

Authority: Item 4, Planning Committee
Report 23-009 (PED23076(a))
CM: June 7, 2023
Ward: City Wide
Bill No. 107

CITY OF HAMILTON
BY-LAW NO. 23-

**To Adopt the Environmental Remediation and Site Enhancement (ERASE)
Community Improvement Plan (2023)**

WHEREAS By-law No. 23-106 passed on the 7th day of June 2023, designated the 'Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023)';

WHEREAS Section 28(4) of the *Planning Act* states that where a by-law has been passed to designate a community improvement project area, the Council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area;

WHEREAS under Section 28(1) of the *Planning Act* "community improvement" means "the planning or re-planning, design or redesign, re-subdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary";

WHEREAS Chapter F, Section 1.15 of the Urban Hamilton Official Plan and Rural Hamilton Official Plan contains provisions relating to community improvement;

WHEREAS Council, by its Planning Committee, held a public meeting on May 30, 2023 to discuss and receive public input regarding adoption of the Environmental Remediation and Site Enhancement Community Improvement Plan (2023), and has taken other required steps, prior to the enactment of this By-law, to adopt a community improvement plan for the Environmental Remediation and Site Enhancement Community Improvement Project Area (2023), as required by the *Planning Act* and Chapter F – Implementation, Section 1.17 of the Urban Hamilton Official Plan and Rural Hamilton Official Plan; and,

WHEREAS the City has prepared a plan entitled "The Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023)" attached hereto as Schedule "A" and forming part of this By-law.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 05-087, as amended, is repealed on the date that the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023) comes into effect; and
2. The 'Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023)' attached hereto as Schedule 'A' and forming part of this By-law, is hereby adopted as the community improvement plan for the 'Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023)' designated by By-law No. 23-106.

PASSED this 7th day of June, 2023

A. Horwath
Mayor

A. Holland
City Clerk

Schedule “A” to By-law No. 23-107

CITY OF HAMILTON

**ENVIRONMENTAL REMEDIATION
AND SITE ENHANCEMENT (ERASE)
COMMUNITY IMPROVEMENT PLAN
(2023)**

**Planning and Economic Development Department
Economic Development Division**

June 2023

This Plan repeals and replaces the Environmental Remediation and Site Enhancement Community Improvement Plan, originally adopted and approved by Hamilton City Council on April 13, 2005 (By-law 05-087), as amended.

1.0 INTRODUCTION

Hamilton has a long history as a major commercial and industrial centre which has served as the foundation of much of Hamilton's growth and prosperity. However, much of this growth came during a time when the potential impacts of past activities and uses on people's health and the environment were not as well understood as they are today. This has left a legacy of historic environmental impacts in the soil, groundwater and buildings in these historically developed areas of Hamilton and other similar communities across Ontario and Canada.

While redevelopment can provide an opportunity to rectify these environmental impacts, the need to remediate historic environmental impacts as part of a site's redevelopment can be a significant financial barrier and lead to properties being overlooked for easier development prospects in suburban greenfield areas which do not face the same challenges. Left unaddressed, these environmentally contaminated properties, known as brownfields, become derelict, vacant and under-utilized leading to increased urban sprawl, reduced investment/tax generation and, over-time, result in the exodus of residents and jobs from areas which once were the centre of Hamilton's economic and community prosperity.

This Plan, and the programs and initiatives it supports, is a continuation of Hamilton's long-standing commitment to address legacy environmental impacts and support new investment in Hamilton's historically developed areas.

2.0 PURPOSE OF THIS PLAN

The Environmental Remediation and Site Enhancement Community Improvement Plan (the Plan) is intended to provide a framework for the provision of financial assistance programs and other strategies that will help overcome the physical and financial barriers associated with the remediation and redevelopment of brownfields.

For the purposes of this Plan, 'brownfields' are considered to be undeveloped or previously developed properties that may be contaminated, and which are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

The expected outcome of this Plan is to provide strategic municipal support to address legacy environmental impacts on properties to the benefit of Hamilton's environment, community health and economy by supporting redevelopment that will contribute to the revitalization of Hamilton's historically developed areas, by improving environmental conditions, provide new economic development opportunities and increase the City's assessment and municipal tax base.

As an implementation tool, this Plan builds upon past City community improvement efforts in support of brownfield remediation and redevelopment in Hamilton and is intended to complement and support the vision, goals and policies of related plans and strategies including Provincial planning policies, the City of Hamilton's 2016-2025

Strategic Plan, the 2021-2025 Economic Development Action Plan and the Urban and Rural Hamilton Official Plans, among others.

Plans and strategies directly supported by this Plan are reviewed in Section 5.0 with the Plan's goals and objectives described in Section 6.0 and Section 7.0 respectively.

Monitoring of this Plan's implementation is outlined through reporting as noted in Section 9.0.

This Plan may be amended from time to time in accordance with Section 10.0.

3.0 LEGISLATIVE AUTHORITY

The provision of financial assistance or other undertakings by a municipality to facilitate or carry-out community improvement in Ontario are primarily governed by the *Planning Act* and *Municipal Act*. Together these acts identify the tools, and their parameters, which municipalities may authorize and utilize for community improvement.

3.1 Provincial Legislation

Pursuant to Section 28 of the Planning Act, if a municipality has an Official Plan in effect that contains provisions relating to community improvement, it may, by by-law, designate the whole or any part of an area covered by such an Official Plan as a Community Improvement Project Area (CIPA). A CIPA is a geographic area in which a council of a municipality is of the opinion it is desirable to improve because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. The ERASE CIPA was established by By-law No. 01-110 in April 2001 and in April 2005 expanded to encompass the full limits of the urban area existing at this time via By-law No. 05-086. The 2005 CIPA By-law was subsequently amended by By-law No. 10-049 in March 2010 to identify a new Sub-area 4 for Downtown Hamilton.

When a by-law has been passed identifying a CIPA a municipal council may by by-law adopt a community improvement plan (CIP) for the purposes of facilitating the community improvement through various means including the provision of financial incentives or actions which would otherwise be prohibited under Sub-section 106(2) of the Municipal Act. For the purpose of carrying out the CIP, once it is in effect, a municipality may:

- Acquire, hold, clear, grade or otherwise prepare land for community improvement;
- Construct, repair, rehabilitate or improve buildings on land acquired or held by it in the CIPA in conformity with the CIP, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;
- Sell, lease or otherwise dispose of any land acquired or held by it in the CIPA to any person or governmental authority for use in conformity with the CIP;

- Provide grants and/or loans in conformity with the CIP, to registered owners, assessed owners and tenants of lands and buildings within the CIPA, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole, or any part of the, eligible costs of the CIP; and
- Provide grants and/or loans for eligible costs identified within the CIP which may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of land and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.

The total of the grants and loans made in respect of particular lands and the tax assistance that is provided in respect of the lands and buildings cannot exceed the eligible cost of the community improvement plan with respect to those lands and buildings.

3.2 Municipal Authorization

Community improvement policies authorizing the use of Community Improvement Plans in the City's urban and rural areas are contained in Chapter F, Section 1.15 of both the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP) (as amended). Specifically, policies contained in Section 1.15 state:

- Council's intent, through community improvement, is to promote and maintain a high-quality living and working environment throughout the City accomplished through:
 - the upgrading and ongoing maintenance of communities or areas as characterized by obsolete buildings, and/or conflicting land uses and/or inadequate physical infrastructure and community services; and
 - the establishment of policies and programs to address identified economic, land development and housing supply issues or needs; and
- That community improvement shall be carried out through the designation, by Council, of CIPAs and through the preparation and implementation of CIPs pursuant to the Planning Act, R.S.O., 1990 c. P.13;
- It is the intent of Council that the entire urban/rural areas, or any part of the urban/rural areas as defined by the UHOP or RHOP, as amended, may, by by-law, be designated as a CIPA;
- That one or more of the following characteristics may be present when designating a CIPA:

- building stock or property in need of rehabilitation;
 - buildings and structures of heritage or architectural significance;
 - encroachment of incompatible land uses or activities;
 - deteriorated or insufficient physical infrastructure such as, but not limited to, sanitary and storm sewers and water mains, public transit, roads/streets, curbs, sidewalks, street lighting and utilities;
 - deteriorated or insufficient community services such as, but not limited to public indoor/outdoor recreational facilities, public open space and public social facilities;
 - inadequate mix of housing types (UHOP only);
 - inadequate affordable housing (UHOP only);
 - known or perceived environmental contamination;
 - deteriorated or insufficient parking facilities;
 - poor overall visual amenity of the area;
 - existing Business Improvement Areas (BIA) or potential for inclusion in a BIA designation;
 - inappropriate road access and traffic circulation;
 - shortage of land to accommodate building expansion and/or parking and loading facilities;
 - other barriers to the improvement or redevelopment of under-utilized land or buildings; or
 - any other environmental, social or community economic development reasons for designation; and
- That a CIP provide direction regarding the application of one or more of the following:
 - allocation of public funds such as grants, loans or other financial instruments for the physical rehabilitation, redevelopment or improvement of land/buildings;
 - municipal acquisition of land or buildings and subsequent clearance, rehabilitation, redevelopment or resale of these properties or other preparation of land or buildings for community improvement;
 - encouragement of infill and rehabilitation where feasible;
 - promotion of historic preservation through the appropriate local, provincial and federal legislation;

- promotion of the viability of commercial areas through the establishment and support of BIAs; and
- other municipal actions, programs or investments for the purpose of strengthening and enhancing neighbourhood stability, stimulating production of a variety of housing types, facilitating local economic growth, improving social or environmental conditions, or promoting cultural development; and
- That all developments participating in programs and initiatives contained within Community Improvement Plans shall conform to the policies contained in the respective Official Plan and comply with all municipal codes and regulations of the City and Province;
- That Council shall determine the priorities and sequences in which designated Community Improvement Project Areas shall have individual CIPs prepared.
- That any CIP shall endeavour to co-ordinate individual initiatives to improve properties with municipal actions to upgrade physical infrastructure and community services; and
- That Council shall be satisfied that community improvements are within the financial capability of the City.

4.0 PREVIOUS PLANS, PROGRAMS AND ON-GOING INITIATIVES

4.1 Brownfield Community Improvement Plans and Programs

4.1.1 ERASE Community Improvement Plan (2001) and Project Area

In April 2001, the ERASE CIP, was established through By-law No. 01-111. It was the City's first important step in the delivery of programs and initiatives that would promote environmental remediation, community rehabilitation and redevelopment of contaminated vacant, derelict or under-utilized sites. Also in April 2001, the ERASE CIPA was adopted by City Council via By-law No. 01-110. The 2001 ERASE CIPA was initially focused on providing remediation and redevelopment assistance programs within older current and former industrial areas of Hamilton including the Bayfront Industrial Area, the West Hamilton Innovation District as well as the West Harbour community located north of Downtown Hamilton.

Under the 2001 Plan five assistance programs were created:

- ERASE Redevelopment Grant Program – providing tax increment-based grants to reimburse for remediation costs directly funded from the increase in municipal property taxes generated as a result of the site's remediation and redevelopment;

- ERASE Study Grant Program – a cost-sharing program for environmental studies to investigate the environmental condition of properties and/or support the filing of a Record of Site Condition with the Ministry of Environment;
- ERASE Planning and Development Fees Program – to provide rebates for specific planning application and development fees to incentivize redevelopment of brownfield sites;
- ERASE Redevelopment Opportunities Marketing and Database Program – to identify, describe and market high priority redevelopment opportunities to the development and real estate industry; and
- ERASE Municipal Property Acquisition, Investment and Partnership Program – to acquire and redevelop strategic properties by the City or to engage in or support public/private sector remediation and redevelopment initiatives funded through any portion of the increase in municipal taxes not provided to property owner through the ERASE Redevelopment Grant Program.

4.1.2 ERASE Community Improvement Plan (2005), Project Area and Amendments

In April 2005, new CIPA and CIP By-laws were introduced (No. 05-086 and No. 05-087 respectively) and marked a significant broadening of the Plan's focus to support remediation and redevelopment of not just current and former industrial properties, but any property potentially contaminated from past development within the urban area existing at this time. In conjunction with the expanded area of eligibility, the previously eligible areas including the Older Industrial Areas and West Harbour community under the 2001 Plan were maintained and identified as distinct sub-areas through which the range of eligible costs and programs were expanded to meet the specific remediation, redevelopment and revitalization needs of these areas.

Subsequent to the establishment of the 2005 ERASE CIP and CIPA, various amendments were made to the Plan and are summarized below:

- In 2010 the following key amendments were introduced:
 - the ERASE CIPA was amended to establish a new sub-area for Downtown Hamilton replicating the existing Downtown Hamilton CIPA boundary already established for the purposes of administering Downtown specific revitalization programs and initiatives under the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan (now titled the Revitalizing Hamilton's Commercial Districts Community Improvement Plan);

- a new low-interest financial loan program was created, the Downtown and West Harbour Remediation Loan Program which would apply specifically in the West Harbour (Area 3) and Downtown Hamilton (Area 4) areas to lend discounted financing to developers and property owners specifically for remediation costs to support redevelopment of properties; and
- the introduction of additional eligible costs under the ERASE Redevelopment Grant program for environmental certification under Leadership in Energy and Environmental Design (LEED).
- In 2014 administrative amendments were introduced to the ERASE Redevelopment Grant (ERG) Program, Tax Assistance Program (TAP) and Downtown / West Harbour Remediation Loan Program (RLP) programs to add greater flexibility to the programs by permitting peer-reviewed risk assessments in place of a Record of Site Condition for program eligibility where an RSC is not otherwise required by the Province for the development.
- In 2018 the following key amendments were introduced:
 - the ERASE Study Grant (ESG) and ERG Programs were amended to include the study, removal and abatement of Designated Substances and Hazardous Material (DSHM) from buildings located within the Older Industrial Area (Area 2), current/closed institutional buildings and heritage buildings designated under Part IV or V of the *Ontario Heritage Act*; and
 - The RLP interest rate was reduced from 1% to 0% and loan repayment period reduced from 10 to 5 years.

4.2 Development Charge Deferrals for Brownfields

Development of a brownfield property that has been approved under the ERG Program may be provided an option to defer the payment of Development Charges (DC) up to the maximum estimated grant or the maximum grant anticipated to be provided under the ERG Program. Once ERG payments commence, these payments go directly towards fulfilling the outstanding DC deferral.

As the ERG Program requires developers/property owners to pay for site remediation works up front and wait until the development is completed and reassessed by the Municipal Property Assessment Corporation (MPAC) to begin recouping costs through ERG grant payments, the ability to offset DCs with future ERG payments aids property owners with the financial costs of site

remediation incurred during the early stages of the development and assists with managing cash flow.

4.3 Policy on the Treatment of Potentially Contaminated Properties that Fail Municipal Tax Sale (2003)

As a result of changes to the *Environmental Protection Act* and the *Municipal Tax Sales Act* introduced by the *Brownfields Statute Law Amendment Act*, municipalities in Ontario were provided enhanced powers to respecting municipal tax sales on properties that are in significant tax arrears (over 3 years). These powers allowed municipalities to take ownership of sites within one year and investigate environmental conditions of a property after a failed tax sale. In addition, where a municipality has taken ownership, the municipality is provided a period of five years within which to remediate the property or find a potential buyer to remediate and redevelop the property.

In response to these legislative changes, the City became one of the first municipalities to proactively adopt a standardized policy on potentially contaminated properties that fail a municipal tax sale to take advantage of these new powers in a consistent and transparent manner.

4.4 Contaminated Site Management Program (2004)

The City adopted the Contaminated Site Management Program with the purpose of providing procedures and training for City staff to identify and manage risks where there is the possibility for contamination in the soil/groundwater on sites subject to capital works projects and property transactions.

4.5 Historic Land Use Inventory (2008)

In late 2007, the City retained MMM Group Limited to complete a Historic Land Use Inventory (HLUI). The identified the need for a comprehensive GIS-based inventory of potential historically environmentally-impaired properties that was to become a resource to the efficient and consistent implementation of the City's brownfield redevelopment programs. The key goals of the HLUI was to:

- Provide key information to the City's property management database concerning historical environmental conditions that had not been previously available at a central location;
- Serve as a fundamental tool for use by City staff in planning and conducting the everyday aspects of managing properties within the City in a thoughtful and conscientious manner; and
- Ensure that management staff have the information necessary for knowledgeable decisions concerning brownfield redevelopment planning.

The actual project consisted of reviewing numerous sources of historical environmental information with the intent to identify properties of interest and potential contaminants associated with them. While some data came from primary sources that confirm impairment or remediation of a property (e.g. Phase

II Environmental Site Assessment reports or Record of Site Conditions), much of the required data needed to be interpreted came from secondary sources (e.g. fire insurance plans, land use designations etc.) combined with the user of industry-specific environmental databases to infer the potential contaminants that may be associated with historical on-site activities

Once the required data was documented, it was transposed into a Historical Environmental Database (HED). In total, the study area encompassed approximately 131,000 individual properties comprising the entire urban area. In total, 91 properties were identified as vacant brownfield sites consisting of a total of 152 ha. (377 ac.) scattered throughout the urban area of which over 50% were located outside of the designated employment areas and 20 ha. were found to be within the Bayfront Industrial Area. One thousand three hundred and eighty-six (1386) properties were identified as having a potential for some contamination based on the historical use of the property in Downtown Hamilton and the remaining urban area.

Notwithstanding the above findings, as most brownfields are privately owned, there are limitations in obtaining information that would confirm or identify, with certainty, that a site is contaminated either because an owner would not want to provide that information or no formal investigative studies have been undertaken to confirm a site's status. As such, inventories are often based on a *potential* for contamination based on certain characteristics, such as past land uses that are generally known to have a higher risk for contamination like certain industrial activities, gas/fuel stations, auto mechanics and dry cleaners, among others. As such, inventories do not preclude the discovery or identification of brownfields in the city.

4.6 Potentially Contaminated Commercial Properties Database Report (2022)

In 2022, the City retained ERIS to develop a database report that would identify sites within Hamilton's existing urban areas that have a higher potential for contamination as a result of current/historic commercial activities. This search was informed by the compilation and filtering of property information identified through multiple historical and proprietary environmental records which would typically be associated with higher risk commercial uses such as current/historical gas station, auto mechanic and dry cleaner uses, among others. Databases searched as part of this report included:

- Automobile Wrecking and Supplies
- Dry Cleaning Facilities
- Commercial Fuel Oil Tanks
- Delisted Fuel Tanks
- Current/Historic Private, Retail Fuel Storage Tanks

The development of this database report was intended to support the City's 2022 ERASE CIP Review by identifying potential concentrations of environmental contamination in the existing urban areas and, specifically, provide insight as to the potential for additional financial impediments to redevelopment and revitalization in specific commercial districts and corridors that are currently the focus of City revitalization efforts through the Revitalizing Hamilton's Commercial Districts CIP (RHCD CIP). The database would further support the goals and objectives of the RHCD CIP and this Plan by:

- Informing the exploration, and potential development of, new/updated financial assistance program(s) under this Plan to overcome financial impediments related to contamination in the RHCD CIP commercial districts and corridors; and
- Support potential outreach/engagement efforts by the Economic Development Division to property owners in support redevelopment/revitalization efforts in these areas.

In total, the database report identified approximately 800 sites with identified records within the existing urban areas, of which, 183 properties were located within the areas commercial districts and corridors subject to revitalization efforts under the RHCD CIP.

The result of this database report has informed the development of updated financial assistance programs authorized through this Program, specifically, the ERASE Commercial Districts Remediation Loan Program further described in Section 8.4.

Notwithstanding the above findings, as most brownfields are privately owned, there are limitations in obtaining information that would confirm or identify, with certainty, that a site is contaminated either because an owner would not want to provide that information or no formal investigative studies have been undertaken to confirm a site's status. As such, inventories are often based on a *potential* for contamination based on certain characteristics, such a past land uses that are generally known to have a higher risk for contamination like certain industrial activities, gas/fuel stations, auto mechanics and dry cleaners, among others. As such, inventories do not preclude the discovery or identification of brownfields in the city.

4.7 Brownfields Sub-Committee

In 2008 the Business Development Committee of the Hamilton Chamber of Commerce struck a sub-committee to advise and report on issues pertaining to brownfield redevelopment in the City of Hamilton. Staff sat on this committee and used it as a sounding board when contemplating changes to policy, including revisions to this Plan. This group, disbanded as a sub-committee of the Chamber in 2012, still meets on an ad-hoc basis from time-to-time to discuss brownfield related issues and continue to provide input as part of periodic review of this Plan.

Overall, this Plan maintains the intent of 2001 and 2005 ERASE CIPs and past City actions and initiatives and provides for updated programs and strategies in support of current environmental remediation and redevelopment challenges in the city's historically developed areas and current Provincial and City policy direction as discussed in Section 5.0.

5.0 SUPPORTING POLICY FRAMEWORK

Existing Provincial and City policy frameworks contain policies that support the purpose, goals and objectives of this Plan as outlined in Sections 2.0 and 7.0 respectively as well as the associated assistance program(s) described in Section 8.0. The key supporting policies from applicable policy documents are outlined below.

5.1 Provincial Policy Statement (2020)

The Province of Ontario's Provincial Policy Statement (PPS) provides policy direction for land use planning and development matters which are of Provincial interest including protecting resources, supporting public health and safety and creating high-quality natural and built environments.

This Plan is consistent with the PPS and specifically addresses the following provincial interests identified within the PPS:

- Support land use patterns which efficiently use land and resources, efficiently use infrastructure and public services, minimize negative impacts to air quality and climate change, support active transportation and are transit-supportive (PPS, Subsection 1.1.3.2)
- Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through 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 (PPS, Subsection 1.1.3.3)
- Healthy, integrated and viable rural areas supported by...promoting regeneration, including the redevelopment of brownfield sites (PPS, Subsection 1.1.4.1 b))
- Coordinate economic, environmental and social planning considerations to support efficient and resilient communities (PPS, Subsection 1.2.3); and
- Long-term economic prosperity supported by...promoting the redevelopment of brownfield sites (PPS, Subsection 1.7.1 f)).

5.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) provides a policy framework for implementing the Province’s vision for planning and managing growth and development within the Greater Golden Horseshoe (GGH), including Hamilton, in a way that supports complete communities, economic prosperity, protects the environment and helps communities achieve a high quality of life (Growth Plan, Section 1.2).

This Plan conforms with the Growth Plan, its guiding principles, and specifically, the following policies as identified within the Growth Plan:

- Support the achievement of complete communities that...Improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes (Growth Plan, Subsection 2.2.1 (4. b));
- Support the achievement of complete communities that...provide for a more compact built form and a vibrant public realm, including public open spaces (Growth Plan, Subsection 2.2.1 (4. e));
- Promote economic development and competitiveness by...Integrating land use planning and economic development goals and strategies to retain and attract investment and employment (Growth Plan, Subsection 2.2.5 (1. d));

5.3 City of Hamilton 2016-2025 Strategic Plan (2016)

The City of Hamilton’s 2016-2025 Strategic Plan (Strategic Plan) establishes a 10-year vision for the City that provides the context within which City services are provided in order to achieve the Plan’s stated mission “to provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner”. To achieve this, the Strategic Plan establishes seven priorities which were identified through community engagement and resident conversations including those that occurred through the Our Future Hamilton: Communities in Conversation initiative. These priorities are:

- Community Engagement and Participation
- Economic Prosperity and Growth
- Healthy and Safe Communities
- Clean and Green
- Building Environment and Infrastructure
- Culture and Diversity
- Our People and Performance

This Plan contributes towards the achievement of the Strategic Plan's vision for Hamilton as further outlined in Section 9.0 Monitoring, whereby performance measures and monitoring of this Plan and its associated programs are established and linked to the achievement of the Strategic Plan's vision.

5.4 2021-2025 Economic Development Action Plan (2021)

The 2021-2025 Economic Development Action Plan (EDAP) is a Council approved, city-wide, action-oriented document that identifies areas of focus and key industry sectors that the City will concentrate resources and identify actions for in support of the City's economy. The EDAP identifies six key priority areas that are intended to build a stronger and more equitable economy for Hamilton's future. Of these, this Plan most directly supports the "Revitalizing Priority Areas and Placemaking" and "Building Transformation Projects" priorities which, among other actions, are supported by incentivizing investment in the remediation of brownfield lands to encourage their transition to a cleaner and more productive uses that act as a catalyst for further economic improvement.

The EDAP further identifies as a specific action (#61) to "review and update the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan" to support the goals and objectives of the EDAP within the plan's time horizon.

5.5 Urban and Rural Hamilton Official Plans (2013)

The Urban and Rural Hamilton Official Plans (UHOP/RHOP) establish the City's long-term policy framework outlining the City's vision for the future in terms of managing growth, land use change and the physical development of the city including related environmental, social and economic factors. The UHOP/RHOP includes land use policy that establishes the land use structure of the respective urban and rural areas of the city accompanied by overlaying land use designations that guide the development and redevelopment of the city. The UHOP/RHOP also contains the necessary policies to enable the creation of this Plan, in accordance with the *Planning Act*, through Chapter F, Section 1.15 of the UHOP and further discussed in Section 3.2 "Municipal Authorization" of this Plan.

5.5.1 Contaminated (Brownfield) Site Policies

The UHOP/RHOP contains specific policies respecting contaminated (brownfield) sites, contained in Chapter B – Communities, which include the following key policies as they relate to this Plan:

- ...The City, in addition to other economic development objectives, shall pursue the redevelopment of brownfield sites and promote opportunities for employment and residential intensification by:
 - a) continuing to liaise with other levels of government, agencies, and the private sector to endorse and amend existing legislation, regulations and standards, including the addressing of liability issues for land owners;

- b) undertaking studies to identify priority brownfield sites for redevelopment;
 - c) providing the necessary financial assistance to developers and landowners to make the redevelopment of brownfield sites a viable option; and,
 - d) ensure a wide variety of investment opportunities are available throughout the City and provide potential employment users with a range of alternative sites of various size in a variety of locations throughout the City.
(UHOP, Chapter B, Subsection 3.1.6)
- Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.
(UHOP/RHOP, Chapter B, Subsection 3.6.1.1 and 3.6.1.2 respectively).

These policies highlight the health and public safety considerations, community development and economic development objectives of the UHOP/RHOP respecting these sites and provide the direction to support City initiatives and actions to address these objectives. This Plan, and the financial assistance programs authorized herein, are but one of these actions and directly addresses the financial barriers and risk associated with contaminated sites that presents a real and systemic barrier to the achievement of the UHOP/RHOPs objectives.

5.5.2 Legal Non-Conforming/Complying Uses or Properties

The UHOP/RHOP are policies respecting existing, non-complying and non-conforming uses. Specifically, the UHOP/RHOP states the following:

- It is recognized there are some previously existing land uses that do not presently comply with the goals and objectives set out in this Plan. This Plan, while endeavoring to achieve a high degree of land use compatibility for new development, recognizes there is a degree of diversity in land use for existing areas where time and custom have achieved an acceptable level of tolerance. Many of these uses have been established for a considerable number of years. In some cases, it is recognized such situations exist and they can be continued in the interim. In other cases, there are some existing uses that not only do not comply with the Official Plan or conform to the Zoning By-law and are incompatible with surrounding land uses (UHOP/RHOP, Chapter F, Subsection 1.12).

- All developments participating in programs and initiatives contained within Community Improvement Plans shall conform to the policies contained in this Plan and shall comply with all municipal codes and regulations of the City (UHOP/RHOP, Chapter F, Subsection 1.15.4).

As such, all existing and proposed developments participating in programs and initiatives contained within this Plan shall conform with the policies in the Official Plan and comply with all municipal by-laws and regulation, including applicable Zoning By-laws.

Notwithstanding the above, legally non-complying or non-conforming uses and/or properties located within the ERASE CIPA may be eligible for participation in an applicable program under this Plan, at the sole and absolute discretion of the City, where the City is satisfied that the use/building meets the following tests:

1. The proposed development must implement the intent and vision of the Urban Hamilton Official Plan (2013);
2. The Building Division records must validate the last recognized use as per a Zoning Verification stating the proposed use; and
3. Issuance of a Building Permit for the Legal Non-Conforming Use(s) must be qualified by the Building Division.

5.6 Secondary Plans

Within specific communities of the city, the UHOP/RHOP may be supplemented by detailed, area specific policies responding to the unique needs and considerations for how a specific area/community will develop over time. The following Secondary Plans and policies have been identified as being within the ERASE CIPA within which the programs of this Plan may apply and containing policies that directly relate and support the purpose and goals of this Plan:

Ainslie Woods Westdale Secondary Plan

The Ainslie Woods Westdale Secondary Plan (AWWSP) includes the area bounded by the former municipal boundaries between the former City of Hamilton and former Town of Dundas on the west, Cootes Paradise on the northwest, and Highway 403 on the east and the southeast.

The AWWSP contains the following policies:

- The establishment and extension of programs and funding for the rehabilitation and reuse of employment lands shall be encouraged to include lands in the Ainslie Wood Westdale area. An example would include any possible expansion of the brownfields funding program, to facilitate the rehabilitation of these lands (UHOP Volume 2, Chapter B, 6.2.9.1 g))

West Hamilton Innovation District Secondary Plan

The West Hamilton Innovation District Secondary Plan (WHIDSP) area is generally bounded by Aberdeen Avenue to the south, the railway line and Dundurn Street South to the east, Main Street West to the North and Highway 403 to the west.

The WHIDSP contains the following policies:

- Encourage the redevelopment of brownfield lands to a prestige research district comprised mainly of uses related to research, science and technology which are remediated to a high standard to ensure public health and safety (UHOP Volume 2, Chapter B, 6.4.2.1 a))
- The City shall prepare an enhancement to the ERASE (Environmental Remediation and Site Enhancement) Community Improvement Plan (CIP) and the development of an Implementation Strategy specifically for the West Hamilton Innovation District that shall encourage the redevelopment of this area. Additional financial incentives for initiatives such as LEED (Leadership in Energy and Environmental Design) certification shall complement the existing incentives for brownfield remediation and serve as a catalyst for the transformation of the West Hamilton Innovation District to an economic hub of research and development activity (UHOP Volume 2, Chapter B, 6.4.9.3)

West Harbour (Setting Sail) Secondary Plan (Non-Decision No. 113)

The West Harbour Secondary Plan (WHSP) area is bounded by Hamilton Harbour to the north, York Boulevard and Cannon Street West to the west and south and Wellington Street North to the east.

The WHSP contains the following policies:

- West Harbour is designated a CIPA and the ERASE CIP applies, and shall continue to apply, to a large portion of West Harbour. The City may revise the ERASE Plan from time to time and may prepare additional Community Improvement Plans for West Harbour. Such plans should identify, rank and coordinate the public improvements set out in this Secondary Plan and others that may arise. Community Improvement Plans should also identify the programs and measures intended to promote development and the rehabilitation of existing buildings and properties. The City shall consult with the local community in preparing the Community Improvement Plan (UHOP Volume 2, Chapter B, 6.5.12.6)
- Permit additional residential density where the City determines there is a need to increase densities of development in Barton-Tiffany and Ferguson-Wellington corridor, to assist economically with the clean up of brownfield areas and soil contamination. The density increase shall be subject to the City of Hamilton's ERASE program (UHOP Volume 2, Chapter B, 6.5.14.9)

5.7 Bayfront Industrial Area Strategy (2022)

The Bayfront Industrial Area (the Bayfront) is Hamilton's oldest industrial area comprising over 1,600 hectares of land on the shores of Hamilton Harbour, and the immediate area.

In September 2022, City Council approved The Bayfront Industrial Area Strategy (BIAS) as a comprehensive strategy, identifying short, medium and long-term actions, that together would help address barriers to redevelopment and support continued industrial productivity and investment in the Bayfront.

A significant barrier to redevelopment in the Bayfront continues to be potential contamination of properties; an issue that was central to the creation of the original 2001 ERASE CIP and the availability of its financial assistance programs in the Bayfront. In this respect, the BIAS speaks to the continued importance of this Plan to support its strategies and redevelopment goals in the Bayfront, specifically stating the following:

- The expectation is that a certain degree of remediation and or risk management will be required as land is redeveloped over time. The City recently updated its Environmental Remediation and Site Enhance (ERASE) Community Improvement Plan incentives which are intended to help offset some of the front-end costs for remediation. There is a need to regularly monitor and track the success of various brownfield programs to ensure that they are well aligned with market needs and reasonably capture the range of redevelopment challenges in The Bayfront (BIAS, 3.14)

6.0 COMMUNITY IMPROVEMENT PROJECT AREA

This Plan is intended to apply to eligible properties within Historically Developed Areas (HDA) which have been geographically delineated within the companion ERASE CIPA By-law based on past and current detailed city-wide analysis of current and historical land uses, potential for environmental contamination, physical site characteristics, potential for redevelopment, UHOP/RHOP/Secondary Plan land use designations and policies, applicable zoning and visual site inspections, where required.

In addition to the HDA, the Plan is intended to provide programs which may also address unique or area specific environmental and associated development challenges. To this end, this Plan and the companion ERASE CIPA By-law define additional sub-areas within the HDA where additional programs and/or program parameters may be permitted within the program descriptions contained in Section 11.0 Appendices to this Plan. These sub-areas include:

- Sub-Area 1 - Older Industrial Areas - encompassing the Bayfront Industrial Area and West Hamilton Innovation District which have historically been the location of significant industrial activities that have left a legacy of unique redevelopment and investment challenges including the potential for historic contamination and outdated buildings and structures; and

- Sub-Area 2 - Strategic Commercial Districts and Corridors - encompassing properties located within various older strategic commercial districts and corridors which have been a focus of City revitalization efforts to stimulate new private sector investment in the development of under-utilized properties and/or improve the appearance, functionality, marketability, usability and/or safety of existing buildings and where there may exist a potential for historic contamination from past commercial land uses including, but not limited to, fuel/gas stations, auto mechanics, and dry cleaners.

For the purposes of this Plan, Sub-Area 2 is defined as comprising properties located within the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area By-law (By-law 21-163 as amended over time) and which includes Downtown Hamilton, the Community Downtowns of Ancaster, Binbrook, Dundas, Stoney Creek and Waterdown, Business Improvement Areas, the Mount Hope/Airport Gateway and various other strategic commercial corridors.

Notwithstanding the above descriptions and the geographic boundaries delineated within the companion ERASE CIPA By-law, the following shall also apply with respect to properties eligible to participate in the programs of this Plan:

- Properties containing buildings designated under Part IV or Part V of the *Ontario Heritage Act* and located within the City of Hamilton municipal boundary, may be eligible for one or more programs established under this Plan where it is identified that a program may apply to such properties in Section 8.0 of this Plan.
- A property which is partially located within the ERASE CIPA boundary, shall be deemed to be either wholly, partially or not at all located within the ERASE CIPA at the sole discretion of the City based on considerations that may include, but may not be limited to, the relative proportion of the property located within the ERASE CIPA boundary versus that located outside the CIPA boundary, the location of environmental contamination on the property and/or the planned use of existing/planned buildings as well as the ability to meet the purpose and goals of this Plan and any potentially applicable programs.

7.0 GOALS AND OBJECTIVES

With consideration to the purpose of this Plan as outlined in Section 2.0, and the cited Provincial and City plans, policies and strategies detailed in Section 5.0, the goals of this Plan are to support the investigation, remediation and redevelopment of brownfields in historically developed areas in order to:

- Improve environmental conditions within our communities and reduce future risk;
- Increase assessment and property tax generation;
- Reduce the need for greenfield or agricultural lands to accommodate future population and employment related growth;
- Efficiently utilize existing infrastructure and reduce related costs;

- Support the achievement of Provincial/City residential unit/jobs density targets, where applicable;
- Maintain and grow resident populations to support existing businesses and services;
- Further support population and employment concentrations that will better utilize existing transit and support new demand and investment in higher-order forms of transit;
- Enable new economic development opportunities;
- Improve the aesthetics of private properties to create an attractive public realm; and
- Make feasible opportunities for new housing, with a focus on affordability and tenure, that will help meet the needs of current and future residents and support a strong and diverse local workforce.

To help realize those goals, the following objectives respecting brownfields have been identified and will be supported by this Plan where appropriate:

- Obtain new information respecting the environmental condition of properties to support potential investment and redevelopment;
- Provide programs that reduce financial barriers and risk to property owners, developers and not-for-profit housing providers as a result of historic contamination;
- Engage and work with other municipalities to share knowledge and best practices to support remediation and redevelopment of brownfields;
- Engage with the Provincial and Federal governments and related agencies to prioritize brownfields as an area of focus and investment;
- Explore means to further identify sites with the potential for contamination and to develop strategies and programs to address as required; and
- Consistently monitor for new and emerging regulatory or economic barriers respecting brownfield remediation and redevelopment.

8.0 FINANCIAL ASSISTANCE PROGRAMS AND OTHER INITIATIVES

This section identifies the primary purpose and parameters of financial assistance programs and other initiatives the City may employ to achieve this Plans goals within areas identified in the companion ERASE CIPA By-law. Additional detailed descriptions outlining the terms, eligibility criteria and administrative processes for each program/initiative described in this section, as adopted by City Council resolution, are contained in Section 11.0 Appendices of this Plan for reference.

The applicable program descriptions shall be those that were approved by City Council and in effect on the date an application under any program in this section was approved by City Council or their delegate.

Notwithstanding any program descriptions approved by City Council, applications under any program authorized under this Plan can be rejected by City Council for any reason. Such a decision can take into account matters not set forth in the applicable program descriptions and are within City Council's sole, absolute and unfettered discretion. Decisions and reasons for the City's accepting or rejecting an application shall not act as a precedent for any other application.

8.1 ERASE Study Grant (ESG) Program

The ERASE Study Grant (ESG) Program is intended to support the undertaking of environmental studies on known or suspected brownfield sites to confirm and describe potential on-site contamination or develop a plan to remove, treat, or otherwise manage the contamination in support of site redevelopment/reuse. Additional studies may also be considered under this Program which investigate other forms of potential environmental impacts or which further facilitate the potential redevelopment/reuse of eligible sites.

This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible studies/costs, grant criteria, grant maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix A.

8.2 ERASE Redevelopment Grant (ERG) Program

The ERASE Redevelopment Grant (ERG) Program is intended to provide tax increment-based grants towards costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse. By providing Grants to mitigate these financial impediments, the Program enables brownfield sites to be viable candidates for redevelopment relative to non-contaminated sites, supports the intensification/infill of existing vacant and underutilized sites, reduces the need for greenfield lands to accommodate future population and employment growth, and generates new municipal property tax revenue through increased property assessments.

As a tax increment-based program, the ERG Program provides grants relative to the actual increase in municipal property taxes that are generated as a result of a site being remediated and redeveloped. Grants are provided after development completion over a maximum term as described in Table 1 herein or until eligible Program costs have been recovered, whichever comes first.

Grants under the Program may be provided through one of two streams based on consideration of the project as a Brownfield Development or an Enhanced

Brownfield Development. For the purposes of this Program, a Brownfield Development is one that remediates the environmental condition of a site and increases the municipal property taxes generated as a result of remediation and redevelopment. An Enhanced Brownfield Development is the same as a Brownfield Development, but which also achieve one of the following additional priorities:

- Successfully obtains a certification for the achievement of environmental sustainability standards from an eligible organization/program;
- Will connect to (or be designed to allow for future connection to) a district energy system where a current or future connection is deemed feasible by the City;
- Is approved for financial assistance under a Canada Mortgage and Housing Corporation (CMHC), Federal, Provincial or City program for the purposes of incorporating new residential rental housing that supports housing affordability within the city.

The prescribed grant terms under the Brownfield Development and Enhanced Brownfield Development streams are described in Table 1 below:

**Table 1 – Prescribed Grant Parameters:
Brownfield Developments and Enhanced Brownfield Developments**

		Brownfield Development	Enhanced Brownfield Development
Maximum Eligible Costs Permitted For:	the transportation and disposal of contaminated soil at a licensed landfill facility	80%	80%
	*in-situ or Risk Assessment remediation methods or the transportation and treatment of contaminated soil so as to enable reuse	100%	100%
	all other eligible costs unless otherwise specified in the Council adopted Program Description	80%	100%
Maximum Potential Annual Grant Payments		10**	13**
Maximum Annual Grant as a Percentage of Actual Tax Increment Realized		80%***	100%

* *Eligible remediation methods will demonstrate a reduced overall environmental impact versus dig and dump remediation with such determination being at the sole discretion of the City.*

** *Or until eligible remediation costs have been recovered, whichever comes first.*

****The remaining 20% increase in the annual municipal tax increment not provided to the Applicant under the Brownfield Development stream shall be directed to a City fund for use in the provision of grants and other initiatives under the ERASE Municipal*

Acquisition and Partnership (EMAP) and/or ERASE Affordable Housing Grant (EAHG) Programs for the duration of the Applicant's Grant term up to a maximum of 20% of the value of the total Grant to be provided.

This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible costs, grant criteria, grant maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix B.

8.3 ERASE Tax Assistance (ETA) Program

The ERASE Tax Assistance (ETA) Program is intended to reduce the tax increase resulting from the remediation and redevelopment of a brownfield site in order to mitigate costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse. The tax cancellation provided under this Program enables brownfield sites to be viable candidates for redevelopment relative to non-contaminated sites, supports the intensification/infill of existing vacant and underutilized sites, reduces the need for greenfield lands to accommodate future population and employment growth, and generates new property tax revenue through increased property assessments.

An approval under this Program shall not be granted until City Council has approved the Application and has passed a by-law pursuant to s.365.1 of the *Municipal Act, 2001*, as amended and the Minister of Finance of the Province of Ontario has approved the by-law.

An approval granted under this Program shall be conditional on the Applicant receiving approval from the Minister of Finance for an application under the Province of Ontario's Brownfield Financial Tax Incentive Program (BFTIP) respecting the cancellation of the education portion of property taxes. Approval for the cancellation of the education portion of the property tax increment may be provided by the Minister of Finance on a case-by-case basis. Where an application and approval under the Province's BFTIP will not be sought, the applicant shall be directed to make application under the ERASE Redevelopment Grant (ERG) Program.

Under the ETA, 80% of the increase in the municipal portion of property taxes (the tax increment) that results from remediation and redevelopment of a site, or such lesser amount as set out below will be cancelled annually until the expiration of the earlier of the following:

- Six (6) years for a business development (commercial and industrial) or 10 years for a residential development (including mixed use residential); or
- A value that equals accepted eligible Program costs.

The remaining 20% increase in the annual municipal tax increment not subject to cancellation shall be directed to a City fund for use in the provision of grants and other initiatives under the ERASE Municipal Acquisition and Partnership (EMAP) and/or ERASE Affordable Housing Grant (EAHG) Programs for the duration of the Applicant's term for tax cancellation up to a maximum of 20% of the value of the total tax cancellation to be provided. The remaining 20% of the increase in the education portion of property taxes will be remitted to the Province of Ontario.

This Program will apply within the Historically Developed Area as defined through the Environmental Remediation and Site Enhancement Community Improvement Project Area (ERASE CIPA) By-law.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible costs, tax cancellation criteria, tax cancellation maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix C.

8.4 ERASE Commercial Districts Remediation Loan (ECDRL) Program

The ERASE Commercial Districts Remediation Loan (ECDRL) Program provides low-interest Loans which are intended to overcome barriers owners may face obtaining traditional financing for costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse. Specifically, this Program is intended to work in concert with broader efforts to support the revitalization of strategic commercial districts and corridors, including those programs and initiatives established under the RHCD CIP.

A Loan under this Program is intended to serve as a 'bridge' until such time as grant payments commence under either the ERASE Redevelopment Grant (ERG) or Revitalizing Hamilton Tax Increment Grant (RHTIG) Programs. As such, eligibility under this Program is contingent on, among other requirements contained herein, that the site has been the subject of an approved application under either the ERG or RHTIG Programs.

This Program will apply within Sub-Area 2 – Strategic Commercial Districts and Corridors of the Historically Developed Area as defined in the ERASE CIPA By-law and which generally consists of the Ancaster, Barton Village, Binbrook, Concession Street, Downtown Hamilton, Dundas, Locke Street, Ottawa Street, Stoney Creek, Waterdown and Westdale commercial districts, the Mount Hope/Airport Gateway, the Barton Street and Kenilworth Avenue North commercial corridors and other strategic commercial corridors located throughout the city.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible costs, loan criteria, loan maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix D.

8.5 ERASE Affordable Housing Grant (EAHG) Program

The ERASE Affordable Housing Grant (EAHG) Program is intended to provide Grants towards costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse for affordable housing by not-for-profit housing providers not otherwise able to participate in the ERG program. By providing Grants to mitigate these financial impediments, the Program better enables brownfield sites to be viable candidates for the creation of new affordable housing.

This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible costs, grant criteria, grant maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix E.

8.6 ERASE Municipal Acquisition and Partnership (EMAP) Program

The ERASE Municipal Acquisition and Partnership (EMPA) Program is intended to further support the investigation, remediation and redevelopment of brownfields in the city by enabling the City of Hamilton to:

- Acquire, hold, clear, grade or otherwise prepare brownfields for the purposes of achieving community improvement that supports this Plan's goals and objectives;
- Construct, repair, rehabilitate or improve buildings on brownfields acquired or held by the City in support of this Plan's goals and objectives;
- Sell, lease, or otherwise dispose of any brownfields acquired or held by it in support of this Plan's goals and objectives; or
- Participate financially or otherwise with private sector entities to further the goals and objectives of this Plan.

The EMAP is not an application-based program and is to be utilized and funded at the discretion of City Council in conformity with this Plan and the *Planning Act*.

This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

8.7 Other Strategies

The following programs and initiatives are not subject to this Plan but are intended to be acted upon in tandem with the financial incentive programs contained in this Plan in order to meet the City's goals and objectives for the Plan's Community Improvement Project Areas.

8.7.1 ERASE Development Charge (DC) Deferrals

The payment of Development Charges (DCs) as a condition of development can be a significant factor in determining the feasibility of remediating and redeveloping brownfields as DCs are often required to be paid early in the development process at the same time as costs are being incurred to remediate site contamination in preparation for site development.

As a strategy to further support the feasibility and added cash flow pressures required for brownfield redevelopment, approved applicants under the ERG Program may be provided the option to utilize an ERASE specific deferral of DCs at low/no interest in an amount up to the lesser of:

- The maximum estimated Grant approved by City Council; or
- The maximum Grant estimated to be achieved within the parameters of the Program, as determined by the City, based on the estimated eligible costs and estimated post-development assessment and municipal property tax uplift.

Where an approved ERG applicant elects and been approved by the General Manager of Finance and Corporate Services to utilize the ERASE DC Deferral Option, grant payments under ERG program will be directed towards fulfilling the ERASE DC deferral until the deferred DCs have been fully paid.

All Applicants utilizing the ERASE DC Deferral Option will be required to enter into an ERASE DC Deferral Agreement with the City. This Agreement shall contain provisions including, but not limited to, the terms and conditions set out herein and such additional conditions as required by City Council, the City Solicitor or General Manager of Finance and Corporate Services in their sole discretion. Such agreement may also include the provision of securities that include, but may not be limited to, Letters of Credit, mortgages registered on title and/or personal guarantees as deemed required by the City.

ERASE DC Deferral Agreements will be subject to the applicable, in effect DC By-law and any additional requirements, conditions and agreements as deemed appropriate to affect the Agreement at the discretion of City Council or the General Manager of Finance and Corporate Services.

8.7.2 Historic Land Use Inventories

From time-to-time, the City may undertake historic land use inventories to identify properties and/or areas of the City with a potential for environmental contamination. Such inventories will be used to guide the development and refinement of financial assistance programs and authorized under this Plan and inform strategies and actions by the City to better support and enable remediation and redevelopment of these properties/areas.

8.7.3 Marketing and Promotion

In accordance with the Economic Development Division's Marketing Plan, the City of Hamilton may promote and advertise or contribute to the promotion or advertisement of programs, initiatives and events respecting the brownfields for the purpose of achieving the goals and objectives of this Plan.

9.0 MONITORING

Monitoring the Plan's implementation is undertaken through the City's performance measurement reporting and annual reports prepared by the Economic Development Division.

Performance measures will be based on the objectives and desired outcomes as identified in this Plan, key activities set out in the Department's business plan and the City's 2016-2025 Strategic Plan. Performance measures which may be evaluated include, but may not be limited to:

- Total area of land investigated, remediated and redeveloped;
- Increase in assessment and property tax generation on brownfields;
- New affordable housing units created on brownfields;
- New resident population and jobs created on brownfields within the Historically Developed Area in support of Provincial/City residential unit/jobs density and growth targets; and
- Private sector investment leveraged on brownfields relative to City grants/loan or other assistance provided.

10.0 AMENDMENTS AND TRANSITIONAL MATTERS

This Plan will be reviewed from time to time to ensure that it is adequately reflecting existing City policies and priorities, Provincial policies and community needs. Community and applicant feedback regarding this Plan and its associated assistance programs may also lead to amendments and / or minor revisions to the detailed incentive program descriptions contained in the Appendices to this Plan.

10.1 Formal Amendments

A formal amendment to this Plan is required in the following instances:

- To introduce new financial assistance programs;
- To increase the amount of financial assistance that may be provided to registered owners, assessed owners, tenants and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan except where the maximum amount of assistance is not referenced in Section 8.0 or the conditions under which increased assistance under a

program may be provided is already established within this same section;
or

- To add, extend, remove or otherwise change the Community Improvement Project Area's which are the subject of this Plan.

Formal amendments will require approval by City Council and shall be undertaken in accordance with Section 28 of the *Planning Act* and the City's Public Participation and Notification Policies contained in Chapter F – Implementation, Section 1.17.2 of the UHOP and RHOP. In addition, the City may undertake other communication methods to provide information and seek input, such as public information open houses, workshops, public meetings, the City's web site and direct or electronic mail outs and surveys.

10.2 Other Amendments

Detailed program descriptions providing for the efficient administration of each program authorized through this Plan will be adopted, through resolution, by City Council. The program descriptions shall include, but not be limited to, program terms, eligibility criteria, maximum grant amounts, grant calculations, assignability, maximum loan amounts, repayment requirements and detailed administrative procedures terms and will form appendices to this Plan. Changes to the appendices will be adopted by City Council through resolution. In addition, City Council may discontinue any of the programs contained in this Plan, without amendment to this Plan. Formal amendments, including public meetings under the *Planning Act*, shall not be required for updates or amendments to program descriptions attached to this Plan as appendices. Minor administrative amendments to this Plan such as format changes, typographical errors, grammatical errors and policy number changes shall not require a formal amendment.

10.3 Transitional Matters

Program applications will be processed under the terms of the program in effect at the time the application was submitted. When program terms are revised, applications submitted but not yet approved will be subject to and processed under the revised terms. Application already approved at the time revised program terms are in effect will continue to be subject to the program terms in effect at the time the application was approved.

11.0 APPENDICES

The following appendices are provided under separate cover and adopted by Council resolution:

Appendix A – ERASE Study Grant (ESG) Program Description

Appendix B – ERASE Redevelopment Grant (ERG) Program Description

Appendix C – ERASE Tax Assistance (ETA) Program Description

Appendix D – ERASE Commercial Districts Remediation Loan (ECDRL) Program
Description

Appendix E – ERASE Affordable Housing Grant (EAHG) Program Description