



**City of Kingston
Report to Council
Report Number 21-281**

To: Mayor and Members of Council
From: Peter Huigenbos, Commissioner, Business, Environment & Projects
Resource Staff: Brandon Forrest, Director, Business, Real Estate & Environment
Date of Meeting: November 16, 2021
Subject: Amendments to the Brownfield Site Agreement for 700 Gardiners Road

Council Strategic Plan Alignment:

Theme: Corporate business

Goal: See above

Executive Summary:

This report is being brought forward pursuant to a request by the owner (Taggart (Gardiners) Corporation) of the approved brownfield property at 700 Gardiners Road to extend the agreed upon deadlines for completion of their proposed redevelopment. Due primarily to delays related to the current pandemic and complex groundwater remediation, the owners feel they cannot confidently complete the entire redevelopment within the seven-year window that is set out within the current Brownfield Site Agreement executed in 2016 by the City and the owner.

Redevelopment deadlines are included in the City's Brownfield Site Agreements to discourage the use of brownfield funding approvals without a meaningful remediation and redevelopment intent. However, the owner has completed a majority of its proposed environmental remediation and also significant portions of its residential redevelopments. Granting of the requested

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extension will not increase the amounts of brownfield assistance already approved for the project and is therefore being recommended by this report.

Recommendation:

That Council authorize the Mayor and Clerk to execute an amending agreement and any other required documents, with Taggart (Gardiners) Corporation in a form satisfactory to the Director of Legal Services, for the extension of redevelopment completion timelines within the existing Brownfield Site Agreement as described within this report.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Peter Huigenbos, Commissioner,
Business, Environment &
Projects**

ORIGINAL SIGNED BY CHIEF
ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Community Services	Not required
Craig Desjardins, Acting Commissioner, Corporate Services	
Brad Joyce, Commissioner, Transportation & Public Works	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	

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Options/Discussion:

At the June 21, 2016 meeting, Council approved ([Report Number 16-216](#)) brownfield financial benefits of up to \$3 million in future property tax rebates for the property at 700 Gardiners Road as well as the execution of a Brownfields Site Agreement (BFSA). Brownfield benefits were approved to assist the owner in undertaking a significant remediation of environmental contamination caused by previous owners during the site's former industrial use. The environmental remediation is required by Ontario law to support the proposed redevelopment of the property for residential, parkland and institutional uses. As of the date of this report the environmental remediation of the property has been substantially completed and Records of Site Conditions (RSC) have been filed with the Ministry of Environment, Conservation and Parks.

The terms of the City's approval of brownfield benefits are set out within a Brownfield Site Agreement between the City and the owner that was signed in 2016. The BFSA used the original estimates for remediation and redevelopment timelines to establish deadlines for the completion of the project that are tied to the availability of the approved brownfield funding. The BFSA contains a seven-year window, ending in 2023, in which the redevelopment must be completed.

The subject property is large (approximately 100 acres) and the redevelopment plan relied upon the construction of facilities (high density residential, school, retirement home) to be owned by others. The complexity of securing agreements with other parties combined with uncertainties and hesitations associated with the current global pandemic has created delays in some of the redevelopment timelines originally proposed when Council provided approval of brownfield benefits. The owner expects these delays to continue until the COVID-19 crisis has diminished further. The property also required several RSCs to be completed with requirements to remediate groundwater contaminated by volatile organic compounds (VOCs). VOCs are a stubborn form of contamination that are difficult to remove from groundwater especially when in a fractured bedrock aquifer environment as was the case with the subject property. The removal of these contaminants contributed to delays in completing RSCs for submission to the Ministry of Environment, Conservation and Parks (MECP). The MECP review and audit process for these types of RSCs was rigorously applied which also led to longer than anticipated timelines for approval of the RSCs. RSCs must be completed before work on new residential, institutional or parkland uses could begin and so their delay had a cascading effect on many of the project's construction start dates. The majority of RSCs for the property have now been completed and approved. The owner has requested that the agreement be amended to allow for an extension of the redevelopment period by five years from 2023 to 2028. The BFSA contemplates allowing an extension of the redevelopment timeline but only to a maximum of two years to 2025. The owner is not confident that completion of the entire redevelopment can be achieved by 2025 and

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so, to avoid returning for additional amendments to the timeline, Council's approval is required for the requested five-year extension to 2028.

An extension of the allowed redevelopment period would not increase the amount of brownfield benefits originally approved by Council or impose any other additional cost or risk upon the City.

With Council's approval staff would execute an amending agreement to extend the allowable development period for the project by five years from its current 2023 date to 2028.

Existing Policy/By-Law:

City of Kingston Brownfield Community Improvement Plan (CIP)

By-Law Number 2016-123 'A By-Law To Approve Brownfield Financial Benefits and Associated Brownfield Site Agreement Pursuant to the Requirements Of The City Of Kingston's Brownfield Community Improvement Plan Program For the Property Known As 700 Gardiner's Road, part of lots 10, 11, and 12, Concession 2 RP;13R13502 Part 1'

Notice Provisions:

None

Accessibility Considerations:

None

Financial Considerations:

The subject brownfield project was approved in 2016 for financial benefits in the form of future property tax rebates to not exceed \$3 million. The recommended extension of redevelopment timelines will not increase the amount of brownfield benefits provided by the City to the project.

Contacts:

Paul MacLatchy, Environment Director, Business, Real Estate & Environment 613-546-4291 extension 1226

Other City of Kingston Staff Consulted:

Jenna Morley, Director, Legal Services & City Solicitor

Jeffrey Walker, Manager, Taxation & Revenue, Financial Services

Exhibits Attached:

None