official Plan, and the Davis Tannery site is developed according to its site-specific zoning (as shown on Map 6), a development scenario can be created that illustrates a possible development outcome in terms of the number of residential units and employment positions created. It is important to highlight what can be achieved through infill of vacant properties, as their redevelopment can be achieved without altering the fabric of existing neighbourhoods.

To illustrate the development potential of the vacant lands, the estimated density figures of 37.5 units per net hectare for residential areas and 60 employees per net hectare for Institutional, Industrial and Commercial land are utilized. Furthermore, Section 2.4.3 of the Official Plan suggests that mixed use developments be developed with residential densities of at least 75 units per net hectare. Therefore, for a given property, wherever mixed use development is permitted, the 75 units/net hectare residential density is used in conjunction with the employment potential. However, it is important to note that this analysis did not take into account limiting factors within the zoning by-laws that may reduce the allowable density on a given parcel of land.

Based on the information presented above, it can be determined that if the available 62.32 hectares of Vacant Land in the Project Areas were to be developed, approximately 1383 residential units could be created, as well as 1942 employment positions (refer to Table 2). Further opportunities for redevelopment exist if the 6.75 hectares of surface parking lots within the Project Areas are also developed according to the same conditions mentioned above. This would result in a potential addition of 351 residential units, as well as 245 employment positions (refer to Table 3). Combined, this scenario estimates that for all Vacant Lands and Parking Lots totaling approximately 69 hectares, 1734 dwelling units could be created, as well as 2187 employment positions (refer to Table 4).

As noted previously, the rehabilitation of properties and/or buildings for reuse within the Project Areas will improve the quality of life in these urban neighbourhoods, decrease urban sprawl, help to reduce greenhouse gas emissions, and increase the municipal tax base. Some properties are not only contributing less than their potential to the tax base, but are actually in tax arrears. Therefore, the City is actually losing property tax money. A number of properties, which have been through the Sale of Land for Tax Arrears process and did not sell, may be vested by the City. The Failed Tax Sale Policy, which is described in Section 6.4 of this CIP, provides the process to determine when vesting occurs, including the marketing of properties not required by the City for its own

purposes. These properties, as shown on Map 5, may be eligible for future brownfields tax assistance and grants.

Table 2: Development Potential of Vacant Land and Davis Tannery Site in Project Areas 1A, 1B and 1C

Land Use Category	Area (ha) ¹	Residential Factor (units/net ha)	Residential Potential (no. of units) ¹	Employment Factor (employees/net ha)	Employment Potential (no. of positions) ¹
Residential	7.98	37.5	299	N/A	N/A
General Industrial	28.23	N/A	N/A	60	1694
Main Street Commercial	1.57	75.0	118	60	94
Institutional	0.24	N/A	N/A	60	14
EPA/Open Space ³	8.93	N/A	N/A	N/A	N/A
Davis Tannery Site					
Residential ²	9.57	N/A	790	N/A	N/A
Arterial Commercial	2.34	75.0	176	60	140
EPA/Open Space ³	3.43	N/A	N/A	N/A	N/A
Total	62.29	N/A	1383	N/A	1942

Notes:

1. Numbers are approximate
2. Number of residential units based on site-specific zoning
3. EPA/Open Space includes land designated in the Official Plan as Open Space, Environmental Protection Area (EPA) and EPA – Submerged Vegetation

Table 3: Development Potential of Parking Lots in Project Areas 1A, 1B and 1C

Land Use Category	Area (ha)	Residential Factor (units/net ha)	Residential Potential (no. of units) ¹	Employment Factor (employees/net ha)	Employment Potential (no. of positions) ¹
Residential	1.19	37.5	45	N/A	N/A
Central Business District	2.49	75.0	187	60	150
Main Street Commercial	0.61	75.0	46	60	37
District Commercial	0.97	75.0	73	60	58
EPA/Open Space ²	1.49	N/A	N/A	N/A	N/A
Total	6.75	N/A	351	N/A	245

Notes:

1. Numbers are approximate
2. EPA/Open Space includes land designated in the Official Plan as Open Space, Environmental Protection Area (EPA) and EPA – Submerged Vegetation

Table 4: Development Potential of Vacant Land and Parking Lots in Project Areas 1A, 1B and 1C

Land Use Categories	Area (ha)	Residential Potential (no. of units)¹	Employment Potential (no. of positions)¹
Residential	18.74	1134	N/A
General Industrial	28.23	N/A	1694
Central Business District	2.49	187	150
Main Street Commercial	2.18	164	131
District Commercial	0.97	73	58
Arterial Commercial	2.34	176	140
Institutional	0.24	N/A	14
EPA/Open Space ²	13.85	N/A	N/A
Total	69.04	1734	2187

Notes:

1. Numbers are approximate

2. EPA/Open Space includes land designated in the Official Plan as Open Space, Environmental Protection Area (EPA) and EPA – Submerged Vegetation

3.6 Previous Studies and Investigations

The studies and investigations listed below are included in this Plan as they all have an impact on the Project Areas. All of them are at various stages of implementation, but it is the existence of these studies and investigations that form the basis of the land use approach within the Community Improvement Project Areas, and support the goals and objectives of the CIP. Appendix 'E' contains a key map showing the concept plans for the seven main studies.

3.6.1 Old Industrial Area Land Use and Strategic Plan Study

The Land Use and Strategic Plan Study for the City of Kingston Old Industrial Area (OIA) was based on a multi-disciplinary assessment of land use planning, engineering, and economic influences. A Background Report was prepared in November 1990 that described the existing land use characteristics and infrastructure, current market trends, and land owner responses to a survey questionnaire. The Land Use and Strategic Plan Study was completed in April 1991, and reflects the opportunities and constraints in the OIA, as well as the input of the participants at the time, including the area landowners. A copy of the Concept Plan for the OIA, showing the entire study area, is included in Appendix 'F'.

The Plan notes that the OIA merits renewed commitment and investment by the City, as there is potential to significantly upgrade and enhance the area as a business location. The existing businesses favour the retention and upgrading of the OIA, particularly because of its valuable inner-city location, proximity to affordable housing and labour pool, and large blocks of undeveloped land. It is an excellent location, offering proximity to the high volume of traffic along Division Street and Montreal Street, and to the

potential third bridge crossing at John Counter Boulevard to Gore Road. There is also a great deal of underutilized land, due mainly to rail line rights-of-way and former rail yards. It is the intent of the OIA Plan to renew the area by upgrading existing services and properties, promoting expansion onto underutilized properties, and increasing the presence and awareness of the area as an important inner-city business and employment area.

The Old Industrial Area of the City continues to undergo a period of transition. Upgrades have been made to some streets in the study area, and land use changes have been occurring, but only on a site-by-site basis. The overall road network that was recommended has not been implemented, and therefore, significant properties (i.e., the rail yards) have not been developed as anticipated.

3.6.2 Inner Harbour Land Use Study

The Inner Harbour Study was presented in October 1984 with the goal of examining the land use transition that the area was undergoing, and producing a concept plan for the future development of the area. The study area was represented by the area bounded by River Street to the north, the Great Cataraqui River to the east, Place D'Armes to the south, and Rideau Street to the west. A map of the study area is included in Appendix 'G'.

Following the establishment of goals and objectives, development criteria, and an analysis of the Study Area, a Concept Plan was developed for the Inner Harbour Area. The Concept Plan anticipated that over time, the majority of the study area would be redeveloped to residential uses, with the possibility of a few exceptions. These exceptions included: a hotel in the Anglin Bay area; commercial and/or light industrial uses; a sewage pumping station at the foot of River Street; park and open space along the waterfront; and/or existing marine industrial uses (i.e., the dry dock operation). The Concept Plan also recommended either the widening of Rideau Street or the extension of Wellington Street, to increase the street traffic capacities associated with future development. These recommendations recognized that the existing Rideau Street would be near capacity based on the traffic generated by the Concept Plan. Comments were also provided on municipal infrastructure systems.

With the exception of a few properties in the area of Cataraqui Street, much of the land area of the Inner Harbour Study Area has been redeveloped.

3.6.3 North Block Central Business District Study

The North Block Central Business District is a four-and-a-half block area in downtown Kingston, which includes all of the land between Wellington Street, Ontario Street, Place D'Armes and Queen Street, as well as the northerly half of the block between King Street, Queen Street, Ontario Street and Princess Street. The study area comprises part of the southern most portion of Community Improvement Project Area 1A, and a map of the study area is included in Appendix 'H'.

The purpose of the Study was to provide the City with urban design guidelines that would take into consideration the study area's unique location and circumstances. By

examining future development possibilities, the study will assist both the private and public sectors in the development of an appropriate built form for the lands at a compatible scale.

Completed in March 2004, the results of the Study show that there are a wide range of development possibilities for the four-and-a-half block area. Combined with the urban design guidelines developed in the Study, the future developments will strengthen the downtown of Kingston in a manner that complements its distinctive heritage character. The topics covered by the urban design guidelines include: urban design compatibility; pedestrian walkways and open spaces; priority locations for retail uses; recommended locations for access to servicing and parking; above-grade parking structures; recommended approaches to streetscape; views to the waterfront and to the cupola of City Hall; and recognition of its heritage character. The Study was implemented in January 2005, through amendments to the former City of Kingston Official Plan (which were carried forward into the Official Plan in 2010) and the Downtown and Harbour Zoning By-Law.

3.6.4 North Block District Community & Business Enhancement Opportunities Report

One of the key objectives of this 2009 Report was to distinguish the public policy objectives for development of the City-owned properties within the District, while recognizing that the development costs will ultimately impact the value of the City-owned lands and their marketability to the private sector. The Report provided a Concept Plan and series of development recommendations to identify the highest and best use of the City-owned properties in the District, and at the same time, identify development opportunities for the privately owned lands. The Report provided a series of public objective recommendations related to such things as the disposition of City-owned lands, heritage preservation, public parking, public open space/linkages, site remediation, sustainable development, affordable housing, transit facilities, mixed use developments and building heights and configuration.

One of the underlying themes in the Concept Plan and recommendations was that re-development of the District will require various tools to enhance market demand, reduce the costs and risks of typical development and the associated approval processes, and support a reasonable approach to built form and maximum development potential. Some of the suggested tools were public investment in incentive programs, flexible planning policies and regulations, increased building heights, public investment in the heritage buildings, public investment in parking facilities, and the City undertaking required site remediation. The Report also suggested the use of Section 37 of the *Planning Act* (height and density bonus), where a development proponent requests an increase in height or density, in order to achieve the City's identified public objectives for the District.

One of the next steps identified in the 2009 Report related to determining the site remediation costs for the block bounded by Queen, Ontario, Barrack and King Streets if it is to be offered for sale by the City. On August 4, 2009, Council adopted the recommendations of the Report and directed that the next steps be undertaken for the redevelopment of the City-owned property.

3.6.5 Downtown Action Plan

The Downtown Action Plan (DAP) is an infrastructure renewal and public open space plan that builds on the work and principles set out in the Downtown Design Concept that was released in 2001. The DAP's study area consists of approximately thirty-six (36) city blocks, and is an urban design study for the downtown, with an annual work plan spread out over a ten to fifteen year period. The project will involve the replacement of roughly nine kilometres of urban streets and sidewalks necessitated by the replacement of underground infrastructure. Part of the study area for the DAP includes the southern-most portion of Project Area 1A and all of Project Area 1B; essentially the areas around the North Block Central Business District and Block 'D', as well as the downtown waterfront.

Completed in 2004, the DAP sets out design recommendations for the public open spaces in the downtown, including all streets, parks, and the waterfront area. The design recommendations are based, not only on enhancing Kingston's physical character, but also on reinvesting and supporting businesses, and encouraging redevelopment and infill by adding value through the improvement of public lands. In addition to infrastructure replacement, the DAP provides direction on increasing green space and waterfront connections; coordinating streetscape improvements (street furniture, paving, lighting, etc.); identifying opportunities for tourism, recreation, and entertainment; and improving traffic movement.

The first phase of the DAP was completed in 2010 with the reconstruction of Princess Street from Lake Ontario to King Street East. The second phase of the DAP will involve the reconstruction of Princess Street from King Street East to Wellington Street, and is scheduled to begin in 2013.

3.6.6 Downtown and Harbour Zoning By-Law

The Downtown and Harbour Zoning By-Law No. 96-259 of the former City of Kingston was written to implement specific portions of the 1991 Official Plan. This Zoning By-Law will affect the southern-most portion of Project Area 1A and all of Project Area 1B; essentially the areas around the North Block Central Business District and Block 'D'. The Downtown and Harbour Zoning By-Law sets a zoning standard for these areas, and therefore, the appropriate zoning is currently in place for these properties.

3.6.7 Downtown and Harbour Area Architectural Guidelines Study

This Study, completed in 2007, provided the City of Kingston with a detailed guide for preserving the architectural and heritage integrity and character of the Downtown and adjacent Harbour area that would assist the private and public sectors in the development of a compatible built form in the Downtown Area. Components of the Study included: an Architectural Character Statement that provided a present day snapshot of the architectural and streetscape character of the area; an Architectural Character Plan that discussed how old and new buildings can complement each other, and how the character of the area can be protected; Architectural Guidelines that included standards designed to complement the existing architecture and unique

characteristics of the area; and, an Implementation Plan that identified ways in which the Architectural Guidelines Study could be implemented.

The Study divided the Downtown and Harbour Area into five component sub-areas, one of which was North Block and Environs. This sub-area also included three blocks located north of Place D'Armes and excluded the half block on the south side of Queen Street between Ontario and King Streets. The Study identified six specific architectural guidelines applicable to the North Block District related to: mid-block pedestrian walkways; priority pedestrian walks along King and Ontario Streets; focusing pedestrian activity on King Street with some additional retail space along Wellington and Ontario Streets; designated parking and servicing access points; façade treatments; and, that a large scale development could be incorporated into the block bounded by Queen, Barrack, Wellington and King Streets. The recommendations of this Study were incorporated into the City's Official Plan.

3.6.8 Williamsville Main Street Study

The Williamsville Main Street extends from Division Street to the Bath Road / Concession Street intersection (refer to the map in Appendix 'I'). It is a major component of the Princess Street Corridor. The strategic intent for Corridors is to foster residential intensification, a mix of land uses, and support for transit in order to encourage more sustainable development. According to the Official Plan, new development in the Williamsville Main Street Area is to be guided by an urban design study.

The Williamsville Main Street Study recognized that this area was in transition and that many of the former auto-centred services had relocated to other areas of the City, resulting in a number of vacant and under-utilized properties. The purpose of the Study was to examine the existing land uses and redevelopment potential, create a vision and urban design guidelines that would take into consideration compatibility issues with adjacent neighbourhoods and determine an appropriate scale, massing and height for future development, and provide recommendations for the revitalization of the area. The Final Study was presented to Planning Committee on February 2, 2012. On February 21, 2012, Council received the recommendations of Planning Committee respecting the Williamsville Main Street Study. One of the recommendations was that a Community Improvement Plan be prepared to address clean-up of the brownfield sites within the Study Area.

3.6.9 Davis Tannery

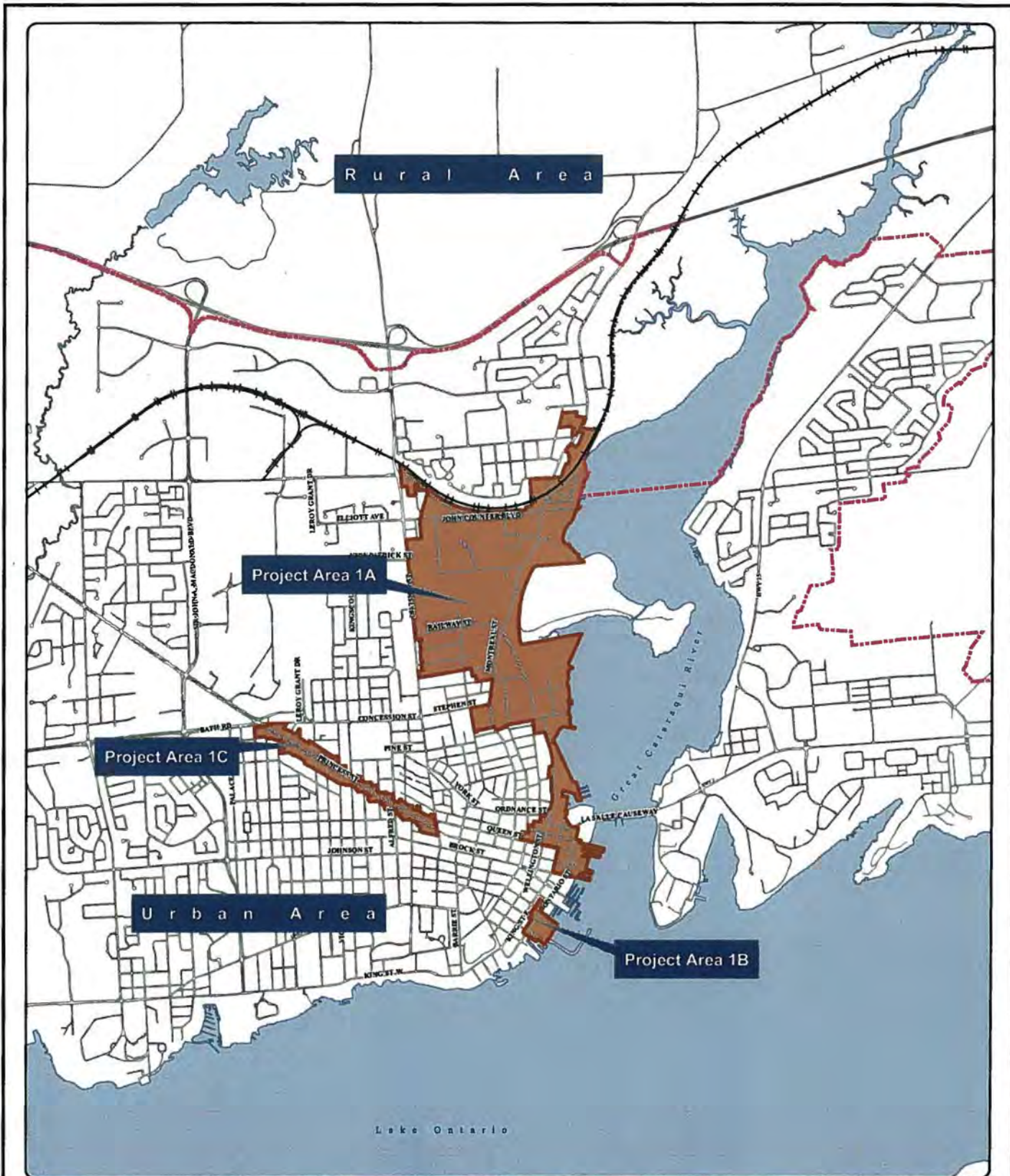
The Davis Tannery is located within Project Area 1A on the Inner Harbour, off Rideau Street, just south of Montreal Street. Approximately 15 hectares (37 acres) in size, the former industrial site contained a large lead smelter, and later, a large tannery. Over the years, the Tannery site has been the subject of numerous site-specific studies. The property was the subject of an Ontario Municipal Board (OMB) hearing in the late 1970s. The existing zoning permits a mix of commercial and residential uses. The City's brownfields initiative ultimately resulted in a private company taking title to the site, through a failed tax sale process, for the purpose of undertaking environmental

remediation and residential redevelopment subject to an agreement with the City of Kingston. A previously approved plan of subdivision on the property was deemed not to be a plan of subdivision. Site remediation and the proposed residential redevelopment plan have not commenced.

3.6.10 Block 'D'

Located on Ontario Street between William Street and Gore Street (within Project Area 1B), Block 'D' is a 2.89 hectare (7.14 acre) site that was under heavy industrial use until 1969. Previous uses included wharves for shipping, and the manufacture of locomotive engines by the Canadian Locomotive Company. The site contained machine, blacksmith and forge shops, and welding, fabricating and painting businesses. Block 'D' is not a natural piece of waterfront and is believed to have been built with fill imported from other parts of the City. This property has also been the subject of many site-specific studies, as well as an OMB hearing in the late 1980s.

Following the approval of the original Brownfields CIP in 2005, Block 'D' was one of the first properties to be the subject of a Brownfields Site Agreement under the City's Brownfields Program, and received financial assistance as outlined in the CIP. The site has been remediated and redeveloped, and now contains three residential buildings, a hotel, and a waterfront park.



**Community Improvement Project Areas
Key Map**

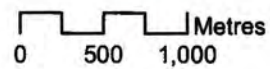
Map No. 1



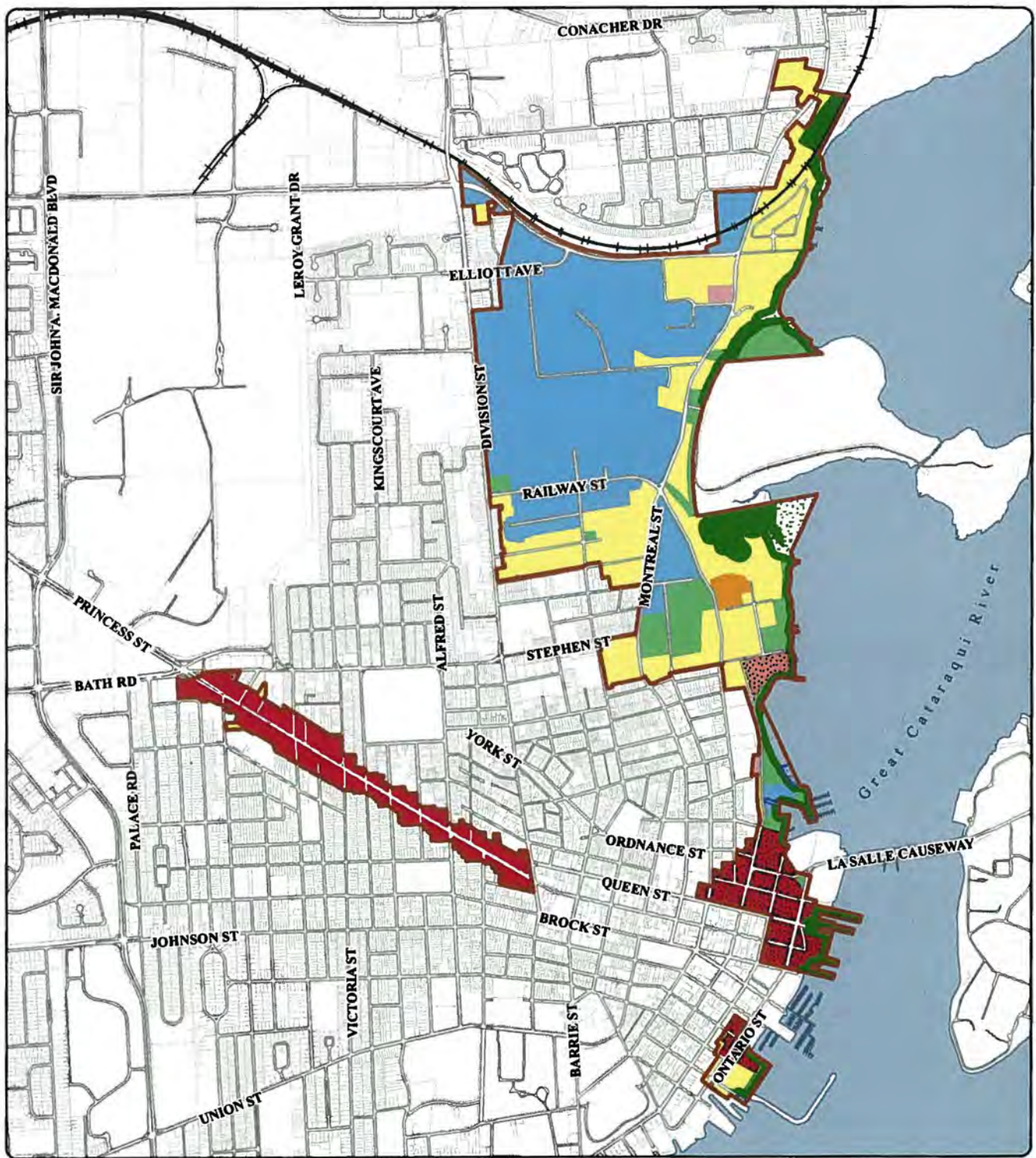
**CITY OF KINGSTON
COMMUNITY IMPROVEMENT PLAN**

BROWNFIELDS PROJECT AREAS 1A, 1B & 1C

- Community Improvement Project Area
- Urban Boundary
- Railway Lines
















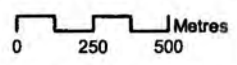
Revised Dec. 6, 2012



Official Plan Designations Within the Project Areas

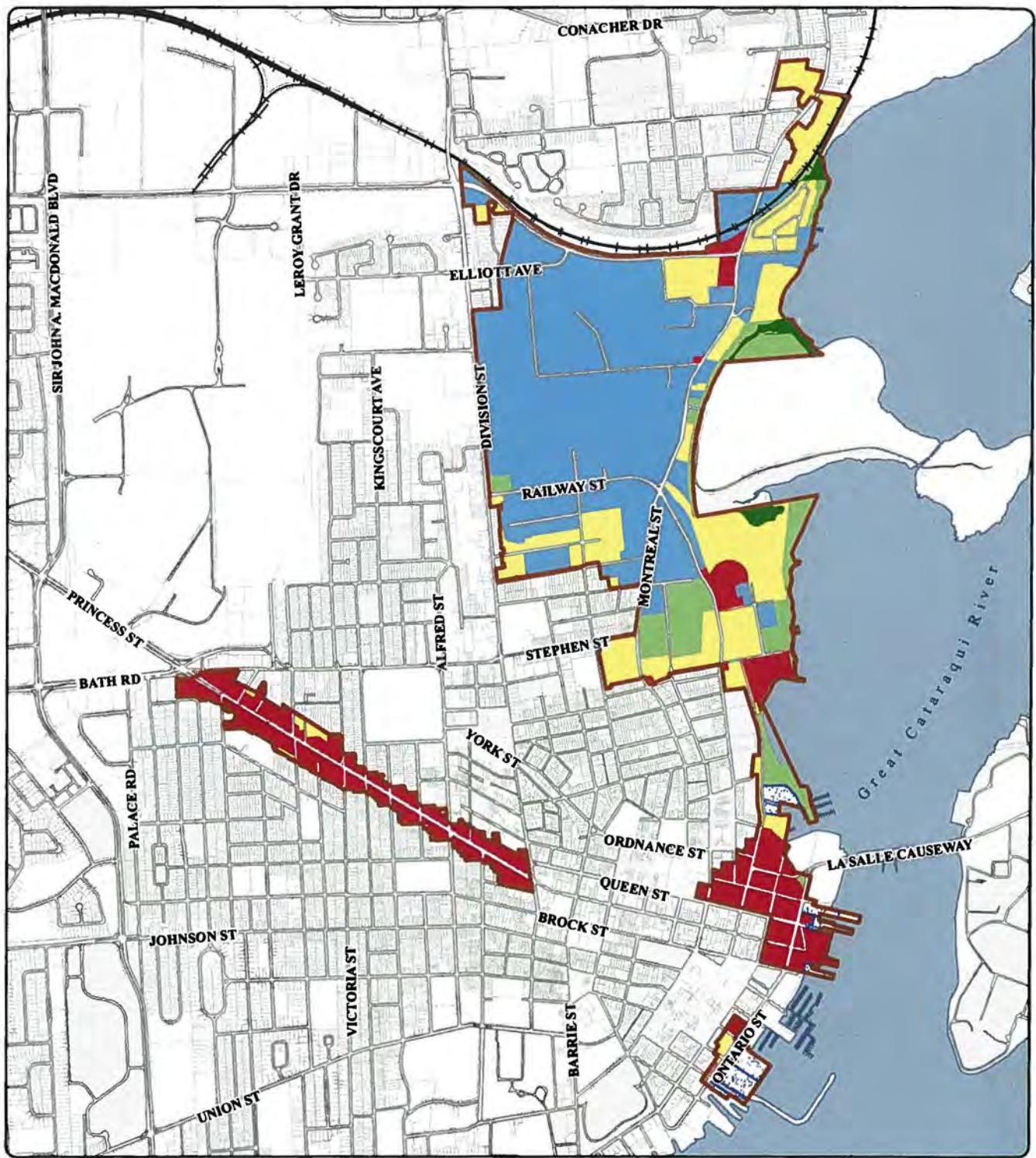
Map No. 2

- | | |
|--|---|
|  Community Improvement Project Area |  Arterial Commercial |
|  Residential |  Institutional |
|  General Industrial |  Open Space |
|  Central Business District |  Environmental Protection Area |
|  Main Street Commercial |  EPA-Submerged Vegetation |
|  District Commercial |  Harbour Area |
| |  Railway Lines |



The Official Plan text should be read in conjunction with this map

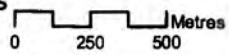
Revised Dec. 6, 2012



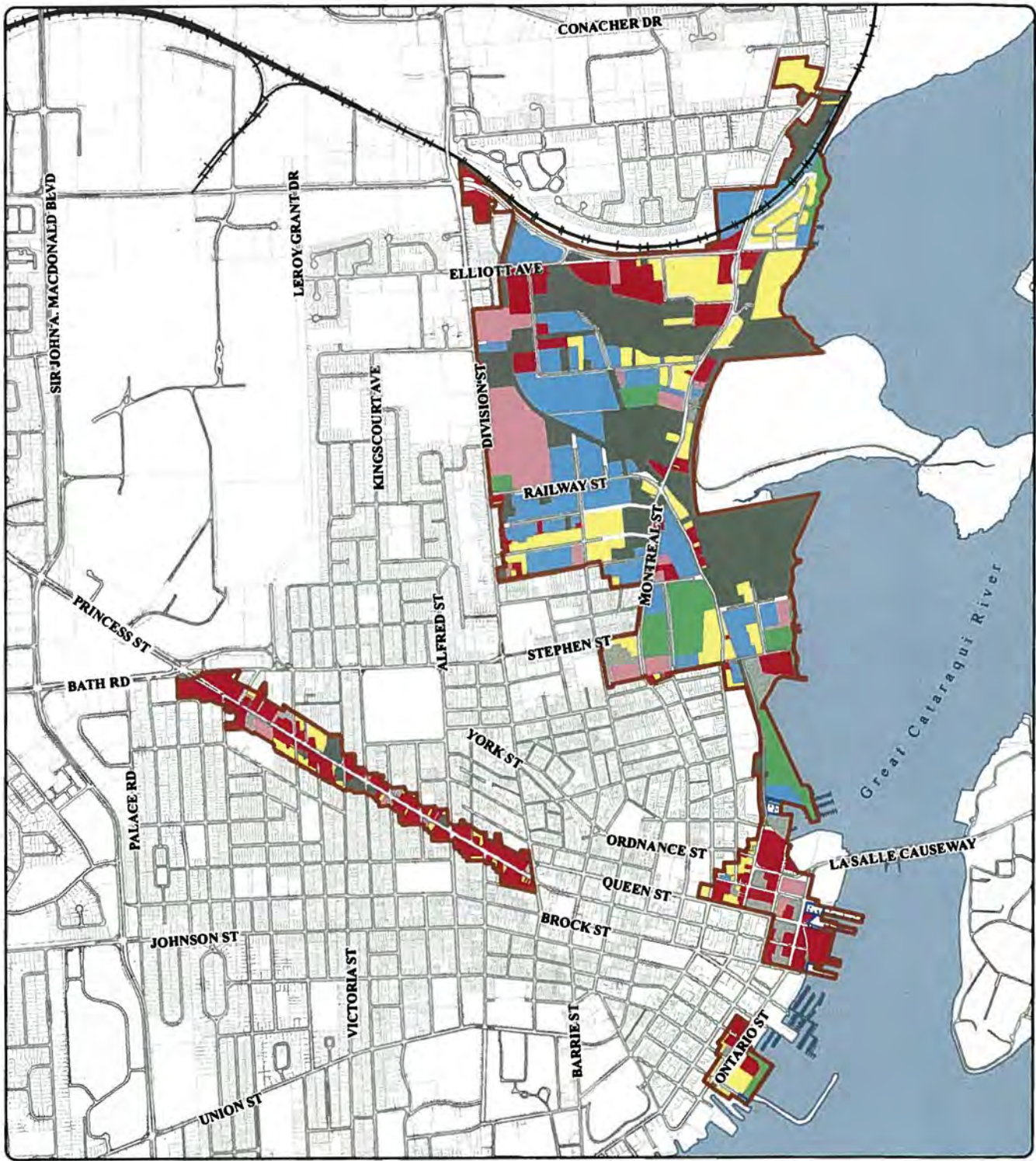
Zoning Categories Within the Project Areas

- Community Improvement Project Area
- Railway Lines
- Residential - 'A', 'B' zones
- Industrial - 'M' zones
- Commercial - 'C', 'C1', 'CMS' zones
- Special Education and Medical - 'E' zones
- Parks & Open Space - 'P', 'OS' zones
- Environmental Protection Area - 'EPA' zones
- Harbour - 'HR' zones

Map No. 3













Zoning By-law 8499 and 96-259 text should be read in conjunction with this map



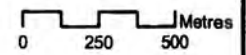
City of Kingston
COMMUNITY IMPROVEMENT PLAN

BROWNFIELDS PROJECT AREAS 1A, 1B & 1C

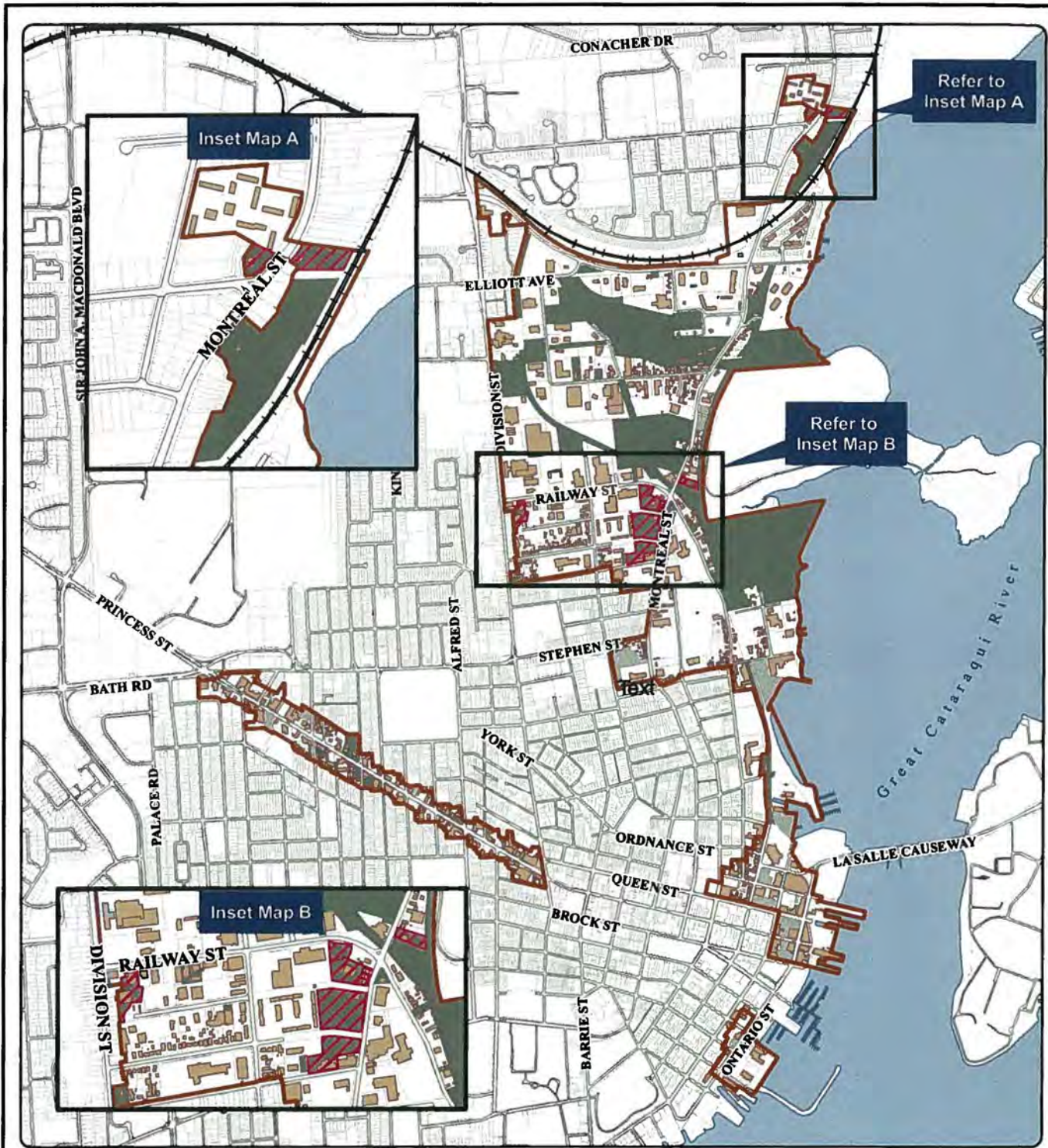
Existing Land Use Within Project Areas, 2012

- | | |
|--|---|
|  Community Improvement Project Area |  Open Space / Recreational |
|  Residential |  Marine Transportation |
|  Industrial |  Municipal / Commercial Parking Lot |
|  Commercial |  Vacant |
|  Institutional |  Railway Lines |

Map No. 4



Revised Dec. 6, 2012









Refer to Inset Map A

Refer to Inset Map B

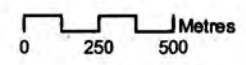


KINGSTON
City of Kingston
COMMUNITY IMPROVEMENT PLAN
BROWNFIELDS PROJECT AREAS 1A, 1B & 1C

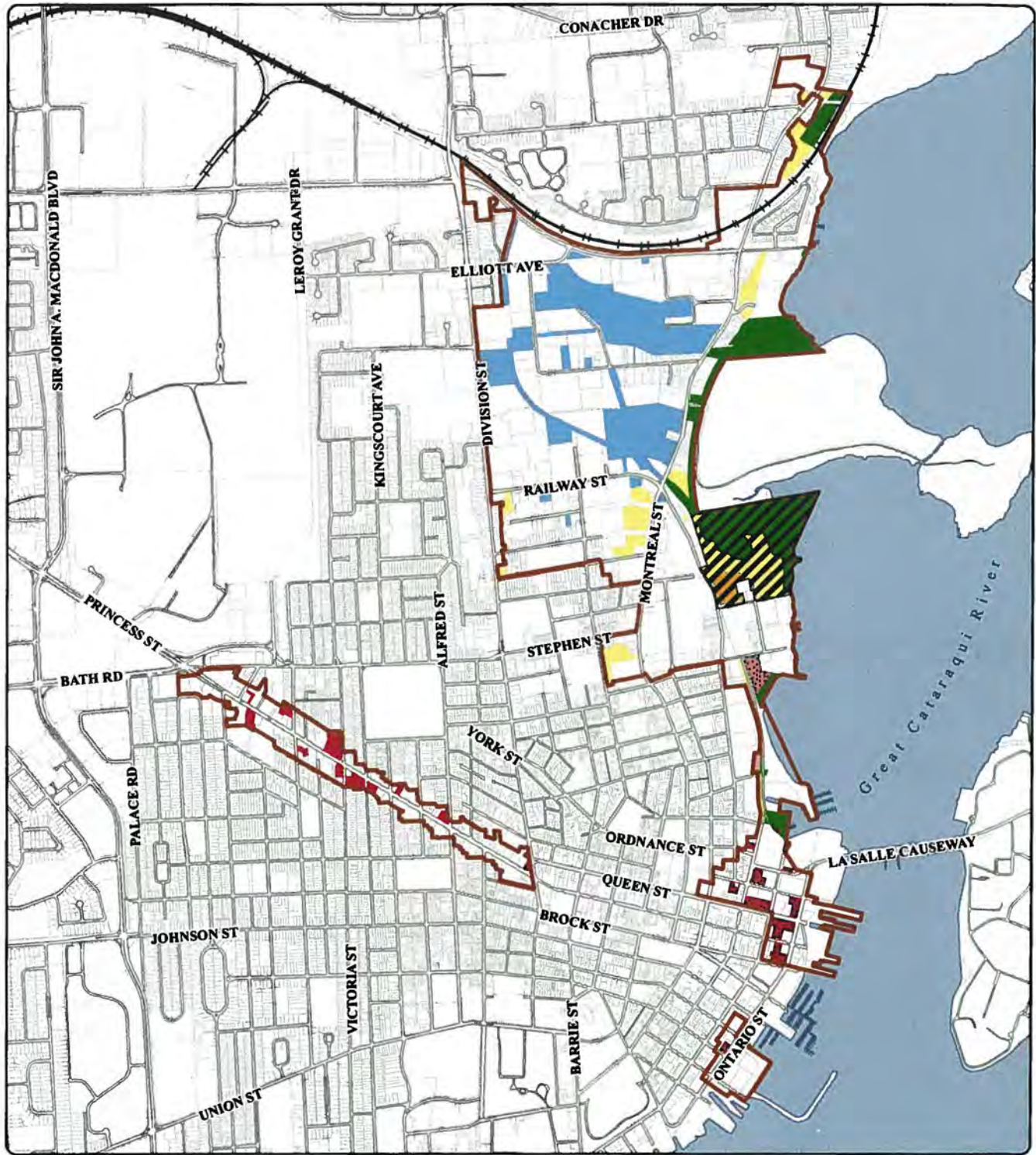
Buildings, Vacant Lands & Failed Tax Sale Properties, 2012

-  Community Improvement Project Area
-  Failed Tax Sale Properties
-  Municipal / Commercial Parking Lot
-  Buildings
-  Vacant
-  Railway Lines

Map No. 5



Revised Dec. 6, 2012



Development Potential of Vacant Land and Davis Tannery Site in Project Areas 1A, 1B and 1C

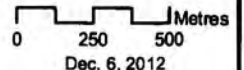
Map No. 6



City of Kingston
COMMUNITY IMPROVEMENT PLAN

BROWNFIELDS PROJECT AREAS 1A, 1B & 1C

- | | |
|------------------------------------|------------------------|
| Community Improvement Project Area | Main Street Commercial |
| Davis Tannery Special Site | District Commercial |
| Residential | Arterial Commercial |
| General Industrial | Institutional |
| Central Business District | EPA and Open Space |
| Railway Lines | |



Note: The Official Plan and zoning by-law text should be read in conjunction with this map.

4.0 BROWNFIELDS PROGRAM STRATEGY

4.1 Introduction

The implementation of the City of Kingston's Brownfields Program is intended to form an integral part of the development process of a site. It is therefore, intimately linked to the land use planning and development process. The rehabilitation of a property or building is anticipated to be undertaken as part of the site preparation component of a development project. The Remedial Work Plan may involve full-depth, stratified, or risk assessment, or a combination of rehabilitation measures.

An application for Brownfields Program financial assistance for a property located within any of the defined Project Areas of the Community Improvement Plan shall be reviewed on a site-specific basis. It is expected that most of the Brownfields Program applications will be processed in conjunction with a planning application(s).

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The planning component of an application may involve an extensive land use review as in the case of either an official plan or a zoning by-law amendment. Alternatively, the review may be site intensive in its focus as in the case of a site plan analysis. It may also be subject to a plan of subdivision, a condominium plan or a severance approval with attendant development conditions and agreements.

In addition to the planning process and approvals, there is also the question of the Remedial Work Plan and the level of contamination. The level of environmental standard attained for the site through the Remedial Work Plan has a direct bearing on the future land uses that may be permitted. These standards, and the land uses permitted, are set out by *Ontario Regulation 153/04* which supercedes the previous Provincial document entitled *Guidelines for Use at Contaminated Sites in Ontario, Revised February 1997*.

The land use limits imposed by the environmental standards affect both the planning process and the Brownfields Program financial components. The range of land uses proposed for a site may not be feasible in light of the environmental constraints imposed on the site by past uses and practices. The eventual land use(s) permitted on the site have a direct bearing on the assessment value of the land and therefore, the cost value of the brownfield tax assistance and grant components.

A large property development may require a number of different planning approvals and may be subject to a number of integrated planning processes and steps. As well, it might require an extensive environmental Remedial Work Plan. The financial assistance of the Brownfields Program, in all likelihood, is necessary to make the development project financially feasible.

Section 2 of the Official Plan of the City of Kingston sets out the Strategic Policy Direction for the City. These policies, which are not expected to change over the life of the Plan, provide fundamental objectives respecting the City's development, redevelopment and intensification. Section 2.1 contains strategies to attain the sustainability of development, including the rehabilitation of brownfield sites for re-use, maximizing existing infrastructure, and promotion of the City's Brownfields Program.

Deleted: The Official Plan of the former City of Kingston sets out the "General Development, Redevelopment and Conversion Principles" in Part III. These policies provide guidelines that establish a comprehensive strategy for reviewing land use proposals and address such matters as "Functional Land Use" (Section 3.8), "Multiple Building Projects" (Section 3.11) and "Environmental Quality" (Section 3.12). Part VIII of the Official Plan provides for the City's "Implementation" policies. This section of the Plan deals with the application types, the information requirements and the planning tools available for reviewing development proposals. The policies contained in both Parts of the Official Plan are well suited to considering the environmental implications of a Brownfields Program application in conjunction with a planning application, and an appropriate Remedial Work Plan ¶

Section 2.2 indicates that the Princess Street Corridor (which includes Williamsville) will develop as a mixed-use development area that will be a focus of intensification initiatives. Section 2.3 indicates the City's intent to increase residential densities through appropriate redevelopment of under-utilized and brownfield sites. Section 2.4 sets out the City's Growth Strategy, a key component of which is residential intensification through the redevelopment of vacant, underutilized, or brownfield sites. Section 2.7 establishes Land Use Compatibility Principles intended to ensure that new development meets the long-term needs of the intended users or occupants while respecting the quality of existing development.

Section 5 of the Official Plan, Protection of Health and Safety, establishes policies respecting contaminated sites. These policies provide for: the submission of Environmental Site Assessments (Sections 5.10 and 5.11); mandatory filing of Records of Site Condition (Section 5.12); submission of Off-Site Management Plans and Remedial Action Plans (Section 5.13); and submission of Records of Site Condition for development applications on former gas station sites (Section 5.14).

Section 7 of the Official Plan, Cultural Heritage Resources, establishes policies on a range of cultural heritage resources. This includes properties designated under the *Ontario Heritage Act*, protected and identified buildings, identified monuments, structures, and installations, geographic heritage districts, areas and corridors, and such landscape features as scenic vistas, viewplanes, streetscapes, gardens, battlefields and cemeteries. It also includes archaeologically significant areas and sites.

Section 8 of the Official Plan, Urban Design, provides a framework for the provision and maintenance of a safe, efficient and harmonious environment and establishes guidelines for reviewing land use proposals. This includes the siting, scale and design of new development, protection of natural features, protection of significant views, addressing multiple building or phased developments, and implementation strategies, including community improvement plans and programs.

Section 9 of the Official Plan provides for the City's Administration & Implementation policies. This Section of the Plan indicates an intent to be consistent with the *Provincial Policy Statement*, deals with the planning application types, the consultation and application information requirements and the planning tools available for reviewing development proposals, and outlines the City's Community Improvement policies.

While all policies of the Official Plan must be considered and conformed to, the policies contained in the above noted Sections of the Official Plan are well suited to considering the environmental implications of a Brownfields Program application in conjunction with a planning application, and an appropriate Remedial Work Plan.

4.2 Glossary of Key Terms

The terminology associated with the Brownfields Program is an important element and is key to understanding both the program components and the process. As such, the following terms are defined for the purposes of this Community Improvement Plan:

(1) Brownfield Sites: Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Comment [sab4]: New definition corresponds to the definition in the Official Plan.

Deleted: Brownfield: Abandoned, idle or underutilized properties and/or buildings in built-up urban areas where expansion, retrofit, or redevelopment is complicated by environmental contamination from past uses and practices.

(2) Brownfield Financial Tax Incentive Program (BFTIP) is the financial mechanism, established pursuant to Section 365.1(1) of the *Municipal Act, 2001*, that is used by the municipality to exempt the municipal portion of the property tax and to apply to the Minister of Finance for exemption of the education portion of the property tax during the Rehabilitation and Development Periods of the Brownfields Program; subject to specified time limits.

(3) Community Improvement Plan: Refers to a tool under the *Planning Act* that allows a municipality to direct funds and implement policy initiatives towards a specifically defined community improvement project area.

Comment [sab5]: Definition corresponds to the definition in the Official Plan.

(4) Community Improvement Project Area: Means a municipality, or an area within a municipality, where in the opinion of Council, community improvement is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings, or for any other environmental, social or community economic development reason.

Comment [sab6]: Definition corresponds to the definition in the Official Plan.

(5) Contamination: Refers to a chemical which is present in soil, groundwater or sediment at a concentration greater than background levels, or which exceeds the concentration established in *Ontario Regulation 153/04* for the existing or proposed land use.

(6) Eligible Property: Means property for which a phase two environmental site assessment has been conducted,

Comment [sab7]: Definition corresponds to the definition in the *Municipal Act, 2001*.

(a) that is included under Section 28 of the *Planning Act* in a Community Improvement Project Area for which a Community Improvement Plan is in effect containing provisions in respect of Tax Assistance; and,

(b) that, as of the date the phase two environmental site assessment was completed, did not meet the standards that must be met under Subparagraph 4 i of Subsection 168.4 (1) of the *Environmental Protection Act* to permit a record of site condition to be filed under that Subsection in the Environmental Site Registry; and,

(c) that meets the Eligibility Criteria & Requirements as set out in Section 5.3 of this Plan.

(7) Property Owner: Means the person or persons or corporation registered as the owner of the lands on title in the Registry Office or Land Titles Office.

(8) Proponent: Means any property owner, or their heirs, successors or assignees that conducts, or plans to conduct, any site assessment or site rehabilitation activity.

(9) Rehabilitation: Includes any efforts that result in the productive reuse of lands or buildings within the Community Improvement Project Areas.

- (10) **Remedial Work Plan:** Means a plan to bring about the rehabilitation of a site within the Community Improvement Project Areas.
- (11) **Restoration:** Includes improving the quality of, remediating, cleaning up or managing soil, groundwater or sediment, so that the property will be suitable for its intended use.
- (12) **Risk Assessment:** The scientific examination of the nature and magnitude of risk to define the effects on both human and other receptors of the exposure to contaminants, as prescribed by law.
- (13) **Risk Management:** The implementation of a strategy or measures to control or reduce the level of risk estimated by the risk assessment.
- (14) **Tax Assistance:** Means, with respect to an Eligible Property, the cancellation or deferral of taxes pursuant to a by-law passed by Council.
- (15) **Tax Increment-Based Rehabilitation Grant Program (TIRGP)** is the financial mechanism that takes the post-development property taxes paid by the proponent and uses the calculated difference between the pre-development tax levy and the post-development tax levy to pay to the proponent the Planning and Development Fees Grant and the Rehabilitation Grant and to contribute monies to the Municipal Brownfield Reserve Fund (MBRF) for a maximum period of ten (10) years or the value of the eligible rehabilitation costs; whichever occurs first.

Comment [sab8]: Definition corresponds to the definition in the *Municipal Act, 2001*.

4.3 Key Steps and Timing

There are four (4) key steps recognized in the implementation process of the Brownfield Program. These steps are identified as follows:

- (1) The Application Phase;
- (2) The Rehabilitation Period;
- (3) The Development Period; and,
- (4) The Occupancy Period.

The recognition of these four (4) implementation steps is critical to the implementation of the Brownfields Program and each step is shown on Figure 1 entitled Brownfields Program – Steps, Elements and Timing and is discussed as follows:

(1) Application Phase

The Application Phase (as shown in Figure 1) initiates the Brownfields Program process, but also involves pre-application consultation between the proponent and City staff. The consultation discussions are anticipated to be comprehensive in nature, and include not only the elements of the Brownfields Program, but also the environmental considerations, the Remedial Work Plan, and the development proposal. Pre-consultation with the municipality is mandatory for most *Planning Act* applications. The Initial Study Grant Application may be submitted at this time, and may be approved during the Application Phase.

The formal Application Phase commences with the submission of the application form (discussed in Section 7.5), and continues through the processing of the various key elements of the Brownfields Program, until the Remedial Work Plan is prepared and is ready for implementation. The length of time required to complete the Application Phase is variable and is dependant on such other related matters as the length of time required for the processing of the development applications submitted pursuant to the *Planning Act*, and/or the preparation and acceptance of the Remedial Work Plan.

(2) Rehabilitation Period

The Rehabilitation Period (as shown in Figure 1) generally applies to the time period necessary to implement the Remedial Work Plan and rehabilitate the site. The Remedial Work Plan adopted may be fairly straight forward as in the case of a full-depth restoration or may become mixed with the site development in the case of a site specific risk assessment program. The risk assessment program may incorporate part of the development construction in order to seal areas of contamination. In some cases, elements of both strategies may be adopted.

In statute terms, the Rehabilitation Period has been defined as commencing on the date that the site-specific Brownfield By-Law providing tax assistance for the property is passed and continuing for up to a maximum of eighteen (18) months. This definition is an important element of the *Municipal Act, 2001* Brownfields Financial Tax Incentive Program (BFTIP). Refer to Section 365.1(1) of the *Municipal Act, 2001* to find a complete definition of the length of the Rehabilitation Period.

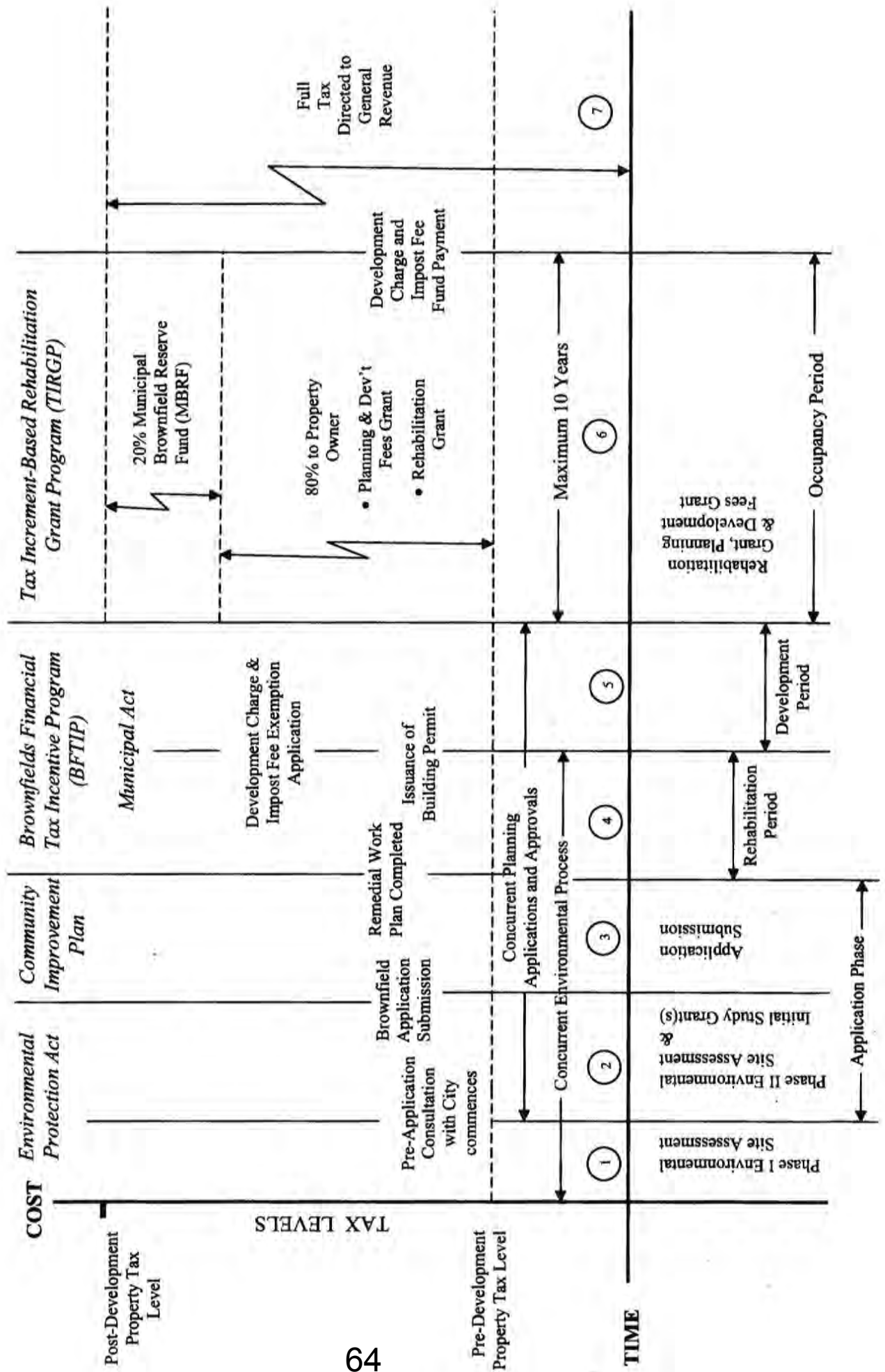
However, it is recognized that each site, each Remedial Work Plan, and each development proposal is going to be unique. It is this unique nature of each undertaking that is proposed, in part, to be recognized and captured in the Brownfield Site Agreement, described in Section 7.7.4 of this CIP.

(3) Development Period

The Development Period (as shown in Figure 1) covers the construction stage of the buildings, building support facilities, infrastructure and landscaping. This stage can only begin once the Remedial Work Plan has progressed as far as it can, the necessary planning approvals have been granted, and the building permit has been issued. The building program may be very straightforward, as with a small-scale single building, or very complex, as with a large property with multiple buildings and multiple uses. Given the range of property sizes and locations, the Project Areas include both project scale possibilities.

In statute terms, the Development Period commences on "the date the rehabilitation period ends" (*Municipal Act, 2001*, Section 365.1 (1)) and continues until a specified date stipulated by by-law or the rehabilitation costs are met. This definition is an important element of the Brownfields Financial Tax Incentive Program (BFTIP).

Figure 1: Brownfields Program – Steps, Elements & Timing



(4) Occupancy Period

The Occupancy Period (as shown in Figure 1) commences when the Development Period is complete. At this juncture in the process, the site is in a rehabilitated state and the building can be occupied and used in accordance with the permitted uses of the applicable zoning by-law (By-Laws No. 8499 or No. 96-259). It is at this point that the Tax Increment-Based Rehabilitation Grant Program (TIRGP) would be activated in accordance with the terms of the site-specific Brownfield Grants By-law. The TIRGP process includes the Planning & Development Fees Grant, the Rehabilitation Grant, and the Municipal Brownfield Reserve Fund (MBRF).

Under the terms of this Community Improvement Plan, the Occupancy Period can continue to run up to a maximum of ten (10) years after the Development Period is completed, or until the eligible rehabilitation costs have been recaptured by the property owner. Over this period, the property owner pays the property taxes and then receives a grant from the taxes in the amount of eighty percent (80%) of the difference between the pre-development taxes and the post-development taxes. The remaining twenty percent (20%) of the tax differential would be paid into the Municipal Brownfield Reserve Fund (MBRF), established to provide for municipal participation in the Brownfields Program. The eligible planning and development fees and any outstanding eligible study costs are also granted back to the owner. The Tax Increment-Based Rehabilitation Grant Program (TIRGP) is to be no greater than the eligible rehabilitation costs. Once the TIRGP has been paid to the property owner, the continuing tax differential would then be used to pay any development charges exemption in accordance with the terms of the City's Development Charges By-Law. This same process would be used to recapture any impost fee exemptions.

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When all four stages have been completed for a property, the Brownfields Program is over, as it applies to that specific site. The taxes levied on the development are then collected in full as general property tax revenue.

The four steps are shown in Figure 1 as clearly discrete time periods. However, given the complexity of the Remedial Work Plan implemented during the Rehabilitation Period, and the externalities of the Development Period, the four time periods may overlap as the process proceeds through to completion. It is the intent of this Community Improvement Plan that such items as overlap, process linkages, and timing be captured and dealt with in the Brownfield Site Agreement outlined in Section 7.7.4 of this CIP.

Broken lines indicating the pre-development tax level and the post-development tax level that are key to the BFTIP tax assistance and the TIRGP grants of the Brownfields Program are shown on Figure 1. It also identifies some of the key steps required to process a site appropriately, including such matters as the defined Rehabilitation Period and Development Period, and the issuance of a building permit. Figure 1 relates only to the key items and is not intended to represent a detailed implementation procedure. Such other matters as the tax sale of a site have not been illustrated.

5.0 BROWNFIELDS PROGRAM COMPONENTS & ELIGIBILITY CRITERIA

5.1 Introduction

5.1.1 General Program Approach

The City of Kingston's Brownfields Program (originally presented as the ERASE document) was approved in principle by City Council on June 10, 2003, based on the recommendation of the Brownfields Task Force. The key components of the Program are tax assistance and grants. The property tax assistance includes the exemption of both the municipal and education portions of the tax bill for specified periods of time during the Rehabilitation Period and Development Period. The grants are based on documented eligible rehabilitation costs and are offered as financial incentives designed to promote the rehabilitation and development of brownfield sites. For the purposes of this CIP, the grants operate similar to a rebate. All fees and annual property taxes must be paid in full, and then the grant(s) will be paid back to the property owner, in accordance with the details of Brownfields Program outlined in this CIP.

The Program will be administered by the municipality and is intended to run until December 31, 2025. The grants may be paid out over a ten (10) year period that may run as late as December 31, 2035, or until all eligible rehabilitation costs have been recaptured by the property owner, whichever is less. The maximum number of Initial Study Grants offered by the municipality was up to a maximum of five (5) in the first year. The Program received initial funding from Council in the amount of \$195,000. Additional funding for municipal participation in the Program will come from the twenty percent (20%) of the Tax Increment-Based Rehabilitation Grant Program (TIRGP) that will be directed to a Municipal Brownfield Reserve Fund (MBRF).

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It is specifically noted that the maximum amount of tax assistance and grant cannot exceed the cost of the rehabilitation. As indicated in subsection 28(7.3) of the *Planning Act*, "The total of the grants and loans made in respect of particular lands and buildings under subsection (7) and (7.2) and the tax assistance as defined in section 365.1 of the Municipal Act, 2001...that is provided in respect of the lands and buildings shall not exceed the eligible cost of the community improvement plan with respect to those lands and buildings." As a result, the eligible rehabilitation costs are a central component of the Program and key to the financial elements included in the Brownfield Financial Tax Incentive Program (BFTIP) and the Tax Increment-Based Rehabilitation Grant Program (TIRGP).

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The Program components are directed at the private sector and are designed to encourage private sector investment and reinvestment, development, and construction activity on contaminated properties and within contaminated buildings in the Community Improvement Project Areas. By implementing the Brownfields Program, the City will be able to offer financial incentives for the development of the inner urban sites located within the Project Areas. The financial incentives are intended to mitigate the costs associated with rehabilitating and developing these properties and buildings as viable alternatives to greenfield development.

Prior to the issuance of any grant payments or tax assistance, all proposed developments must conform to all applicable policies and procedures for the identification/rehabilitation of potentially contaminated sites, including all Provincial legislation, regulations and guidelines. The property owner shall be required to submit to the Ministry of the Environment (MOE) a Record of Site Condition (RSC), prepared and signed by a Qualified Person, as defined by provincial legislation.

5.1.2 Eligible Rehabilitation Costs

This Community Improvement Plan (CIP) is the vehicle used to implement the City's Brownfields Program. The financial incentives of the Tax Increment-Based Rehabilitation Grant Program (TIRGP) are offered by the Program pursuant to Section 28 of the *Planning Act*. As a result, the CIP was approved by the Ministry of Municipal Affairs & Housing (MMAH) and came into force on April 7, 2005. Amendment No. 1 to the CIP was approved by the MMAH and came into force on August 16, 2006. The Brownfield Financial Tax Incentive Program (BFTIP) component of the Program is offered pursuant to the *Municipal Act, 2001*. That part of the BFTIP relating to the education portion of the municipal property tax, involves the approval, on a property-by-property basis, of the Minister of Finance. There are other related complementary programs involving relief from the costs associated with Development Charges and Impost Fees.

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The eligible costs required to rehabilitate an eligible brownfields site are central to the Brownfields Program as it has been developed for this Community Improvement Plan. The eligible rehabilitation costs include the following eleven (11) items:

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- (1) The cost of environmental rehabilitation (100%).
- (2) The cost of placing clean fill and grading (100%).
- (3) The cost of Phase II Environmental Site Assessment, Phase III Environmental Site Assessment, and/or Site Specific Risk Assessment not covered by the Initial Study Grant (100%).
- (4) The cost of preparing a Record of Site Condition (RSC) (100%).
- (5) The cost of demolishing buildings (100%).
- (6) The cost of constructing/improving on-site underground infrastructure including water services, sanitary sewers, storm water management facilities, and gas, hydro, and communication utilities (50%). Note: The eligible costs for on-site servicing shall only include those costs incurred over and above normal work, due to the presence of soil or groundwater contamination, or due to accommodations for engineering controls specifically required by a risk management plan.
- (7) The cost of establishing an environmental monitoring program, and the cost of operating and maintaining the environmental monitoring technologies, where said technologies are directly related to the rehabilitation of the site, as specified in

the Remedial Work Plan (100%). (Cost may be based on either the present value of future costs or pro-rated costs, for a maximum period of twenty (20) years.)

- (8) The financing cost (interest charges) of preparing the studies and undertaking the rehabilitation (100%).
- (9) The cost of the insurance premiums to guarantee that remediation will be completed (100%).
- (10) The legal costs associated with the preparation of legal agreements pertaining to the following (100%):
 - the preparation, review and implementation of the Remedial Work Plan;
 - the review and implementation of any Brownfield By-Law and/or Brownfield Site Agreement; and,
 - the filing of the Record of Site Condition.
- (11) The cost or that portion of the cost not offset by another program, of the following Leadership in Energy and Environmental Design (LEED) Program components (100%):
 - Fees paid to the Canada Green Building Council (CaGBC) for registration of the project within any of the LEED rating systems supported by the CaGBC; and,
 - Fees paid to the Canada Green Building Council (CaGBC) for certification of the project within any of the LEED rating systems supported by the CaGBC.

~~Deleted: <#>The cost of obtaining assessment estimates for the property in order to estimate the tax increment between the pre-development and post-development property taxes (100%).¶¶~~

~~Deleted: <#>the base plan review by a certified LEED consultant.¶¶
<#>the preparation of new working drawings at a LEED standard; and,¶¶
<#>the submission and administration costs associated with both the constructed element testing and the certification proof used to determine the LEED designation. ¶¶~~

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These items all relate to the rehabilitation of the property and the implementation of the Remedial Work Plan. As indicated previously, none of the grants or tax assistance may exceed the value of the eligible rehabilitation costs. Eligible rehabilitation costs have been assigned to each of the grant programs and to the tax assistance program under both TIRGP and BFTIP in Section 5.3 of this CIP. Although the eligible rehabilitation costs may appear more than once under the specific criteria and requirements of the various tax assistance and grant programs, the expenditures related to any one of the eleven (11) eligible rehabilitation costs cannot be reimbursed more than once under the terms of this CIP.

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5.2 Program Components

As indicated in Section 4.1 of this CIP, the Brownfields Program is directly linked to land use planning issues and site environmental factors and strategies. The components of the Brownfields Program set out in Figure 2 are implemented by way of property tax assistance and financial grants. The total value of these components is directly derived from the value of the eligible rehabilitation costs.

The following sections provide a brief description of each of the components in the Brownfields Program, as well as the other related complementary programs. Figure 2 provides a summary of the components of the Brownfields Program and the complementary programs.

Figure 2: Summary of City of Kingston Brownfields Program Components

	FINANCIAL COMPONENT	COMPONENT DESCRIPTION	DURATION
1.	INITIAL STUDY GRANT	<ul style="list-style-type: none"> Grants for Phase II and Phase III Environmental Site Assessments (ESA's) and Site Specific Risk Assessments Maximum of 2 studies per property at a maximum of no more than \$20,000 in total grants 	<ul style="list-style-type: none"> Program life of 20 years, with applications accepted until Dec. 31, 2025 Average of 5 applications per year, subject to funding availability

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BROWNFIELDS FINANCIAL TAX INCENTIVE PROGRAM (BFTIP)

2.	MUNICIPAL PORTION OF PROPERTY TAX ASSISTANCE	<ul style="list-style-type: none"> Relief from paying municipal portion of the property tax Limited to the Rehabilitation Period and Development Period Based on pre-development assessment 	<ul style="list-style-type: none"> Rehabilitation Period runs for up to 18 months Development Period time frame defined by by-law Subject to time periods described in Section 365.1(1) of the <i>Municipal Act, 2001</i>
3.	EDUCATION PORTION OF PROPERTY TAX ASSISTANCE	<ul style="list-style-type: none"> Relief from paying education portion of property tax Application to Minister of Finance Limited to the Rehabilitation Period and Development Period Based on pre-development assessment 	<ul style="list-style-type: none"> Rehabilitation Period runs for up to 18 months Development Period time frame defined by by-law, as approved by the Minister of Finance Subject to time periods described in Section 365.1(1) of the <i>Municipal Act, 2001</i>

TAX INCREMENT-BASED REHABILITATION GRANT PROGRAM (TIRGP)

4.	PLANNING & DEVELOPMENT FEES GRANT	<ul style="list-style-type: none"> Grants for planning process fees that were paid at the time of application Including: OPA's, ZBLA's, minor variances, plans of subdivision and/or condominium and plan revisions, severance applications, site plan control and site plan revisions, demolition permits, letters of compliance, part lot control relief, and removal of an 'H' zone symbol. 	<ul style="list-style-type: none"> Grant commences after Development Period specified by by-law is complete Program life of 20 years, with applications accepted until Dec. 31, 2025 Payments until as late as Dec. 31, 2035
5.	REHABILITATION GRANT	<ul style="list-style-type: none"> Grants for taxes paid annually Based on the difference between pre-development and post-development assessment Maximum annual grant shall not exceed 80% of the TIRGP Based on eligible rehabilitation costs Grant value up to the limit of the eligible costs, or 10 years, whichever comes first 	<ul style="list-style-type: none"> Grant commences after Development Period specified by by-law is complete Program life of 20 years, with applications accepted until Dec. 31, 2025 Payments until as late as Dec. 31, 2035

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TAX INCREMENT-BASED REHABILITATION GRANT PROGRAM (TIRGP) – CONTINUED

	FINANCIAL COMPONENT	COMPONENT DESCRIPTION	DURATION
6.	MUNICIPAL BROWNFIELD RESERVE FUND	<ul style="list-style-type: none"> Limited to 20% of the difference between pre-development and post-development taxation. Annual grant placed in a municipal reserve fund held for City purposes Purpose of fund is to provide for City participation in Brownfield implementation 	<ul style="list-style-type: none"> Grants are placed in fund annually during Occupancy Period Payment will be made for a 10 year period after the Occupancy Permit is issued and tax payments have commenced

OTHER RELATED COMPLEMENTARY PROGRAMMING

7.	DEVELOPMENT CHARGES & IMPOST FEE ASSISTANCE	<ul style="list-style-type: none"> Relief for up to 100% of Development Charges and Impost Fees Development Charges and Impost Fees will be repaid to their respective reserve funds from taxes paid on the basis of the pre-development and post-development assessment 	<ul style="list-style-type: none"> Commences after TIF grants are completed Continues until Development Charges and Impost Fees have been paid
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5.2.1 Initial Study Grant

Lack of information is one of the key barriers to rehabilitating and to developing any brownfield property. The lack of information on specific properties, and the reluctance of property owners to undertake and fund environmental studies, inhibits interest in the rehabilitation and development of these properties. The Initial Study Grant is a cash grant designed to stimulate the undertaking of private sector environmental studies of properties in the Project Areas. It is anticipated that more information will become available through these studies with respect to the type of contamination and potential rehabilitation costs associated with the brownfield sites.

The Initial Study Grant provides a matching grant to proponents, which is equal to fifty percent (50%) of the cost of the initial studies, or \$20,000, whichever is less. Eligible studies include Phase II and Phase III Environmental Site Assessments (ESA) and Site-Specific Risk Assessments (SSRA). There is a maximum of two studies per property at a maximum of no more than \$20,000 in total grants. These grants will assist owners of potential brownfield sites in acquiring the environmental information needed to determine if the site will qualify for the Brownfields Program.

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An annual \$60,000 budget upset limit on the Initial Study Grant expenditures will be established as a guideline, subject to Council approval. Given the budgeted upset limit, an average of three (3) applications can be funded each year. If all of the funding is not used in one year, the balance may be carried into the next year and used to fund additional studies beyond the three study annual average.

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The total value of any Initial Study Grant(s) awarded will be deducted from eligible study costs included in any later Rehabilitation Grant, offered as part of the program. If applying for an Initial Study Grant in conjunction with an application(s) for any other financial incentive program(s) available from the City of Kingston, no two programs can be used to repay the same cost. Where other sources of government and/or non-profit organization (Federal, Provincial, Municipal, Federation of Canadian Municipalities, etc.) funding for the conduct of environmental studies are anticipated or have been secured, these must be declared as part of the Initial Study Grant Application, and again, two programs cannot be used to repay the same costs.

The proponent shall submit one (1) electronic copy and two (2) hard copies of all studies to the City of Kingston. The proponent shall also provide the City with permission to circulate the studies to internal City departments, and to advise other project proponents that a study or studies exist. However, the studies will not be released by the City, unless required by law.

The Initial Study Grant component of the Brownfields Program will commence on or after the date of approval of this CIP, and will continue for a period of twenty (20) years, subject to funding availability. Applications for the Initial Study Grants will be received until December 31, 2025.

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5.2.2 Brownfields Financial Tax Incentive Program (BFTIP)

Section 365.1 of the *Municipal Act, 2001* allows municipalities to provide property tax assistance for eligible properties under the Brownfields Financial Tax Incentive Program (BFTIP). In addition, the Minister of Finance may approve property tax assistance for the education portion of taxes. The City will make application to the Minister of Finance, to obtain approval for education tax exemption prior to Council approving the Property Tax Assistance By-Law.

The property tax assistance provides for the exemption of up to 100% of taxes levied for the period immediately following the approval of the Property Tax Assistance By-Law and continuing during the Rehabilitation Period and Development Period. The BFTIP applies only to eligible properties and is subject to Ministry of Finance approval for the education portion. The amount of tax assistance provided will be determined during the Application Phase to ensure that the value of the tax exemption does not exceed rehabilitation costs over a time period specified by the Property Tax Assistance By-Law.

The *Municipal Act, 2001* and the BFTIP requires the following:

- That tax assistance be suspended for a subject property where a landowner has not paid all of the taxes on a subject property for the previous years in the Rehabilitation and Development Periods (subject to any specific exceptions provided for in the Property Tax Assistance By-Law or in a Brownfields Site Agreement under the by-law);
- That the tax assistance becomes liable for payment in full, with interest, for all tax assistance granted during the Rehabilitation and Development Periods for the

property, where the landowner defaults on the Property Tax Assistance By-Law or the Brownfields Site Agreement requirements;

- That landowners file with the City an annual update of the reporting on the environmental contamination, the rehabilitation activities, the estimated costs, and the time estimates outlined under *Ontario Regulation 274/04 of the Municipal Act 2001*; and
- That the City forward the annual update to the Minister of Finance within 30 days of the anniversary of the start date of the tax assistance.

In addition, the education portion of the tax assistance will terminate at the earliest of the following dates:

- The point of severance or subdivision;
- The point of sale or conveyance; or,
- The date that tax assistance equals:
 - the accumulated eligible rehabilitation costs; or,
 - the date ending three consecutive years of education property tax assistance or such earlier period otherwise stipulated in the municipal Tax Assistance By-Law;

The municipal portion of the property tax assistance, will terminate on the date that the Occupancy Period begins or such earlier period otherwise stipulated in the municipal Property Tax Assistance By-Law.

a) Municipal Portion of Property Tax Assistance

The municipal portion of the property tax assistance is limited to the Rehabilitation Period and Development Period of the project. This BFTIP assistance is to be implemented for eligible properties prior to the implementation of the Tax Increment-Based Rehabilitation Grant Program (TIRGP). The municipal portion of the property tax assistance will be undertaken in accordance with the provisions of Section 365.1 (1) of the *Municipal Act, 2001*. The municipal portion of the property tax assistance may start at the beginning of the Rehabilitation Period and run for a period specified by Council in a by-law, but shall not extend beyond the time periods outlined in Section 365.1(1) of the *Municipal Act, 2001*, or as outlined in the relevant by-law. The purpose of this tax assistance element is to give financial relief to proponents early in the process as Remedial Work Plans and land use planning proposals are being prepared and implemented.

b) Education Portion of Property Tax Assistance

The Ministry of Finance may match the municipality's tax assistance provided to a property owner through the education portion of the property's tax. The exemption may commence at the start of the Rehabilitation Period, and continue through the Development Period, for a maximum time period as defined in the relevant by-law, and subject to Program and termination requirements established by Section 365.1(1) of the *Municipal Act, 2001*. The education portion of the property tax assistance must be applied for specifically to the Ministry of Finance prior to any Council by-law approval.

The education portion of the property tax assistance may be delivered on a different timetable from the municipal portion of the property tax assistance for the given property. The conditions imposed by the Minister of Finance for the education portion of the property tax assistance under Section 365.1 of the *Municipal Act, 2001* may differ from those outlined in this CIP.

5.2.3 Tax Increment-Based Rehabilitation Grant Program (TIRGP)

Section 28 of the *Planning Act* allows the municipality to provide grants to rehabilitate land and/or buildings in the Community Improvement Project Areas. The City of Kingston funds its grants using the Tax Increment-Based Rehabilitation Grant Program (TIRGP), which forms a major part of the Brownfields Program. The TIRGP is used to fund the Planning & Development Fees Grant, the Rehabilitation Grant, and the Municipal Brownfield Reserve Fund (MBRF).

Properties eligible for grants will be those lands within the Project Areas where the tax assessments are lower because of abandonment or contamination. The long-term view anticipates that once developed, these properties will have a higher assessed value. The grants will be funded from the difference in taxation between that which is currently paid and the property tax once development has occurred.

When the benefits of the tax assistance program end, the grant program may begin provided that reassessment of the property has taken place, and the property owner has paid the property taxes in full for the year in which the grant is to be provided. The City will make payments up to ten years following the effective date for the new assessment, or up to the value of the eligible rehabilitation costs, whichever is less. The taxes cancelled plus the total grants provided under the grant program shall not exceed the eligible rehabilitation costs.

The grants will be calculated based on the increase between the pre-development taxes and post-development taxes for the property. However, the grants will be paid on only eighty percent (80%) of that tax difference (as shown on Figure 1). The remaining twenty percent (20%) of the tax difference will be directed by the City to the Municipal Brownfield Reserve Fund (MBRF) to provide for City participation in the Brownfields Program.

The Tax Increment-Based Rehabilitation Grant Program (TIRGP) is intended to provide incentive to the private sector to rehabilitate and develop lands and/or buildings that are underused or unused. These grants are intended to encourage development activity,

which would not have otherwise occurred. By putting these lands and buildings back into productive use the City will, in the long term, strengthen and enhance its property tax base through higher property taxes and existing services and infrastructure will be used more effectively within the designated urban areas. In addition, it is anticipated that the Rehabilitation Grant program will be the trigger for increased development activities in the identified Community Improvement Project Areas, which in turn will attract further businesses, residents, and employment.

a) Planning & Development Fees Grant

The Planning & Development Fees Grant is designed to promote the rehabilitation and development of brownfield sites by providing a grant for selected planning and development fees. These grants are intended to offset the cost of development for those persons and/or groups wishing to locate and invest in the Community Improvement Project Areas, or those who are already located there and wish to expand and/or renovate. The planning and development fees eligible for this program are listed in Section 5.3.4.

The Planning & Development Fees Grant complements the Rehabilitation Grant. While the Rehabilitation Grant is designed to “level the playing field” between greenfield and brownfield development, the Planning & Development Fees Grant attempts to slightly tip the financial playing field in favour of brownfield development by compensating proponents for the added complexity, cost, and time required on brownfield development projects.

Payment of eligible Planning & Development fees, including demolition permits, will be required by the City at the planning application phase. The Planning & Development Fees Grant includes all eligible fees collected from the proponent. Grants will only be paid after the proponent has paid all eligible invoices and they have been verified by the City, the property is rehabilitated and developed, and the Occupancy Period has commenced. If a Planning & Development Fees Grant is applied for in conjunction with an application(s) for any other financial incentive program, other than the Brownfields Program, the two programs cannot be used to repay the same cost.

b) Rehabilitation Grant

The Rehabilitation Grant is designed to help property owners of brownfield properties in the Project Areas offset the costs of rehabilitation and development in order to level the financial playing field between greenfield and brownfield developments.

The Rehabilitation Grant is that portion of the eligible rehabilitation costs remaining after all the other Program financial components have been discounted. The grant and tax assistance components of this program cannot exceed the eligible rehabilitation costs defined in Section 5.1.2. The Rehabilitation Grant is calculated by taking the eligible rehabilitation costs and subtracting the Initial Study Grant, the municipal portion of the property tax assistance, the education portion of the property tax assistance, and the Planning & Development Fees Grant. The remaining cost figure is the maximum Rehabilitation Grant value. The grant is intended to pay for the rehabilitation of the site

and other brownfield related costs, such as demolition and the placing of clean fill and grading.

The total value of the Rehabilitation Grant, tax assistance, Initial Study Grant, and the Planning & Development Fees Grant cannot exceed the total value of the eligible rehabilitation costs. The Rehabilitation Grant is paid to the proponent on a "pay-as-you-go" basis; i.e., the proponent pays for the costs of the rehabilitation and development up-front as part of the cost of the project, pays all property taxes each year, and then the proponent (or any future property owner) is reimbursed through annual grants once the project is complete and occupied.

The Rehabilitation Grant, along with the Planning & Development Fees Grant provides an annual grant equal to eighty percent (80%) of the increase in the municipal portion of the property taxes resulting from development on an eligible brownfield property. Payment of the annual grant will commence after development is complete, the Occupancy Period has commenced, the property has been reassessed by the Municipal Property Assessment Corporation (MPAC), and taxes have been paid in full for one (1) year. The Rehabilitation Grant payments shall cease:

- (i) when total payments provided under the Rehabilitation Grant equal the calculated portion of the eligible rehabilitation costs; or,
- (ii) the date that is ten (10) years after the earliest effective taxation date for the new assessment, whichever comes first.

The remaining twenty percent (20%) of the increase in the municipal portion of the property taxes resulting from redevelopment on an eligible brownfield property is to be directed to the Municipal Brownfield Reserve Fund (MBRF).

The amount of municipal taxes ("base rate") will be determined before commencement of the project at the time a Brownfields Program Application is submitted. The increase in the municipal portion of real property taxes (or "municipal tax increment") will be calculated as the difference between the base rate and the amount of municipal taxes levied as a result of re-evaluation by the MPAC following project completion and occupancy. The Rehabilitation Grant does not exempt property owners from an increase/decrease in municipal taxes due to a general tax rate increase/decrease, or a change in assessment for any other reason. The TIRGP does not exempt property owners from paying the education portion of the property tax.

If, during the course of the work, the scope of the work changes, or actual costs are greater or less than estimated costs, the City shall increase or decrease the total amount of the Rehabilitation Grant.

If a building(s) erected on a property participating in the Rehabilitation Grant component of the Brownfields Program is demolished before the grant period expires, the remainder of the monies to be paid out under the grant shall be forfeited.

If applying for a Rehabilitation Grant in conjunction with an application(s) for any other financial incentive program(s) offered by the City of Kingston, the two programs cannot

be used to repay the same cost. Where other sources of government and/or non-profit organization funding (Federal, Provincial, Municipal, Federation of Canadian Municipalities, etc.) are anticipated or have been secured, these must be declared on the TIRGP Grant Application, and cannot be used to reimburse the same costs.

Applications for the Rehabilitation Grant will be accepted on or after the date of approval of this CIP by the Province of Ontario, for a period of twenty (20) years. Grant applications will be received until December 31, 2025. Rehabilitation Grants that have been approved will continue to be paid after December 31, 2025, until the eligible rehabilitation costs have been recovered, or until December 31, 2035, whichever occurs first.

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c) Municipal Brownfield Reserve Fund

The Municipal Brownfield Reserve Fund (MBRF) is intended as a fund for direct City financial involvement in the rehabilitation and redevelopment of properties in the Project Areas. This fund will receive the twenty percent (20%) of the municipal tax increment that is retained by the City as a result of properties participating in the Brownfields Program, and other monies as may be allocated by Council.

As funds accrue in this account, the City can use these funds to rehabilitate and develop key strategic parcels or publicly held lands in the Project Areas. The MBRF will function as a revolving fund with any surplus monies deposited back into it. Funds in the MBRF will be utilized only for the municipal involvement in brownfield sites located within the Project Areas.

When the TIRGP ends with the last grant payments paid out possibly as late as December 31, 2035, the MBRF may also end. However, if the City wishes to continue the MBRF beyond the life of the TIRGP, it may do so by continuing to direct twenty percent (20%) of the tax increment assigned to former brownfield sites into the fund, without amendment to this CIP. Alternatively, the City may conclude the MBRF and return any funds remaining in it to general revenue.

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The Sustainability & Growth Group and the Corporate Administration Group will administer the MBRF, in consultation with other departments and divisions as necessary. It is intended that the cost of administering the MBRF program may be drawn, as required, from the fund.

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5.2.4 Other Related Complementary Programming – Development Charges & Impost Fee Assistance

It is the intent of the City to utilize its ability to provide relief, in whole or in part, from the payment of both development charges and impost fees for eligible brownfield properties. While these charges and fees are available to complement the Brownfields Program, they do not fall directly within the terms of this CIP. It is intended that these complementary by-law programs will be included in the detailed implementation guidelines in order to ensure that they are properly coordinated with the CIP Brownfields Program and its financial components.

The Development Charges and Impost Fees for a project can be significant. The Community Improvement Project Areas of the Brownfields Program are located in the urban areas of the City where the municipal infrastructure already exists for the development of eligible brownfield sites. Unlike greenfield developments, the development of these brownfield properties does not involve the extension of new urban infrastructure. However, older urban areas do often have concerns with respect to upgrading and/or replacing existing infrastructure, especially in order to accommodate increased densities. Therefore, relief from development charges and impost fees, either in whole or in part, will be at the sole discretion of Council.

The City of Kingston in September 2009 approved its new development charges (By-Law No. 2009-136) and new impost fees (By-Law No. 2009-138). These by-laws both recognize exemptions to the charges and fees by way of the following clause:

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"The Municipality may exempt lands from this by-law where the lands are designated in the City of Kingston Official Plan as part of the Community Improvement Area and the Municipality implements a Community Improvement Plan by by-law which includes the said lands."

The Brownfields Program is implemented by way of this CIP, and therefore, meets the exemption terms of By-Laws No. 2009-136 and No. 2009-138. However, as noted above, the extent of any exemption to either development charges and/or impost fees shall be at the sole discretion of City Council.

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The Brownfields Program makes use of existing urban infrastructure, services and facilities, and therefore, relief from development charges and impost fees may, in some instances, be appropriate. It is recognized, however, that the development charges and impost fees still have to be paid into their respective funds.

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Once the Planning & Development Fees Grant and the Rehabilitation Grant have been paid to the property owner, the tax differential (TIRGP) would then continue and be used to pay any development charges and impost fees exempted in accordance with the terms of the City's Development Charges and Impost Fees By-Laws. Given that the development charges and impost fee exemptions are not a direct part of the CIP, the repayment of any cancelled charges or fees may continue beyond the twenty (20) year limit of the TIRGP component of the Brownfields Program.

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5.3 Eligibility Criteria & Requirements

The following is a list of general and grant-specific criteria required for participation in the Brownfields Program. The list is not exhaustive, and the City of Kingston reserves the right to include other criteria or requirements as deemed necessary on a site-specific basis. All applications submitted for the Brownfields Program shall be reviewed by staff, as discussed in Section 7.4.

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5.3.1 General Eligibility Criteria & Requirements

The following is a list of general eligibility criteria and requirements applicable to all components of the Brownfields Program.

- (a) None of the financial components of the Brownfields Program will be offered retroactively for rehabilitation or development activities undertaken or costs incurred prior to the approval of this Community Improvement Plan, or prior to the approval of any amendment to this CIP. Only projects or studies that commence and make application for the specific grant components of the Program after the date of approval of this CIP, or after the effective date of any approved amendments to this CIP (including amendments to the Community Improvement Project Areas), will be eligible.
- (b) Eligible properties must be located in Community Improvement Project Area 1A, 1B or 1C, as illustrated by Map 1.
- (c) Properties eligible for BFTIP or TIRGP must have had a Phase II Environmental Site Assessment (ESA) completed that indicates environmental rehabilitation of lands or buildings is required to obtain a Record of Site Condition (RSC) to allow a change to a more sensitive land use, or to enable the proposed redevelopment where a RSC is not required by provincial law. The Brownfields Program of the City of Kingston applies only to properties that are contaminated given their historic industrial or commercial practices or uses.
- (d) In order to be eligible for any BFTIP tax assistance or TIRGP grants offered through the Brownfields Program, eligible properties must not be in tax arrears. All taxes owing shall be paid prior to the disbursement of any TIRGP grant money, except those property taxes cancelled pursuant to the BFTIP. Local improvement charges and all other charges of the Municipality must be paid throughout the entire period that the Brownfield Program is in effect.
- (e) Outstanding work orders and/or orders or requests to comply from the City of Kingston or Utilities Kingston must be satisfactorily addressed prior to any BFTIP tax assistance or TIRGP grant approval under the Brownfields Program.
- (f) Eligible proponents shall include only the property owners of eligible properties, or their heirs, successors or assignees. Written authorization shall be required from the property owner for any agent acting on their behalf, for all components of the Brownfields Program.
- (g) Proponents shall declare if the proposed property is designated under Part IV or Part V of the Ontario Heritage Act, or is adjacent to a property that is designated under the Ontario Heritage Act.
- (h) The proponent shall submit the appropriate completed application(s) with the appropriate supporting documentation.
- (i) The proponent shall submit a development proposal and concept plan for the eligible property. For properties located within Project Area 1C, the development proposal and concept plan must conform to the design guidelines set out in the Williamsville Main Street Study.

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- (j) The proponent shall submit a completed Phase I ESA, Phase II ESA, and a Remedial Work Plan (Phase III ESA or SSRA), which have been prepared in conformity with the *Environmental Protection Act*, in support of a Brownfields Application with respect to the BFTIP and TIRGP components of the Program.
- (k) The proponent shall release all environmental information about the eligible site to the City.
- (l) All proponents participating in the Brownfields Program shall enter into a Brownfield Site Agreement with the City that will specify the terms and conditions of the brownfield, planning, and environmental approvals along with the BFTIP tax assistance and TIRGP grants to be received.
- (m) Properties with proposed redevelopment that will result in uses that are completely or partially exempt from payment of municipal property taxes are not eligible for participation in the Brownfields Program.

5.3.2 Eligibility Criteria & Requirements for an Initial Study Grant

- (a) All proponents of properties within the designated Community Improvement Project Areas are eligible to apply for funding under the Initial Study Grant, subject to the general eligibility criteria and requirements of Section 5.3.1, the specific criteria and requirements listed below, and the availability of funding as approved by Council.
- (b) The Initial Study Grant shall apply to environmental studies for the purpose of:
 - i. Confirming and describing contamination on the site (Phase II ESA); and,
 - ii. Developing a plan to remove, treat, or otherwise manage contamination found on the site (Phase III ESA or SSRA).
- (c) The Initial Study Grant component of the Brownfields Program will be limited to a period of twenty (20) years from the date of approval of the CIP, subject to funding availability.
- (d) Applications for Initial Study Grants will be received until December 31, 2025.
- (e) A Phase I ESA is not eligible for an Initial Study Grant and will have been completed prior to applying for an Initial Study Grant under the Brownfields Program.
- (f) A summary proposal of the environmental study, and a quote from the consultant undertaking the study to verify the expected cost of the study, shall be submitted.
- (g) All eligible study costs, up to 50% of the cost or a maximum of \$20,000, will be eligible for an Initial Study Grant, with the exception of the HST.

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- (h) The Initial Study Grant may be used to fund up to two (2) studies per property, with a maximum overall cost, for both studies, of \$20,000 per property.
- (i) The Initial Study Grant will be paid to the property owner regardless of who pays the fees.

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5.3.3 Eligibility Criteria & Requirements for BFTIP Tax Assistance

- (a) All proponents of properties within the designated Community Improvement Project Areas are eligible to apply for tax assistance, subject to the general eligibility criteria and requirements of Section 5.3.1 and the specific criteria and requirements listed below.
- (b) The eligible rehabilitation costs under the tax assistance provided for under BFTIP shall including only the following:
 - i. The cost of environmental rehabilitation (100%);
 - ii. The cost of placing clean fill and grading (100%);
 - iii. The cost of Phase II Environmental Site Assessment, Phase III Environmental Site Assessment, and/or Site Specific Risk Assessment not covered by the Initial Study Grant (100%);
 - iv. The cost of financing (interest charges) of preparing the studies and undertaking the rehabilitation (100%); and
 - v. The cost of the insurance premiums to guarantee that remediation will be completed (100%).
- (c) To be eligible for tax assistance, a property must have had a Phase II Environmental Site Assessment (ESA) completed and as a result of this ESA, the property requires environmental remediation to permit a Record of Site Condition (RSC) to be filed.
- (d) Tax assistance will only apply during the Rehabilitation Period and the Development Period of the project, in accordance with the provisions of Section 365.1(1) of the *Municipal Act, 2001*.
- (e) The education portion of the property tax assistance shall require the approval of the Minister of Finance.

5.3.4 Eligibility Criteria & Requirements for a Planning & Development Fees Grant

- (a) All proponents of properties within the designated Community Improvement Project Areas are eligible to apply for funding under the Planning and Development Fees Grant, subject to the general eligibility criteria and requirements of Section 5.3.1 and the specific criteria and requirements listed below.

(b) The Planning & Development Fees Grant will apply to the following types of eligible application fees:

- Official Plan Amendment;
- Zoning By-Law Amendment;
- Minor Variance;
- Letters of Compliance;
- Draft Plan of Subdivision / modifications to Plan or conditions;
- Final Plan of Subdivision / modifications to Plan or agreement;
- Plan of Condominium / modifications to Plan or agreement;
- Severance Applications;
- Site Plan Control / modifications;
- Part Lot Control Relief;
- Removal of 'H' Zone Holding Symbol; and,
- Demolition Permit.

(c) Only eligible planning and development fees paid by the property owner after the date of approval of this Community Improvement Plan, or after the effective date of any approved amendments to this CIP (including amendments to Community Improvement Project Areas), will be eligible for this grant.

(d) The Planning & Development Fees Grant will be paid to the property owner regardless of who pays the fees.

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(e) The Planning & Development Fees Grant does not apply to any performance or maintenance guarantees (e.g., letters of credit) posted by the proponent, required professional studies, or expenses, including deposits incurred by the applicant because of the City's participation at the Ontario Municipal Board or Court proceedings.

(f) The Planning & Development Fees Grant will commence after the Occupancy Period has commenced and property taxes have been paid in full for one year, and will be limited to the total value of the eligible rehabilitation costs, or a period of ten (10) years, whichever is less.

5.3.5 Eligibility Criteria & Requirements for a Rehabilitation Grant

(a) All proponents of properties within the designated Community Improvement Project Areas are eligible to apply for funding under the Rehabilitation Grant, subject to the general eligibility criteria and requirements of Section 5.3.1 and the specific criteria and requirements listed below.

(b) Eligible rehabilitation costs under a Rehabilitation Grant component of the TIRGP include:

- i. 100% of the cost of environmental rehabilitation;

- ii. 100% of the cost of placing clean fill and grading;
- iii. 100% of the cost of a Phase II ESA, Phase III ESA, and/or a Site-Specific Risk Assessment (SSRA) not covered by the Initial Study Grant;
- iv. 100% of the cost of preparing a Record of Site Condition (RSC);
- v. 100% of the cost of demolishing buildings;
- vi. 50% of the cost of constructing/improving on-site underground infrastructure, including water services, sanitary sewers, stormwater management facilities, and gas, hydro and communication utilities (the eligible costs for on-site servicing shall only include those costs incurred over and above normal work, due to the presence of soil or groundwater contamination, or due to accommodations for engineering controls specifically required by a risk management plan);
- vii. 100% of the cost of establishing an environmental monitoring program, and the cost of operating and maintaining the environmental technologies, where said technologies are directly related to the rehabilitation of the site, as specified in the Remedial Work Plan (Cost may be based on either the present value of future costs or pro-rated costs, for a maximum period of twenty (20) years);
- viii. 100% of the financing cost (interest charges) of preparing the studies and undertaking the rehabilitation;
- ix. 100% of the cost of the insurance premiums to guarantee that the remediation will be completed;
- x. 100% of the legal costs associated with the preparation of legal agreements pertaining to the following:
 - 1. the preparation, review and implementation of the Remedial Work Plan;
 - 2. the review and implementation of any Brownfield By-Law and/or Brownfield Site Agreement; and,
 - 3. the filing of the Record of Site Condition (RSC).
- xi. 100% of the cost, or the shared portion of the cost, of the following Leadership in Energy and Environmental Design (LEED) Program components:
 - 1. Fees paid to the Canada Green Building Council (CAGBC) for registration of the project within any of the LEED rating systems supported by the CAGBC; and,

Deleted: <#> 100% of the cost of obtaining assessment estimates for the property in order to estimate the tax differential between the pre-development and post-development property taxes.¶

Deleted: <#> The base plan review by a certified LEED consultant.¶
 ¶
 <#> The preparation of new working drawings at a LEED standard; and,¶
 ¶
 The submission and administration costs associated with both the constructed element testing and the certification proof used to determine the LEED designation.

2. Fees paid to the Canada Green Building Council (CAGBC) for certification of the project within any of the LEED rating systems supported by the CAGBC.

- (c) The proponent must complete and submit a TIRGP Grant Application to the Director of Environment and Sustainable Initiatives, or Designate, and the Application must be approved, prior to the commencement of any Remedial Work Plan.
- (d) Proponents shall include plans and cost estimates, contracts and other details as may be requested by the City of Kingston with respect to the eligible costs of the project. They must submit in consultation with the City and MPAC the current property assessment and an estimate of future assessment based on the development proposal.
- (e) When applying for a Rehabilitation Grant, proponents shall be prepared to submit a Corporate Profile along with the TIRGP Grant Application.
- (f) Each property selected to participate in the TIRGP component of the Brownfields Program will be eligible for a maximum of one Rehabilitation Grant.
- (g) The Rehabilitation Grant will be paid to the property owner regardless of who pays the eligible rehabilitation costs.
- (h) The eligible property shall be rehabilitated and developed such that the amount of work undertaken is sufficient, at a minimum, to result in an increase in the assessed value of the property.
- (i) The proponent shall be required to pay all rehabilitation and development costs up-front for the proposed project, because the Brownfields Program only allows the City to offset certain eligible costs by way of a grant after project completion.
- (j) The Rehabilitation Grant will commence after the Occupancy Period has commenced and property taxes have been paid in full for one year, and will be limited to the total value of the eligible rehabilitation costs, or a period of ten (10) years, whichever is less. (For the purposes of this CIP, the grants operate similar to a rebate. All fees and annual property taxes must be paid in full, and then the grant(s) will be paid back to the property owner, in accordance with the details of Brownfields Program outlined in this CIP.)

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5.4 Amendments to the Program

Amendments may be made to the Brownfields Program CIP, under the following conditions:

- (a) City Council may discontinue any of the components of the Brownfields Program, without an amendment to the CIP, if, in the opinion of Council, the goals of this CIP are not being met.

- (b) City Council may vary the components of the Brownfields Program, without an amendment to the CIP, if, in the opinion of Council, the goals of this CIP are not being met, provided that the variation does not exceed the original Program's maximum BFTIP tax assistance and TIRGP grants.
- (c) The City may discontinue the Rehabilitation Grant component of the TIRGP at any time. However, proponents entitled to receive Rehabilitation Grants prior to the closing of the Program, will continue to receive the grants as determined through their Brownfield Site Agreement with the City.
- (d) The City may discontinue the Initial Study Grants at any time. However, proponents entitled to receive the Initial Study Grant prior to the closing of the Program, will receive any Initial Study Grant that had already been approved upon completion of the approved study.
- (e) When the Rehabilitation Grants end with the last grant payments paid out, possibly as late as December 31, 2035, the Municipal Brownfield Reserve Fund (MBRF) will also end. At that time, if the City wishes to continue the MBRF, it may do so by continuing to direct twenty percent (20%) of the tax increment assigned to former brownfield sites into the fund, without amendment to the CIP. Alternatively, the City may conclude the MBRF and return any monies remaining in the MBRF account to general revenue.
- (f) The Sustainability & Growth Group will monitor the participation in the Brownfields Program and report annually to Council regarding Program performance. Based on the information obtained through this process, the City may periodically review and adjust the terms and requirements of the Program, or discontinue any of the components described in this CIP, without amendment to the CIP.
- (g) Financial program additions to this CIP will require a formal amendment in accordance with Section 28(5) of the *Planning Act*, requiring notice of a public meeting, adoption by Council, and approval by the MMAH.
- (h) In the case of a property and/or building that meets the eligibility criteria but is not located within defined Project Areas 1A, 1B or 1C, this CIP will require a formal amendment in accordance with Section 28(5) of the *Planning Act* to include the property or area as a new Project Area or as an addition to a Project Area, subject to all other provisions of this Plan, unless expressly varied.

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5.5 Related Environmental Programming

There are a number of programs focusing on environmental issues that have emerged in the last few years. These programs, like the Brownfields Program, are generally designed to involve government agencies, environmental groups, and private enterprise in a variety of collaborative initiatives intended to address environmental concerns. Two such programs that are associated with the types of environmental approaches that complement the Brownfields Program include the Leadership in Energy and Environmental Design (LEED) Program and the energy and water conservation

Deleted: Federation of Canadian Municipalities (FCM) Green Municipal Funds

programs of Utilities Kingston and Kingston Hydro. Both of these programs are discussed below.

5.5.1 Leadership in Energy & Environmental Design (LEED)

Leadership in Energy & Environmental Design (LEED) is an environmentally and economically responsible approach to high performance building design. LEED is divided into the following six categories. Each category has a series of design attributes for which points are awarded:

- Energy and atmosphere;
- Indoor environmental quality;
- Water efficiency;
- Materials and resources;
- Sustainable sites; and,
- Innovation and design.

Depending on the number of points awarded, a LEED designation is acquired:

- LEED Certified (40-49 points);
- LEED Silver (50-59 points);
- LEED Gold (60-79 points); or,
- LEED Platinum (80 points and above).

Portions of the LEED Program cost have been incorporated as part of the eligible rehabilitation costs established in this CIP. The incremental construction costs between the base building and the high performance LEED building are not included as part of the Rehabilitation Grant. These costs will be recouped by the owner in the long run in terms of energy and environmental cost savings.

5.5.2 Federation of Canadian Municipalities (FCM)

5.5.2 Utilities Kingston & Kingston Hydro

Most properties within the Community Improvement Project Areas will receive electricity distribution services from Kingston Hydro, and water, wastewater, natural gas, and potentially high capacity fibre optic system connections from Utilities Kingston. Kingston Hydro and Utilities Kingston participate in City of Kingston pre-development consultation processes. For information about utility servicing, please contact Utilities Kingston or Kingston Hydro by calling 613-546-0000 or visiting their websites utilitieskingston.com or kingstonhydro.com.

For developers seeking to renovate properties or construct new buildings within the Community Improvement Project Areas, there may be opportunities to receive incentives and/or assistance from Utilities Kingston and Kingston Hydro for measures that reduce or minimize energy and water use. As energy and water conservation

Comment [sab9]: This section was deleted in its entirety and replaced with the following shorter summary.

Comment [sab10]: Deleted because the FCM's Green Municipal Fund is directed to municipalities and their partners for municipal environmental projects. It does not address private projects.

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The Federation of Canadian Municipalities (FCM) provides funding opportunities for both municipalities and the private sector for works that are related to brownfields: the Green Municipal Funds. The Funds offer grants and low-interest loans for innovative environmental infrastructure initiatives that generate measurable environmental, economic, and social benefits. Grants of up to \$350,000 are potentially available for 50% cost-shared planning initiatives, feasibility studies and field tests. Loans are available to build innovative environmental infrastructure. For municipal projects, municipal governments can borrow at a low, preferred rate, and loans cover fifteen to twenty-five percent (15-25%) of the capital costs of qualifying projects. These municipal funds can also offer a combination grant and loan of up to fifty percent (50%) of the capital costs for highly innovative pilot installations.¶
The Funds allow municipalities to work with the private and public sectors. A working relationship is established between the municipality and the public and/or private sector via participation in the Brownfields Program.

programs change from time to time, we recommend contacting Utilities Kingston's conservation department at 613-546-0000 to learn about available programs before designing or beginning work on development proposals.

6.0 FINANCIAL ASPECTS

6.1 General Budget Size Descriptions

The fiscal health of the City of Kingston is a priority of Council, embedded in its Strategic Plan and Official Plan. Strategies have been introduced over the past several years to improve the City's financial situation, including the use of a ten (10) year capital expenditure forecast and a multi-year approach to managing operating budgets and expenditures. The City continues to build capital reserve funds in support of funding capital replacement and renewal investments using a "pay as you go" approach and to execute strategies that will limit future reliance on debt. Kingston's 2012 operating budget was approved at \$301 million dollars. The 2012 capital budget was approved at \$87 million dollars, including both the annual capital budget approval of \$47 million dollars, as well as an additional \$40 million dollars approved in 2011 as part of multi-year capital budget approvals for engineering and other strategic initiatives. At December 31, 2011, the City had \$193 million dollars in reserves and reserve funds, a net book value of capital assets of \$1.2 billion dollars, and long-term debt of \$208 million dollars.

The CIP, as written, shows the Brownfields Program is fully funded and, based on the City's current financial situation, it is projected that a program extension until December 31, 2025 would not have a negative impact on the City's cash flow, its ability to stay within debt limit thresholds, or its ability to finance any of the capital works as forecasted in the ten (10) year capital plan.

6.2 Brownfields Program Financial Aspects

The specific financial aspects of the Program are broken down into the following three components: expenses, benefits, and assessment.

6.2.1 Program Expenses

The expenses that are anticipated to support this Program are defined as follows:

- Staffing – It is estimated that 100% of the full-time equivalent for one staff person will be spent on coordinating the Program (While the funding for the staff person is included in the budget, it must also be recognized that there are also significant staff costs associated with the role of various staff members in the review of applications, as outlined in Section 7.4, and the clerical processing and administrative support required to run the program).
- Promotional – The Program will be promoted through trade shows, speaking assignments, and presentations to local community groups.
- Studies – These costs will be associated with the Initial Study Grants and are anticipated to be a maximum of two studies per property with a maximum grant of \$20,000 per property. The municipal budget total is anticipated to be \$60,000 per year, with any unused funds being added to the subsequent year's budget.

Deleted: The fiscal health of the City of Kingston is a priority of Council embedded in its Community Strategic Plan and Official Plans. Strategies have been introduced over the past years to improve the City's financial situation, including a ten (10) year capital expenditure forecast and a multi-year approach to managing operating budgets and expenditures. Kingston's 2004 Operating Budget was approved at \$280 million dollars while the Capital Budget for 2004 was \$53 million dollars. At the year end of 2003, the City had \$85 million dollars in reserves and reserve funds and a long-term debt of \$58 million dollars. The CIP, as written, shows the Brownfields Program is fully funded and does not have a negative impact on the City's cash flow or its abilities to finance any of the capital works budgeted for the ten (10) year forecast. ¶

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- **Miscellaneous Expenses** – Could include costs incurred to assist with further environmental research, specialized GIS system mapping and data implementation, and the City's contribution to the development of a marketing strategy.

6.2.2 Program Financial Benefits

There are financial benefits to the City associated with this Program. One of the principal benefits is the collection of municipal taxes from developed brownfield properties that are directed into the City's general tax revenues. These taxes become part of the City's general tax revenue after the eligible rehabilitation costs are paid to the proponent. The long term tax increase for the property is anticipated to result from the short term financial incentives invested in contaminated properties through the Brownfields Program.

An additional benefit to the City is the rehabilitation of property that will help to ensure its future marketability and reduce the likelihood of the property falling into tax arrears. It is difficult to market or secure mortgages/loans on contaminated land. Rehabilitating these properties could reduce tax arrears and the possibility of a tax sale registration that culminates in a failed tax sale ending in all taxes being cancelled.

Another financial benefit is derived from the twenty percent (20%) portion of the incremental increase in tax revenue transferred into the Municipal Brownfield Reserve Fund (MBRF). The MBRF is intended to fund the municipality's participation in the Brownfields Program. This fund will allow the City to rehabilitate and to offer for sale brownfield properties with future development potential. The realization of this future development potential within the Project Areas will help to stimulate growth and encourage land use intensification.

6.2.3 Assessment

The Brownfields Program has a primary focus on the development of brownfield sites where the lands are vacant, and when rehabilitated and developed will result in higher assessment and taxes. With these lands being actively used once again, the increase in assessed value will increase the general tax revenue for the City of Kingston. Each property proposed for rehabilitation and development through the Brownfields Program will be put through a valuation model. The Municipal Property Assessment Corporation (MPAC) may be asked to provide an estimate of the reassessed value anticipated once rehabilitation and development have been completed. This estimated assessment value will be used to determine the annual TIRGP payment amount and payment timetable. Once the site is developed and occupied, MPAC will confirm a new assessment. All TIRGP grants paid to the property owner will be based on actual assessments of the property.

6.3 Tax Assistance & Grant Process

The BFTIP and TIRGP are the two main financial mechanisms of the Brownfields Program. The tax assistance, paid by way of BFTIP, is permitted pursuant to Section

365.1 of the *Municipal Act, 2001*, while the grants, paid by way of TIRGP, are permitted pursuant to Section 28 of the *Planning Act*. It is necessary to include the provisions of both of these Acts to ensure the success of the Brownfields Program.

It has been determined that Section 365.1 of the *Municipal Act, 2001* will be used in the Rehabilitation Period and the Development Period of the Program, as shown in Figure 1, for the purpose of exempting both the municipal and education portions of the property taxes. The landowner must submit an annual update reporting on the environmental contamination, the rehabilitation activities, the expected costs and time estimates outlined under *Ontario Regulation 274/04* of the *Municipal Act 2001*. The tax assistance for the education portion of the property tax may be cancelled pursuant to the provisions of the *Municipal Act, 2001* as outlined in Section 5.2.2 of this CIP.

The *Planning Act* will be used to enable the TIRGP component of the Brownfields Program. This component is based on the tax increase calculated as the difference between the pre-development and post-development tax differential. The proponent is required annually to pay the property taxes, in full, after the first full year of occupancy. Eighty percent (80%) of the increase in the taxes is granted to the proponent, while twenty percent (20%) of the tax increase is directed to the Municipal Brownfield Reserve Fund (MBRF). The financial administrative process, once the property is approved as an eligible brownfields project, will be as follows:

- (1) The City will receive a copy of all the expenditures made by the proponent for the rehabilitation of the proposed site(s). Each of the expenditures must be included as an eligible rehabilitation cost and meet the eligibility criteria and requirements of this CIP before a grant is approved.
- (2) Once this exercise has been completed, the City will have the right to audit these records to ensure that these costs are actual costs. There are further financial checks built into the system in that the City administers the municipal portion of the BFTIP and TIRGP funding through its own accounting department.
- (3) Grants will only be given on an annual basis, once the current taxes are paid in full, and only after the property is developed and reassessed by MPAC.
- (4) Total funding will not exceed all eligible rehabilitation costs.

6.4 Failed Tax Sales Process

The Council for the City of Kingston, at its meeting on March 9, 2004, approved a Failed Tax Sale Properties Policy that was immediately implemented to assist in dealing with properties in tax arrears. The Failed Tax Sale Properties Policy is outlined on a flowchart in Appendix 'J' of this CIP. This policy could also be used where the development of properties fit the brownfields definition within the Community Improvement Project Areas.

The purpose of the Failed Tax Sale report was to deal specifically with properties that have gone through the Tax Sale Process as defined in the *Municipal Act, 2001* and have not been sold. This Policy would further endeavour to determine how the City

would vest the property or deal with the property if vesting is not in the interest of the City. The Policy is summarized below.

- Section 386.1 (1) of the *Municipal Act, 2001* gives the power of entry onto the lands that are subject to public sale. The Municipality may, during the twenty-four months following the public sale referred to in Subsection 379.5, enter upon and inspect the lands.
- Section 386.1 (2) indicates that the inspection of the land and permitted activities are as follows:
 - a) Conduct surveys, examinations, investigations and tests of the land, including the excavation of test pits and for this purpose to place equipment on the land for such a period as the Municipality considers necessary;
 - b) Take and remove samples or extracts;
 - c) Make inquiries of any person; and,
 - d) Record or copy information by any method.

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After the two-year period is over, the City can vest the property and undertake the following:

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- a) Write off taxes completely (properties cannot be transferred with outstanding taxes);
- b) Determine whether the property is surplus to the City's needs;
- c) Declare the property surplus or acquire the property and prepare for property rehabilitation through the Municipal Brownfield Reserve Fund (MBRF); and,
- d) If the property is determined to be surplus, the City can determine whether to market it as a clean piece of property or a contaminated piece of property. If the property is to be sold as contaminated, its value is typically calculated as the value of the property less its potential cleanup costs.

The most important aspects of the sale of a contaminated property are to ensure that the purchaser indemnifies the City for any legal claims or regulatory orders associated with the property.

After the market value of the property is determined, the City can begin a Request for Proposal process. This process will include a requirement that the property be cleaned up within five years. In addition, the proposal will allow the City some input into the future development plans for the lands. Please refer to the flowchart in Appendix 'J' that illustrates the Failed Tax Sale Process that has been adopted by Council.

A number of properties located within the Project Areas have been registered by the City for tax sale purposes pursuant to the *Municipal Act, 2001*, as described above. Some of these lands have been identified as having site contaminants and may be candidates for the Brownfields Program. As such, the properties may be sold with an advisory to any potential purchaser that their rehabilitation and development may qualify for BFTIP and TIRGP under the Brownfields Program.

Prior to finalizing the sale, the potential for inclusion within the Program would then be discussed with the potential purchaser. This discussion would be conducted as part of a pre-application consultation where the options for a development proposal could be explored. If the preliminary discussions indicate that the proposal appears to meet the eligible brownfield criteria listed in Section 5.3 of this CIP, the proponent would be encouraged to prepare a Brownfield Application and enter into the approval process along with the other required environmental and land use approval processes.

6.5 Liability Insurance / Protection

Each of the site-specific by-laws that will be passed for each eligible property under the Brownfields Program CIP shall state that the City is not becoming a partner in the project and is not assuming any management, care or control of the project by virtue of providing municipal property tax assistance (BFTIP) or grants (TIRGP). An indemnity may be appropriate in a site-specific Brownfield Site Agreement, but this would have to be fact-specific to the site and/or the agreement.

7.0 IMPLEMENTATION AND TIMING

7.1 Introduction

The implementation of the City's Brownfields Program involves a variety of inter-related components and procedures. The implementation process relies on staff resources for its technical and administrative support. It utilizes application forms, technical reports, documentation, concept plans, and maps and drawings to undertake a process that is designed to culminate, procedurally, in a number of implementing by-laws and site specific agreements.

The Brownfields Program also has linkages to other areas of approval and other procedures. It also requires the support of a marketing strategy and a monitoring program. These components are all important elements that operate to ensure that the implementation system is successful in meeting the goals and objectives established by this CIP, for the Brownfields Program.

It is the intent of this Section of the CIP to outline, briefly, some of the key elements involved in the implementation system of this Program. These elements help to establish the context for the Program and to provide a procedural framework that will assist the City in preparing realistic implementation guidelines, and in conducting an appropriate and timely administrative process.

7.2 Role of the Proponent

It is the responsibility of the proponent (property owner) to decide whether or not they wish to take advantage of the Program and enter into the Brownfields process and file the appropriate applications. Having made the decision to apply to the Program, it is then the responsibility of the proponent to become familiar with, and to follow, the steps set out on Figure 1, entitled Brownfields Program - Steps, Elements & Timing.

With respect to the Brownfields Program, it is generally the responsibility of the proponent to undertake the following:

- Initiate the pre-consultation discussions with the City;
- Complete and file the appropriate Brownfields applications (Initial Study Grant, the BFTIP Tax Assistance, and TIRGP Grants);
- Prepare the necessary technical and administrative reports, information, and studies in support of the applications;
- Retain the consultative expertise of qualified professionals, as required;
- Pay all invoices and costs accrued by the project in terms of study costs, report costs, application fees;
- Meet the terms of any implementing by-laws (Initial Study Grant, BFTIP Tax Assistance, and TIRGP Grants);
- Enter into agreements with the City regarding a variety of matters (Brownfields Site Agreement);
- Pay the property taxes, as required, except where tax assistance(BFTIP) has been granted; and,
- Maintain detailed cost records of the project.

With respect to the environmental matters affecting the brownfield site, the proponent is responsible for the preparation of the Phase I, II, and III Environmental Site Assessments (ESA) and/or Site Specific Risk Assessment (SSRA). The proponent is also responsible for developing and implementing an appropriate Remedial Work Plan and environmental monitoring program and for filing the Record of Site Condition (RSC) with the Ministry of the Environment.

In order to address the planning issues associated with the development concept for the site, it is the responsibility of the proponent to obtain all the necessary planning and building approvals. This responsibility includes the payment of the Planning and Development Fees at the time of the submission of the Planning Application(s) even though the fees may be eligible for a grant.

The success of the Brownfields Program, in large part, depends on the proponent preparing the appropriate applications and supporting information in a complete and timely fashion, and submitting them to the City in an effort to provide City staff with the information it needs to conduct its review.

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7.3 Approval Responsibilities

The City's Procedures By-Law requires that all matters requiring an approval under the *Planning Act* be referred to the Planning Committee of Council for review and a recommendation. As a result, the Planning Committee routinely considers development proposals, land use studies and secondary plans. Community Improvement Plans are prepared and implemented in accordance with Section 28 of the *Planning Act* and are therefore, the responsibility of the Planning Committee.

It is intended that the Planning Committee will be involved not only in reviewing and recommending the approval of this CIP, but also in reviewing amendments to the CIP, the Brownfield By-Laws and the Brownfield Site Agreements that will implement this CIP on a site-specific basis. However, where a property has already received the necessary planning approvals for the proposed development detailed in the Brownfields Application, then the site-specific Brownfield By-Laws and the Site Agreement may proceed directly to Council. While Planning Committee will usually provide the necessary review and processing, it is also recognized that City Council bears the approval responsibility subject to the approval of the Minister of Finance for the education portion of the property tax.

7.4 City Staff Resources

In order to properly implement this Community Improvement Plan and the Brownfields Program, the City has recognized the need to put an appropriate administrative structure in place. The Brownfields Program is assigned to the Director of Environment and Sustainable Initiatives, or Designate, within the Sustainability and Growth Group. It is the responsibility of this individual to oversee the implementation of the Brownfields Program, to direct the Application process, and to chair a supporting staff committee for the review of applications, on an as-needed basis. This individual will also act as a

Deleted: a specific Brownfields Project Coordinator within the Growth and Sustainability Group

Deleted: Technical Advisory Committee

liaison officer and information source for interested members of the public, other government agencies, and potential applicants.

A committee of staff members will be assembled on an as-needed basis to review applications. The role of this committee is to provide the Director of Environment and Sustainable Initiatives, or Designate, with the technical expertise necessary to address the complexities of the Brownfields Program. The Committee will include, but is not limited to, the following representatives from:

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~~Deleted: Brownfields Project Coordinator~~

- the Planning & Development Department – *Planning Act* and *Ontario Heritage Act* matters, land use and development proposals and applications;
- the Environment and Sustainable Initiatives Department – *Environmental Protection Act* matters, environmental investigations and Remedial Work Plans;
- the Engineering Department – development engineering matters;
- Utilities Kingston – development infrastructure engineering and connections;
- the Financial Services Department – financial implications, taxation matters, tax sale properties, grant calculations and schedules; and,
- the Legal Services Department – preparation and advice on by-laws and agreements.

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The Director of Environment and Sustainable Initiatives, or Designate, will report to the Commissioner of Sustainability and Growth for the purposes of the Brownfields Program. The Director of Environment and Sustainable Initiatives or Designate, along with the Commissioner of Sustainability and Growth will represent the Brownfields Program at the corporate management level in concert with the Chief Administrative Officer.

7.5 Brownfield Application Types

In general, it is anticipated that there will be at least three separate application streams required to implement the Brownfields Program. These application streams are initiated by the following application types:

- (1) the Initial Study Grant Application,
- (2) the BFTIP Property Tax Assistance Application and
- (3) the TIRGP Grants Application.

It is expected that the application submissions will contain such supporting information as is necessary to provide a complete information package and an appropriate description of the project and its rehabilitation and development details. These supporting documents are outlined under each of the application types. The application form and supporting documents will have to be complete to be considered.

~~Deleted: The Brownfields Project Coordinator will report to the Director of Growth & Initiatives for the purposes of the Brownfields Program. The Director of Growth & Initiatives, along with the Commissioner of Growth & Sustainability will represent the Brownfields Program at the corporate management level in concert with the Chief Administrative Officer.†~~

Applications will be examined by staff, under the direction of the Director of Environment and Sustainable Initiatives, or Designate. Other municipal departments and required agencies will be circulated for comment, as necessary.

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7.5.1 Initial Study Grant Application

The Initial Study Grant component of the Brownfields Program is limited to fifty percent (50%) of the cost of a study, up to a maximum of \$20,000 per property, with a maximum of two studies per property. The Initial Study Grant is intended to financially assist proponents in doing initial environmental research and may be submitted in advance of any other applications being filed. The Initial Study Grant Application may be submitted to assist with the preparation of a Phase II ESA, a Phase III ESA and/or a Site Specific Risk Assessment.

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The Initial Study Grant Application will include, at a minimum, the following information:

General Information – All applications must include:

- the name and address of the property owner, and agent, if applicable;
- the assessment roll number and assessment information;

Property Information – All applications must include:

- the legal property description and any other property details (easements, rights-of-way, etc.);
- the existing land use and property history (where known);
- current Official Plan designation and zoning category.

Phase II ESA Initial Study Grant

Applications for a Phase II ESA Initial Study Grant will include:

- a Phase I ESA that demonstrates that site contamination is likely;
- a detailed study work plan;
- a cost estimate for the study (excluding HST); and,
- a description of the planned development, including any planning applications that have been submitted, and their status.

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Phase III ESA Initial Study Grant

Applications for a Phase III ESA Initial Study Grant will include:

- a Phase II ESA that confirms the location and concentration of any contaminants on the property;
- a detailed study work plan;
- a cost estimate for the study (excluding HST); and,
- a description of the planned development, including any planning applications that have been submitted, and their status.

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Site-Specific Risk Assessment (SSRA) Initial Study Grant

Applications for a Site-Specific Risk Assessment (SSRA) Initial Study Grant will include:

- a Phase II ESA that confirms the location and concentration of any contaminants on the property;
- a detailed study work plan;
- a cost estimate for the study (excluding HST); and,
- a description of the planned development, including any planning applications that have been submitted, and their status.

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7.5.2 The BFTIP Property Tax Assistance Application

The BFTIP Property Tax Assistance Application focuses on the Rehabilitation Period and the Development Period of the Brownfields Program in order to obtain relief from the municipal portion and the education portion of the property tax, and is limited to a specific period of time. This Application is intended to address the taxation issues related to the property, prior to project completion and occupancy. The Application must include, at a minimum, the following information:

General Information

- the general property information and location details;
- the property ownership and assessment information; and,
- a copy of the Corporate Profile.

Tax and Assessment Information

- the current municipal and education tax levy for the property;
- the current status of the tax levy and any tax arrears outstanding; and,
- the current assessment value of the lands and/or any buildings.

Environmental Information

- copies of the Phase I, II, and III ESA's and/or any SSRA;
- a copy of the proposed Remedial Work Plan;
- the estimated value of the eligible Rehabilitation Costs; and,
- the estimated duration of the rehabilitation and development periods and activities.

Other Information

- a copy of the Land Use Development Concept; and,
- a list of any other applications, pending or approved, affecting the site.

The application information presented above is not to be construed as being all inclusive, but rather, has been included to provide direction in the preparation of the City's Implementation Guidelines and may be varied as required.

7.5.3 TIRGP Grant Application

The Tax Increment-Based Rehabilitation Grant Program (TIRGP) Grant Application focuses on the information required to process the Planning and Development Fees Grant and the Rehabilitation Grant. The Application submission is the responsibility of the proponent and involves a wide variety of background and supporting information. The Application form will have to be complete to be considered.

The Application may be divided into a number of parts that will contain, at least, the following information:

General Information

- the name and address of the property owner, and agent if applicable;

- the assessment roll number and assessment information;
- a copy of the Corporate Profile.

Property Information

- The legal property description and any other property details (easements, rights-of-way, etc.);
- the existing land use and property history (where known);
- current official plan designation and zoning category.

Other Brownfields Applications

- details of any Initial Study Grant received including the value of the study, the date of the application, and the Council By-Law approval;
- details of the Municipal Portion of the Property Tax (BFTIP) waived, including the value of the assistance, the date of application, and the By-Law approval;
- details of the Education Portion of the Property Tax (BFTIP) waived, including the value of the assistance, the date of application, and the By-Law approval.

Rehabilitation Costs

- A list of the eligible rehabilitation costs being applied for (compiled from supporting information);
- The estimated value of the requested rehabilitation costs.

TIRGP Grants

- Planning and Development Fees Grant including eligible fees applied for and the values;
- Rehabilitation Grant including the tax differential calculation, the value of the eligible rehabilitation costs, and the rehabilitation cost upset limit (supporting information must be provided).

Supporting Technical Documents As Applicable

- Phases I, II, and III ESA's and/or SSRA;
- Remedial Work Plan;
- the rehabilitation approach under consideration (full-depth, stratified, or risk assessment);
- Environmental Monitoring Proposal;
- Remediation Insurance Program;
- Assessment Estimate;
- LEED program eligible cost estimates;
- the proposed land use development concept proposal including phasing and timing proposed plans and drawings.

Other Applications and Approvals

Concept Development Planning Approvals;
 Development Charges Exemption Application;
 Impost Fees Exemption Application.

The Application information presented above is not to be construed as being all inclusive, but rather, has been included to provide direction in the preparation of the City's Implementation Guidelines and may be varied as required.

7.6 Brownfields Supporting Technical Documents

There are a number of key technical documents that provide information in support of the Brownfields Program that are essential to its implementation. These supporting technical documents include the following:

7.6.1 Site Investigation - Phase I & II ESA's

The site investigation component includes both the Phase I and Phase II Environmental Site Assessments (ESA). All ESA's must be conducted by qualified persons and must conform to the Ministry of the Environment's (MOE) requirements for such studies so that, at a minimum, the studies will be acceptable to the MOE for the purpose of filing a Record of Site Condition (RSC).

Generally, the Phase I ESA is a fairly standard non-intrusive process that simply gathers information on the property from an historical use perspective. The investigation usually includes a site visit, a records review, and interviews with individuals who have specific knowledge of the property. The Phase I ESA is undertaken to identify actual and potential environmental concerns affecting the property and/or buildings.

The Phase II ESA is undertaken to confirm the presence or absence of potential contamination identified during the Phase I ESA. The Phase II ESA identifies contaminants, indicates the level of contamination, and locates, specifically, the contaminant areas on site. The Phase II ESA is intrusive in its methodology and typically involves a field program to gather soil and ground water samples that are forwarded to a laboratory for an analysis of parameters related to potential contaminant sources. The Phase II ESA report should outline the methodology, indicate the areas of contamination, summarize the laboratory results, and compare the site and/or building results with the applicable limits for the proposed use as established by *Ontario Regulation 153/04*. The Phase II ESA report may also begin to develop some possible rehabilitation measures and begin to assess any potential land use limitations. The opportunities for the rehabilitation of the property and/or buildings and the use of the site should begin to be explored as part of this process.

The Phase II ESA must have been done by the proponent after the approval of this CIP, or after the effective date of any approved amendments to this CIP (including amendments to Community Improvement Project Areas). A portion of the cost of the Phase II ESA may be covered by the Initial Study Grant component of the Brownfields Program.

7.6.2 Remedial Work Plan - Phase III ESA, SSRA

The Remedial Work Plan is central to the City's Brownfields Program and establishes the approach (full-depth, stratified, risk assessment) for the clean up of the site and the

level of environmental standard to be attained. The Remedial Work Plan is based on the results of the Phase II ESA investigation and analysis and is formally recognized as a Phase III ESA. The Phase III ESA report focuses on the rehabilitation strategy, the work plan, and the costs associated with implementation.

The report must also address the uses proposed for the site and the environmental standard to be achieved. The clean-up standard and/or risk assessment have a direct bearing on the potential land use of the property in relation to *Ontario Regulation 153/04*. The environmental standards affect the viability of the land use proposed for the development project.

A site specific risk assessment (SSRA), adopted as a component of the Remedial Work Plan, may affect such development matters as building type, building location, park areas, excavation potential and parking lots. These elements of the development concept may be designed in such a manner that they effectively seal any contaminants without any unnecessary disturbance. As a result, the Remedial Work Plan and the development proposal are closely linked.

7.6.3 Assessment Estimate

When the land use proposal and development form have been clearly identified, the City's Tax Department will prepare an assessment estimate. The Tax Department will review the development proposal and prepare an estimate of its future assessment value for tax purposes. The assessment estimate forms the basis for calculating the tax differential between the current taxes and the future taxes. The tax differential then becomes the basis for calculating the annual grants paid to the proponent (property owner) to offset the eligible rehabilitation costs under the Brownfields Program.

Deleted: may contact the Municipal Property Assessment Corporation (MPAC) and request the preparation of
Deleted: MPAC

Deleted: The cost of the MPAC estimate shall be paid by the proponent.¶

7.6.4 Corporate Profile

The City will require the submission of a Corporate Profile in support of a BFTIP Property Tax Assistance Application and a TIRGP Grant Application. The Corporate Profile may be used to introduce the corporate proponent to the City and provide a brief description of the company, its officers, and previous projects. The Corporate Profile may contain, but is not limited to, the following information:

- (1) A brief description of the goals and objectives of the company;
- (2) A brief description of the business focus of the corporation;
- (3) A list of the senior officers and their backgrounds;
- (4) The organizational structure of the company;
- (5) A general indication of past annual financial performance;
- (6) The technical expertise and experience of key technical staff;
- (7) Any other companies to be involved in the project; and,
- (8) A list and description of previous projects completed by the firm.

The Corporate Profile may help the City in understanding the proposal, the financial approach and the proponent's organization as part of the application process.

Deleted: Technical Advisory Committee

7.7 Brownfields Program Implementation

7.7.1 Initial Study Grant By-law

The Initial Study Grant By-law is adopted by Council to provide grant monies to a brownfields proponent in order to undertake either a Phase II or a Phase III ESA, or SSRA. The By-law will set out the terms of the Grant including, but not limited to, the following:

- the total funding to be granted to the proponent for the preparation of the study;
- a clear description of the final study product to be produced;
- the conditions and schedule for the release of the grant funds to the proponent; and,
- the administrative submissions required from the proponent regarding proof of invoicing, billing and payments.

7.7.2 Property Tax Assistance By-law

Only one by-law is required to flow tax assistance to an eligible property under BFTIP. If the by-law includes matching provincial tax assistance on the education portion of the property tax for an eligible property, the draft by-law must be submitted to the Minister of Finance, for approval prior to Council adoption.

The one by-law would deal with the terms of both the municipal portion and the education portion of the property tax assistance. The by-law may be divided as a two part document dealing with the specifics of each portion. The by-law will include, but not be limited to, the following:

- the current assessment value and tax levy on the property;
- the anticipated duration of the Rehabilitation Period, as identified in the Remedial Work Plan;
- the anticipated duration of the Development Period, as estimated in conjunction with the planning, building and engineering approval process;
- the obligations of the proponent to repay the tax assistance in certain prescribed circumstances.

7.7.3 Brownfield Grants By-Law

The Brownfield Grants By-Law addresses both the Planning and Development Fees Grant and the Rehabilitation Grant. A Brownfield Grants By-Law is prepared for each TIRGP Grant Application in order to establish the site-specific financial details of the grant components of the Program to be applied to the project. It is intended, in general terms, that each Brownfield Grants By-Law will address such matters as the following:

- the property identification;
- the Remedial Work Plan and eligible rehabilitation costs;
- the Grants approved (Planning and Development Fees Grant and/or Rehabilitation Grant);

- the value of the Grants;
- the value of the Tax Increment-Based Rehabilitation Grant Program (TIRGP) to be used to deliver the Grant monies; and,
- the detailed duration and schedule of the TIRGP payments.

Once the City has prepared the Brownfield Grants By-Law, it is reviewed by the Planning Committee and recommended to City Council for final approval. This by-law cannot be adopted by Council until the rehabilitation is complete and the proponent has submitted all invoices for eligible rehabilitation costs.

7.7.4 Brownfield Site Agreement

The Brownfield Site Agreement is expected to be a document where the financial elements of the Program may be linked with the components of the Remedial Work Plan and the development details of the Planning and Building Approvals. The Brownfield Site Agreement must be entered into as a pre-condition of approval for the eligible TIRGP grants. The Brownfield Site Agreement shall establish the financial elements of the Program and the obligations of the proponent and the City. The contents of the agreement document may be modified for each site in order to recognize the uniqueness of each brownfield property and its particular mix of environmental problems and development challenges. The timing of the project, as well as any phasing, or staging, and performance requirements, may also be addressed in the Agreement.

Without limiting its generality, the Brownfield Site Agreement may include such matters as the following:

- recognition of the findings of the Phase II ESA;
- incorporation of the terms of the Phase III ESA or SSRA;
- the terms of the Remedial Work Plan and any environmental monitoring program;
- identification of the linkages between the Rehabilitation Period, the Development Period and the Occupancy Period;
- recognition of any Development Period phasing and/or timing;
- identification of insurance packages and/or financial deposits regarding environmental liabilities; and
- recognition of any development conditions associated with any planning approvals and/or planning agreements that are linked to the Remedial Work Plan.

It is intended that the Brownfield Site Agreement be approved by City Council on the recommendation of the Planning Committee, and registered on title. Approval of a site-specific agreement is not a guarantee that funding will be provided. All conditions and obligations, as set out in the Agreement, must be complied with by the proponent in order to be entitled to the Brownfields grants.

7.8 Brownfield Linkages to Other Approvals

The Brownfields Program does not stand on its own in isolation. The rehabilitation and development of a brownfields site requires a number of approvals in accordance with the provisions of the *Planning Act*, the *Ontario Heritage Act*, the *Building Code Act*, and the *Environmental Protection Act*. These Acts relate to the following:

- The development concept initiates the proposed land use(s) that are then formalized in terms of official plan policies, zoning regulations, site design and any required subdivision, severance or condominium activities, in accordance with the *Planning Act*;
- Approvals may be required under the *Ontario Heritage Act* for matters related to designated properties, heritage conservation districts, and archaeology;
- The issuance of a Building Permit is important to the brownfields process, as is the issuance of an Occupancy Permit, particularly as they relate to the Development Period and the commencement of the Occupancy Period; and
- The environmental process that leads to the filing of a Record of Site Condition (RSC) is an important part of the approach to recognizing a contaminated site and its environmental rehabilitation.

The relationship to the Brownfields Program process of some of these other necessary planning, building and environmental process streams is shown on Figure 1 of this CIP.

As well as the Provincial legislative requirements of the related procedures, there are also the applications and procedures pertaining to the complementary tools described in Section 5.2.4 of this CIP. These complementary tools, including the Development Charges By-Law exemption and the Impost Fee By-Law exemption, will have their own application and processing procedures and approval mechanisms. Any proponent wishing to take advantage of the complementary programs will have to fill out a specific application intended for that purpose.

7.9 Brownfields Program Implementation Guidelines

The detailed steps and procedures required to implement the Brownfields Program need to be addressed in a guideline document that should be adopted by City Council. The implementation guidelines are intended to help a proponent understand the Brownfields Program application and implementation process, and to support the Director of Environment and Sustainable Initiatives, or Designate, and other City staff with the various steps required to appropriately review and implement each project proposal. The implementation guidelines will knit together the various planning approval procedures, the environmental procedural steps, the Brownfields Program stages, elements and timing, and the complementary programming requirements.

Deleted: Brownfields Project Co-ordinator

Deleted: the Technical Advisory Committee

7.10 Project Area Marketing Strategy

The marketing of the Project Areas as areas of new opportunity will be part of the Director of Environment and Sustainable Initiatives, or Designate's, function undertaken in conjunction with KEDCO (Kingston Economic Development Corporation) staff. The marketing strategy has the opportunity to put the Brownfields Program within the land use and infrastructure context of the various secondary plans identified as affecting the Project Areas and giving some impetus to the long term revitalization of the area. A marketing strategy will need to be developed that is based on fact, analysis, land use potential, financial assistance, clearly enunciated eligibility criteria, and appropriate procedural steps laid out from commencement to completion.

Deleted: Brownfields Project Coordinator's

The financial incentives of the Brownfields Program are designed to make development opportunities in the Project Areas more attractive. Therefore, key development opportunities and the incentives contained in the Brownfields Program must be adequately communicated and explained to the development industry for the Program to be successful. This will be done utilizing the Marketing Strategy, subject to funding approval.

The Marketing Strategy will be a multi-faceted project containing information, education and marketing components. All available site statistics and information on site conditions for sites in the Project Areas will be collected, packaged, and made available for all potential investors and their consultants to view. This will take the form of one or more of the following: (a) a development opportunities marketing document; (b) a development opportunities internet web page; and/or (c) a CD ROM. Exchange of information around property sales data in the Project Areas will also be encouraged in order to foster a more realistic interpretation of property values and redevelopment opportunities and constraints.

Accompanying the marketing materials noted above will be an aggressive education program designed to communicate the incentives contained in the CIP to the development industry. This may also include a notice mailed to property owners within the Project Areas to inform them of the adoption and approval of the Brownfields Program CIP and details on the Program components. This will also include information about the LEED program for building design and construction.

7.11 Brownfields Program Monitoring

The monitoring component of the Brownfields Program is an important element in tracking the progress of the redevelopment of the Project Areas and the development of an environmental information base. The Project Areas mapping for this Community Improvement Plan was prepared using the City's Geographic Information System. This system allows a database to be attached to a specific area or property for information storage and retrieval purposes by way of the individual property parcels and the assessment roll numbers.

In order to provide the most relevant and current site information to properly identify, describe, evaluate and market high priority development opportunities, the City will develop and maintain the property database. This database will include the location,

size, ownership and other pertinent information with respect to vacant and under-utilized properties in the Project Areas.

The database will serve several purposes. It will provide accurate and up-to-date information for the purposes of:

- Responding to information requests;
- Monitoring development in the Project Areas;
- Implementing and monitoring the components of the Program;
- Providing feedback needed to fine-tune the components of this Program; and,
- Supplying information needed for the Marketing Strategy.

As environmental information becomes available, it will be noted by the Director of Environment and Sustainable Initiatives, or Designate, and forwarded to the Planning and Development Department's Data Management Coordinator. Within the terms of confidentiality, the information will be tagged to a specific property. The same approach will be taken to note the locations of sites under application review and sites under redevelopment with key dates and key steps and elements noted. Properties coming up for tax registration may also be identified.

Deleted: Project Coordinator
Deleted: Community Development Services
Deleted: GIS specialist

These information pieces can help to assess the success of the Program in attracting interested participants and may assist in developing a marketing strategy.

APPENDIX 'A'

Community Improvement Policies (Section 9.8) of the City of Kingston Official Plan

9.8 COMMUNITY IMPROVEMENT

General Purpose

9.8.1. Council recognizes the importance of revitalizing various residential, commercial and industrial sections of the City and intends to continue and enhance the established processes of renovation, rehabilitation, revitalization and environmental remediation. To this end, it is intended that *community improvement project areas* will be identified and appropriate strategies for their revitalization detailed by Council through the adoption of *community improvement plans*.

Community Improvement Area

9.8.2. The community improvement policies of this Plan are enabling policies under the Planning Act. It is the intent of Council that the Community Improvement Area shown on Schedule 10 to this Plan may be designated, in whole or in part, by by-law, as one or more defined *community improvement project areas* for which detailed *community improvement plans* will be prepared.

New Plans at Council's Discretion

9.8.3. *Community improvement plans* are created for various situations where there is an identified community need. Therefore, the designation of a *community improvement project area*, and the creation of a *community improvement plan*, will be entirely at the discretion of Council.

Financial Support Discretionary

9.8.4. The provision of financial assistance in a *community improvement plan* will be entirely at the discretion of Council.

Criteria for Establishing

9.8.5. The Community Improvement Area shown on Schedule 10 illustrates the existing *Urban Boundary* of the City. A *community improvement plan* may be established for any portion of the Community Improvement Area that conforms to one or more of the following criteria:

- a. the presence of building stock or housing units that do not meet minimum occupancy standards as set forth in the City's Property Standards By-law;
- b. the presence of unused or underutilized land or buildings that could be developed, redeveloped, renovated or converted to another use;
- c. the presence of buildings or lands of architectural or historical merit and sites of archaeological significance or interest;
- d. the presence of deficiencies in hard services including roads, sidewalks, curbs, gutters, storm and sanitary sewers, and water service;
- e. the presence of lighting or other public utilities that fail to meet municipal standards, or that are not energy efficient;
- f. inadequate community services such as public indoor/outdoor *recreation* facilities, and public open space;
- g. inadequate social facilities such as day care facilities;
- h. a lack of adequate off-street parking facilities;
- i. limited traffic circulation or poor accessibility to residential, commercial or industrial areas;

- j. excessive building vacancies within the area;
- k. the presence of incompatible land uses;
- l. the overall streetscape or aesthetics of an area require upgrading;
- m. the presence of special visual amenities (e.g. waterfront), which could benefit from protection or enhancement;
- n. the presence of points of interest, and amenities that provide an opportunity for tourism;
- o. the presence of lands or buildings that may require detailed environmental site assessments or designated substances surveys and the implementation of appropriate and necessary remediation; and,
- p. encourage *development* that intensifies vacant or underutilized lots in the Community Improvement Area.

Boundary Adjustments 9.8.6. Minor adjustments to the boundary of the Community Improvement Area shown on Schedule 10 do not require an amendment to this Plan.

Objectives for Community Improvement Areas 9.8.7. Within the Community Improvement Area, the City of Kingston intends to:

- a. encourage improvement activities that contribute to a strong economic base including both tourism and industrial *development*;
- b. establish and maintain the physical *infrastructure* required for residential, commercial and industrial *development* within the Community Improvement Area;
- c. ensure the maintenance of the existing building stock where appropriate and encourage rehabilitation, renovation and repair of older buildings;
- d. preserve historically and architecturally *significant* buildings;
- e. provide a mix of housing types to accommodate all segments of Kingston's population;
- f. improve parking and traffic patterns and enhance compatibility with surrounding uses;
- g. promote the continued *development* and revitalization of the Central Business District and strengthen its role as the primary service and commercial centre within the *Urban Boundary*;
- h. encourage appropriate *development* along the lakefront and riverfronts in accordance with the policies of this Plan;
- i. provide and maintain adequate social and *recreational* facilities and services;
- j. improve energy efficiency where feasible; and,
- a. encourage the rehabilitation of environmentally compromised land and buildings through appropriate remediation.

Implementation Strategies 9.8.8. In order to implement its community improvement policies, the City may:

- a. designate by by-law *community improvement project areas*, and

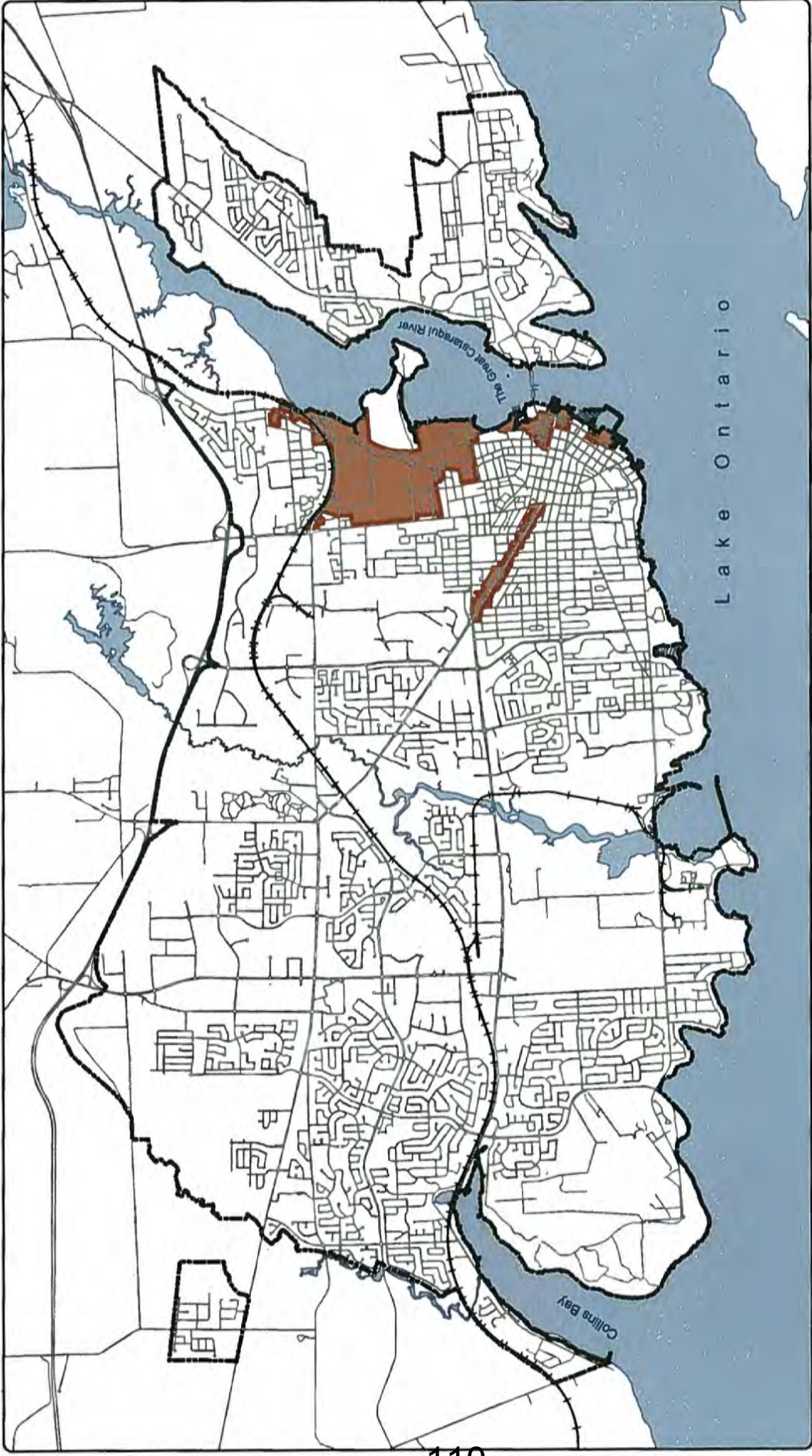
prepare *community improvement plans* for the project areas in accordance with the Planning Act;

- b.** integrate community improvement projects with other public works and City programs and initiatives;
- c.** continue to support and encourage Business Improvement Areas (BIAs) in their efforts to maintain strong and viable business areas;
- d.** continue the enforcement of the Property Standards By-law with respect to residential, commercial and industrial building stock and lands;
- e.** continue to make applications to participate in all appropriate senior level government programs;
- f.** continue to support the Kingston Municipal Heritage Committee and heritage conservation programs and initiatives;
- g.** continue to encourage private initiatives regarding the rehabilitation, *redevelopment*, conversion and environmental remediation of lands or buildings, and where appropriate support *infill development* and *redevelopment*;
- h.** develop an environmental program designed to assist private interests in undertaking the remediation of environmentally compromised land or buildings;
- i.** where feasible, acquire buildings and lands to carry out community improvement objectives; and,
- j.** consider a more flexible approach to zoning where community improvement objectives are supported.

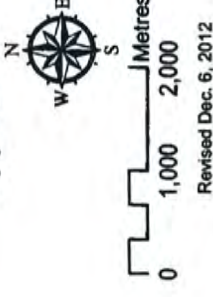
9.8.9. The City will continue to monitor and implement the existing Community Improvement Plan Brownfield Project Areas 1A and 1B for the purpose of implementing the City's Brownfields Program, and its key financial components of tax assistance and grants for the rehabilitation of environmentally-compromised land and buildings through an appropriate remedial work plan.



APPENDIX 'B'


Community Improvement Area: City of Kingston Official Plan



Appendix 'B'



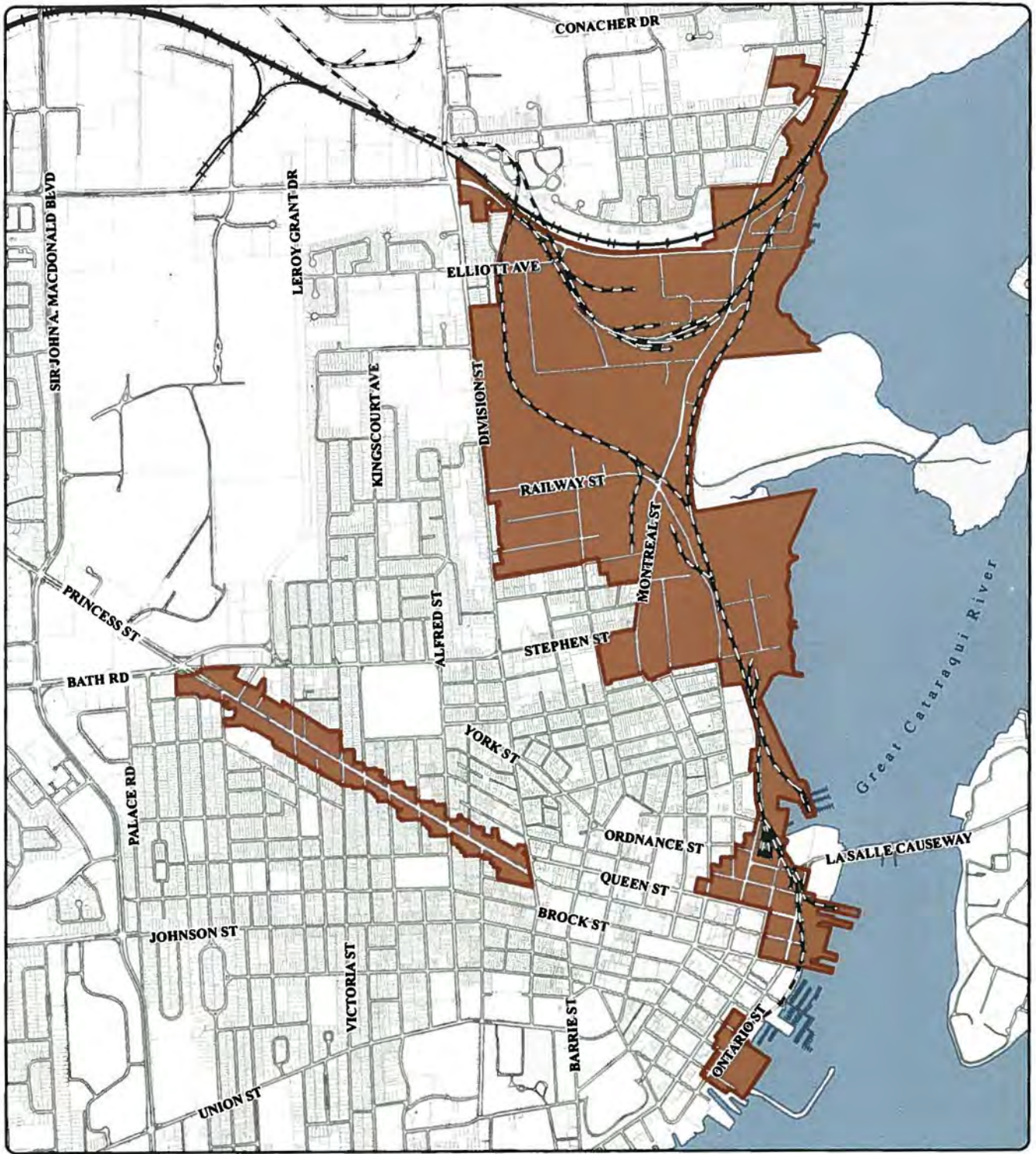
- Community Improvement Area**
-  Community Improvement Area
 -  Community Improvement Project Area
 -  Railway Lines


COMMUNITY IMPROVEMENT PLAN
 BROWNFIELDS PROJECT AREAS 1A, 1B & 1C

Revised Dec. 6, 2012

APPENDIX 'C'

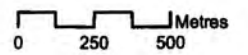
Rail Network



Rail Network

- Community Improvement Project Area
- Railway Lines 2012
- Railway Lines 1952

Appendix 'C'



Revised Dec. 6, 2012



City of Kingston
COMMUNITY IMPROVEMENT PLAN

BROWNFIELDS PROJECT AREAS 1A, 1B & 1C

APPENDIX 'D'

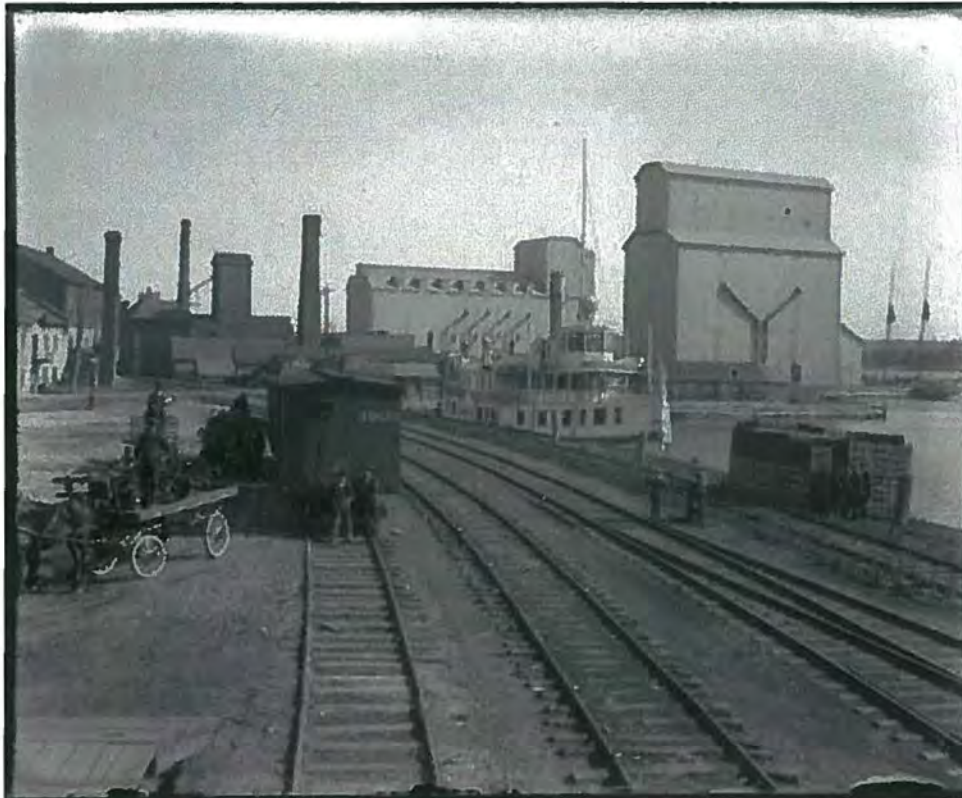
Historic Photographs of the Community Improvement Project Areas



Kingston: Montreal Grain Transportation Co. Elevator (circa 1919)
Source: Archives of Ontario



Kingston: Grand Trunk Railway (GTR) Station (circa 1919)
Source: Archives of Ontario



Kingston Docks (circa 1898 – 1920)
Source: Archives of Ontario



Kingston Waterfront (circa 1919)
Source: Archives of Ontario



Kingston: Canadian Locomotive Co. (circa 1919)
Source: Archives of Ontario



CPR Station, Prince George Hotel, and City Hall (circa 1898 – 1920)
Source: Archives of Ontario



Anglin Bay, Inner Harbour (date unknown)
Source: Queen's University Archives



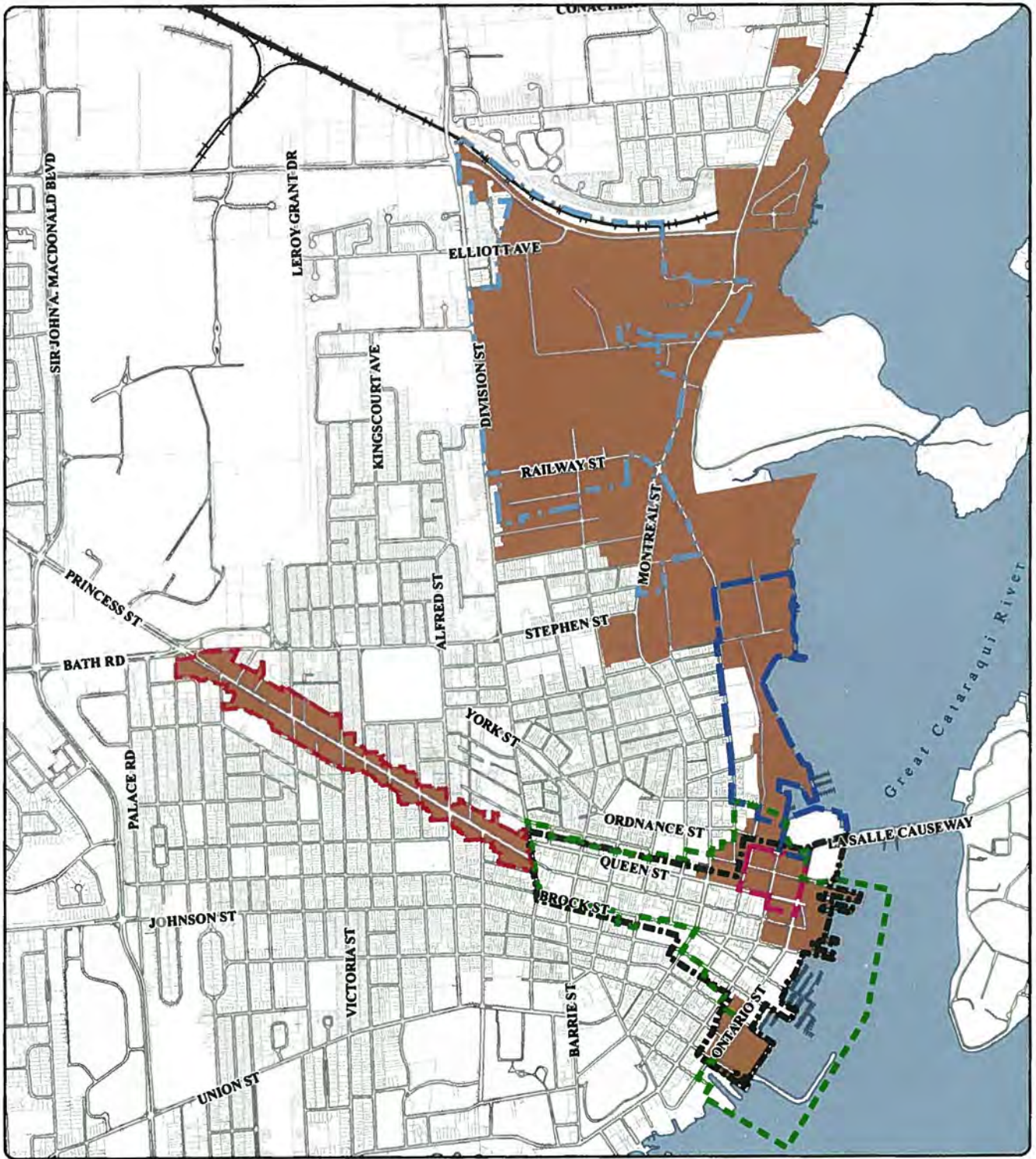
Dominion Cotton Mills (foreground), Buffalo Ontario Smelting Co. (behind and to the right of the mill), and Davis Tannery (background) (circa 1919)
Source: Archives of Ontario



Williamsville (circa 1951)
Source: Queen's University Archives

APPENDIX 'E'

Concept Plans: Key Map



Concept Plans - Key Map

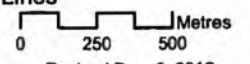
Appendix 'E'



city of Kingston
COMMUNITY IMPROVEMENT PLAN
 BROWNFIELDS PROJECT AREAS 1A, 1B & 1C

- Community Improvement Project Area
- Old Industrial Area Land Use and Strategic Plan Study
- Inner Harbour Land Use Study
- North Block: Central Business District Study / District Community & Business Enhancement Opportunities Report

- Downtown and Harbour Area Architectural Guidelines Study
- Williamsville Main Street Study
- Downtown Action Plan
- Railway Lines



Revised Dec. 6, 2012

APPENDIX 'F'

Concept Plan for the Old Industrial Area

APPENDIX 'G'

Concept Plan for the Inner Harbour Land Use Study

**LAND USE STUDY
INNER HARBOUR, KINGSTON**

PURPOSE OF STUDY

1. to promote through sound land use planning practices, the orderly and productive development of the study area.
2. to demonstrate the opportunities available in this area.
3. to produce appropriate planning documents and background materials to support the proposed plan.

CRITERIA TO EVALUATE LAND USE PLAN

1. the realities of the market place, the ownership patterns must be recognized.
2. the plan must encourage development to occur.
3. all lands shall be dealt with in a consistent and equitable manner.
4. there shall be minimal adverse impact on property owners and occupants in surrounding area.
5. redevelopment proposals should not interfere or restrict the expansion or sale of existing business.
6. costs or expenditures by the City should be minimized.
7. the acquisition and development of public waterfront access shall form part of the plan.
8. private market forces shall be encouraged within the context of the plan.
9. the plan shall be sufficiently flexible to allow owners and the City to adjust to changing market demand.
10. each property owner shall be as independent as possible from other owners.
11. the Wellington Street extension corridor shall be protected.
12. the potential of the Central Business District shall be protected.
13. the plan should not force the City to become an owner or a developer.

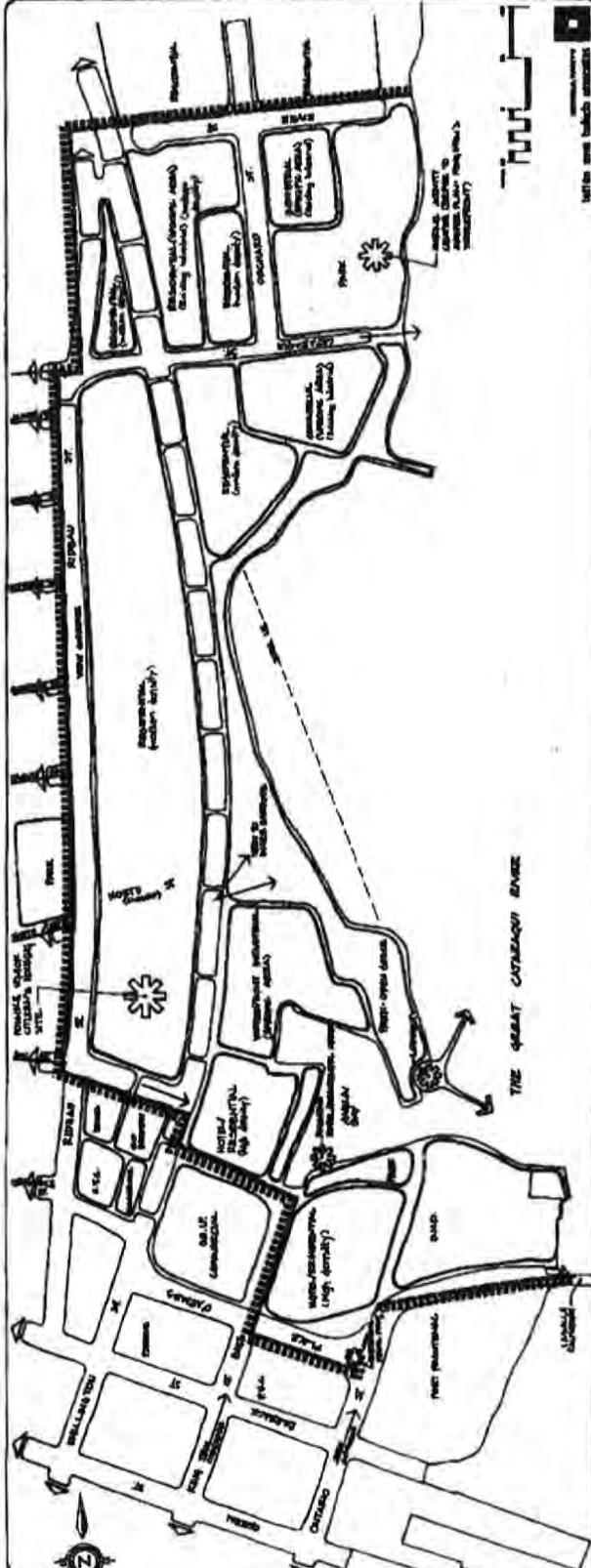
CONCEPT PLAN COMPONENTS

1. Commercial - lands south of Anglin Bay retain commercial designation, which also permits residential.
- High Gross. building to become a multiple-use building with specialized commercial uses, and ancillary residences.
2. Industrial - dry dock operation allowed to remain due to unique nature. Could be commercial or medium density residential.
- Drydock use to remain as a permitted use. Could be medium density residential.
3. Parks/Waterfront - provision made for acquisition and development of waterfront lands as linear park space.
- access to waterfront to be improved.
- view of waterfront to be protected as much as possible.
4. Housing - potential for approximately 1,000 dwelling units proposed at overall medium density.
- Special housing units such as seniors and assisted housing to be encouraged through incentives.
- medium density family and apartment style housing permitted.
5. Wellington Street Arterial - right of way protected.
- continues in use as a utilities service corridor for sewers, water and hydro.
- proposed as part of City's pedestrian and bicycle pathway system.
6. Historic and Archaeological - provision to be made for commemoration of important historic or archeologic materials.
7. Non-conforming uses - to be protected as existing non-conforming uses but to be encouraged to relocate.
- owners given option to change at their discretion.

PUBLIC PARTICIPATION PROGRAM

The present study may lead to an amendment of the Official Plan and Zoning By-law subject to City and Provincial Approval. These amendments will reflect the changing nature of the land use in the Inner Harbour Area; facilitate redevelopment by property owners and assist in the attainment of the City's objectives.

Although public participation is not mandatory at this stage, it is of significant value in forming the final recommendations for Council. For this reason, your views, ideas and suggestions are welcomed. Your participation or request for additional information should be directed to: Mr. Rupert Bobbin, Director of Planning and Urban Renewal, City Hall, Kingston, Telephone 546-4251.



DESIGNER: BARRIS
PROJECT NUMBER: 85-145 (REV. 1/1982)
DATE: 1/18/82

The consultants have endeavored to be accurate and objective in this study. The study was conducted in accordance with the standards of the Institute of Professional Planners and the standards of the Institute of Professional Planners of the City of Kingston. The study was conducted in accordance with the standards of the Institute of Professional Planners of the City of Kingston.

REVISED: 1981

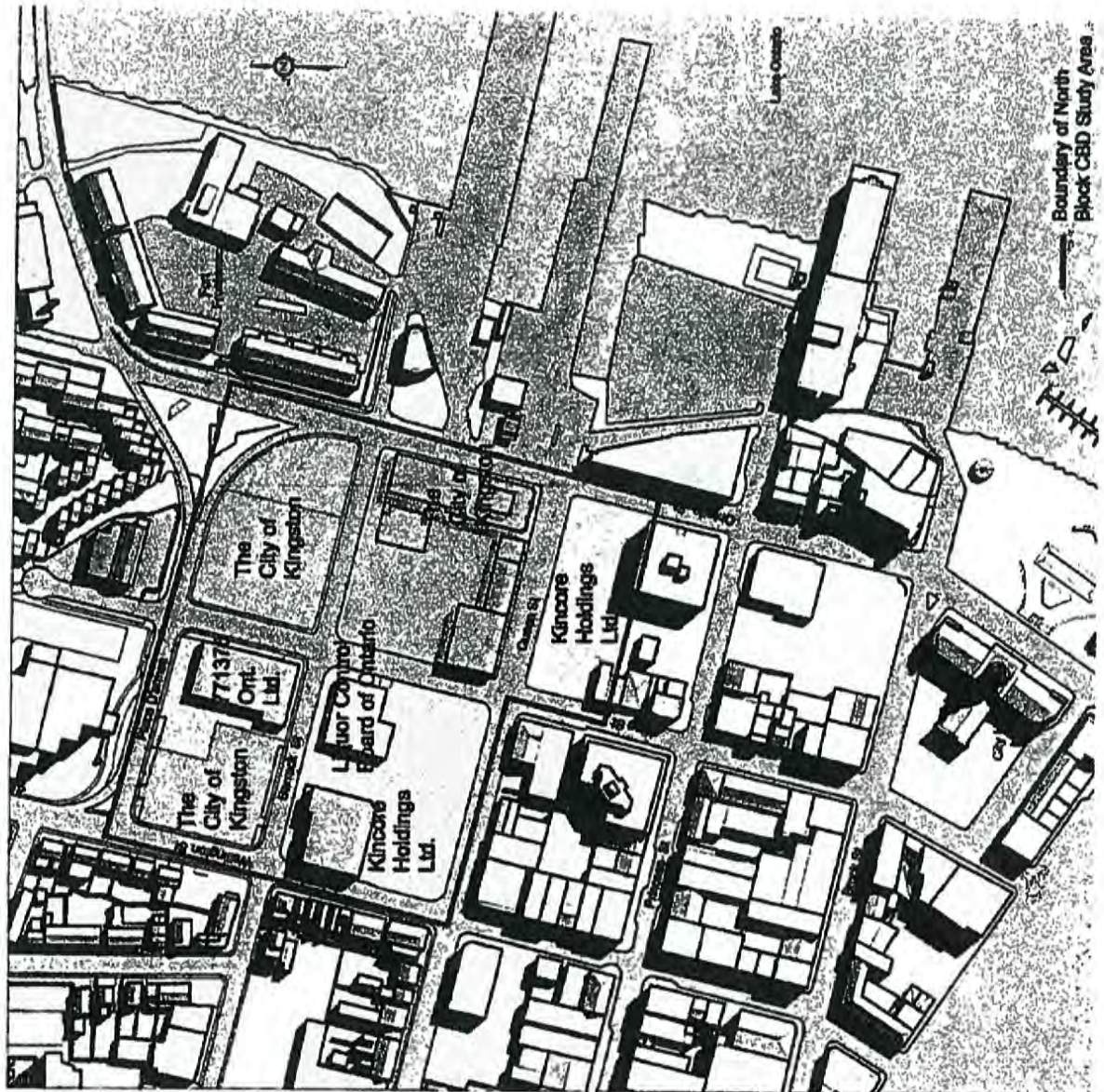
LAND USE STUDY
INNER HARBOUR, KINGSTON
Place D'Armes to River Street

CONCEPT

APPENDIX 'H'

North Block Central Business District Study Area

Land Ownership



- The four and a half blocks are owned by a relatively small group of parties. These are the City of Kingston itself, Kincoore Holdings, the LCBO, and 771375 Ontario Limited.

The existing pattern of land ownership is shown in Figure 1-2.

Figure 1-2: Existing Land Ownership

APPENDIX 'I'

Williamsville Main Street Study Area



THE CORPORATION OF THE CITY OF KINGSTON
 PLANNING & DEVELOPMENT DEPARTMENT
WILLIAMSVILLE MAIN STREET STUDY AREA
 Division Street to Bath Road

KINGSTON
 Planning & Development
 Department
 2015, Jan 2012

Legend
 Williamsville Study Area

METERS
 0 25 50 100 150 200



The information contained on this map is for general reference only. It is not intended to be used as a legal document. The City of Kingston is not responsible for any errors or omissions. © 2012 The Corporation of the City of Kingston.

APPENDIX 'J'

Failed Tax Sale Flowchart

Failed Tax Sale Flow Chart

