

DOWNTOWN / WEST HARBOUR REMEDATION LOAN PROGRAM (RLP) APPLICATION FORM

APPLICATION FEE OF \$375.00 TO ACCOMPANY APPLICATION

PRIOR TO SUBMITTING THIS APPLICATION:

- CONTACT CITY STAFF TO DISCUSS ELIGIBILITY
- REVIEW THE RLP PROGRAM DESCRIPTION FOR DETAILED PROGRAM TERMS AND CONDITIONS

FOR OFFICE USE ONLY

Application No.: _____

Date Submitted: _____

SECTION A – GENERAL PROGRAM REQUIREMENTS AND INSTRUCTIONS

- 1) An application for the Downtown / West Harbour Remediation Loan Program (RLP) must be submitted to the Economic Development Department prior to the commencement of any remediation works and prior to an application for a Building Permit;
- 2) Applications shall include reports, plans, estimates, contracts and other details as may be required to satisfy the City with respect to the eligible costs of the project and conformity of the project with the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan and Province of Ontario environmental regulations;
- 3) As part of a complete application, the applicant shall submit to the City the following documents for the subject site:
 - a) a Remedial Action Plan, prepared by a Qualified Person (as defined by regulation) outlining the proposed environmental remediation and estimated costs
 - b) a recent Phase II Environmental Site Assessment (ESA) and/or Phase III ESA/Risk Assessment prepared by a Qualified Person (as defined by regulation); and,
 - c) a Business Plan for the planned redevelopment prepared to the City's satisfaction;
 - d) planning and/or architectural drawings of the proposed redevelopment;
 - e) an estimate of the post-development assessment for the planned redevelopment, prepared by the Municipal Property Assessment Corporation (MPAC), undertaken at the applicant's expense, **except** where the planned development is one of the following:
 - i) a residential rental building containing six (6) or less units;
 - ii) a residential-only condominium development of any scale; or
 - iii) a mixed-use building containing a residential condominiums and commercial uses provided the commercial uses are limited to the first two (2) storeys of the building; and

NOTE: Applicants must contact MPAC directly (products@mpac.ca) to obtain the estimate, when required. Applicants must advise MPAC that the estimate will be provided to the City of Hamilton and as such must contain any necessary disclaimers to ensure the estimate can be provided to, and used by, the City for the purposes of this application, including in public reports to City Council.

- 4) This Program is only available to eligible properties located within Areas 3 and 4 only (see Section I (page 10) for geographic boundaries);
- 5) The property shall be redeveloped such that the amount of work undertaken is sufficient to, at a minimum, result in an increase in the assessed value of the property;
- 6) The total value of the loan provided under this program shall not exceed the total value of work done under eligible program costs to a maximum of \$400,000;
- 7) Eligible program costs include the costs of (see Section I (page 10) for geographic boundaries associated with Areas 3 and 4 referenced in this section):
 - a) environmental remediation, i.e., the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible property to permit a Record of Site Condition (RSC) to be filed for the proposed use by a Qualified Person, including costs of preparing the RSC;
 - b) additional costs for Phase II ESAs, Remedial Action Plan and/or Risk Assessment not reimbursed through the ERASE Study Grant Program;
 - c) installing environmental and/or engineering controls/works, as specified in the Remedial Action Plan and/or Risk Assessment and/or Certificate of Property Use;
 - d) monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Action Plan and/or Risk Assessment and/or Certificate of Property Use;
 - e) the following Leadership in Energy and Environmental Design (LEED) Program components up to a maximum of 50% as per the City of Hamilton's LEED Grant Program (LGP) to achieve LEED certification under the LEED rating system by the Canadian Green Building Council (CaGBC):
 - i) incremental construction costs;
 - ii) consultation costs;
 - iii) energy modeling; and
 - iv) certification fees; and
 - f) demolition not covered by demolition charge credits (Area 2 and 3 sites only);
 - g) removal of existing on-site infrastructure prior to replacement up to a maximum of 25% of construction/improvement costs for of on-site public works (water services, sanitary sewers and storm sewers) (Area 2 and 3 sites only); and
 - h) certain relocation/removal costs for existing and operating industrial manufacturing and transportation uses, where such costs relate to or contribute directly to the actual remediation and rehabilitation of the site (Area 3 sites only); and
- 8) The total of the loan provided under this program as well as any grants provided under ERASE Study Grant Program, tax assistance provided under the ERASE Tax Assistance Program (TAP) and any other grants or loans provided under any other applicable Community Improvement Plan shall not exceed the total cost of rehabilitating the land and buildings;
- 9) Actual costs for any or all of the items in eligible program costs above may be subject to audit by the City, at the expense of the property owner;
- 10) All property owners participating in this program will be required to enter into an agreement with the City which will specify the terms and conditions of the loan;

- 11) A RLP application must be accompanied by an application to either the ERASE Redevelopment Grant (ERG) or Revitalizing Hamilton Tax Increment Grant (RHTIG) Programs in order to be considered.
- 12) Where a Record of Site Condition (RSC) is required as a condition of eligibility under this Program, the owner shall successfully file the RSC, prepared by a Qualified Person, to the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*, and notify the City.
- 13) The City reserves the right to require the submission to the City's satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use;
- 14) If a building(s) erected on a property participating in this program is demolished before the loan period expires, the remainder of the monies to be paid out under the loan shall be forfeited;
- 15) Approval of loan applications is at the absolute discretion of City Council and subject to availability of funds; and
- 16) Without limiting the discretion as set in paragraph 15, herein, the City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an Applicant where there is credible information that an applicant has been involved recently or repeatedly in illegal activity, or is in active litigation with the City, supporting the conclusion that he or she will not conduct himself or herself with honesty and integrity in undertaking the activity, operation or business for which the loan is sought. For corporate applicants, it will be the corporation and the principals of the corporation whose illegal activity will be considered.

FOR QUESTIONS ABOUT THE PROGRAM OR TO SUBMIT A COMPLETE APPLICATION CONTACT:

Phillip Caldwell, RPP MCIP
 Senior Project Manager
 (905) 546-2424 x2359
phil.caldwell@hamilton.ca

MAILING ADDRESS:

City of Hamilton – Attention: Phil Caldwell
 Economic Development Division
 Commercial Districts and Small Business
 Section
 71 Main Street West, 7th Floor
 Hamilton ON, L8P 4Y5

COMPLETE APPLICATION CHECKLIST:

- Completed and signed application form**
- A Remedial Action Plan**
Prepared by a Qualified Person
- A Business Plan for the proposed development**
- Planning and/or architectural drawings for the proposed development**
- Digital copies of all previous environmental studies for the site**
- An MPAC post-development assessment estimate for the proposed development** (If required - see Section A, 3) e) for more info)
- A cheque in the amount of the application fee**
Made payable to the 'City of Hamilton'

SECTION B – OWNER APPLICANT/AGENT INFORMATION

Name of Registered Property

Owner: _____

Mailing Address of Property

Owner: _____

Phone: _____ Email: _____

If an Agent is acting on behalf of the Registered Property Owner please provide the following:

Name of Agent: _____

Mailing Address of Agent: _____

Phone: _____ Email: _____

CRIMINAL OFFENCES

Have you been convicted of any criminal offence for which you have not been granted a record suspension or pardon? Yes _____ No _____

- For applicants that are Corporations, this question must be answered for all principals of the Corporation.
- If the answer is "Yes", submission of a criminal conviction record check may be required.

SIGNATURE OF OWNER/AUTHORIZED AGENT CERTIFYING DATE OF APPLICATION SUBMISSION AND TO PROVIDE PERMISSION FOR THE CITY OF HAMILTON TO UTILIZE PHOTOGRAPHS OF THE PROPERTY IN PROMOTIONAL MATERIAL

I, _____, certify that answers and information I have provided in this application are true and complete, including my answer to the question of whether or not I (or the principal(s) of the Corporation) have been convicted of any criminal offence for which a record suspension or pardon has not been granted.

I also give permission to the City of Hamilton to utilize photographs of the property in the City of Hamilton's promotional material.

SECTION C – PROPERTY INFORMATION

Municipal Address of Property(s) for which this Application is being submitted:

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Property Roll
Number(s):

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Property Legal
Description(s):

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Total Size of Site: acres

Existing Use of
Property(s):

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Current Zoning of the property(s):

Are there any buildings designated under Part IV of
the Ontario Heritage Act on the property(s)?

Yes No

Are there any outstanding work orders on the
property(s)?

Yes No

Are there existing buildings on the property(s)?

Yes No

If **yes**, please identify the total floor area

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SECTION D – PROPERTY TAX/FINANCIAL ASSISTANCE INFORMATION

Current Property taxes paid annually for all properties? \$ _____

Are any of the property(s) in tax arrears? Yes _____ No _____

If yes, specify value of the arrears? \$ _____

Have tax arrears been cancelled (in whole or in part) on any property? Yes _____ No _____

Has any property received grants/loans or any other financial assistance from the City of Hamilton? Yes _____ No _____

If yes, please specify the program and amount of financial assistance received:

Will the development be the subject of any other sources of government funding? (including Federal, Provincial, Federation of Canadian Municipalities etc.) Yes _____ No _____

Approval Date	Approval #	Program Name	Value (\$)

SECTION E – ENVIRONMENTAL INFORMATION
 (to be completed by a Qualified Person as defined by regulation for environmental studies)

Name of Consultant: _____

Mailing Address of Consultant: _____

Phone: _____ Email: _____

Has a Phase I Environmental Site Assessment (ESA) been conducted on the site? Yes No

Has a Phase II ESA ever been conducted on the site? Yes No

Has a Phase III ESA/Remedial Action Plan/Risk Assessment ever been conducted on the site? Yes No

If yes to any of the above, please provide a digital copy of the study(s) completed.

Describe any known or suspected environmental contamination issues (soil, groundwater, designated substances if applicable) affecting the site, including type of contaminants, extent, causes (brief site use history), underground storage tanks, above-ground storage tanks, etc.

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1. Estimated Costs for Environmental Remediation (Areas 3 and 4) \$

2. Estimated Costs for Environmental Studies not subject to reimbursement under the ERASE Study Grant Program (Areas 3 and 4) \$

3. Estimated Costs for LEED Components (Areas 3 or 4) \$

4. Estimated Costs for Building Demolition (Area 3 only) \$

5. Estimated Costs for on-site infrastructure upgrades (Area 3 only) \$

TOTAL ESTIMATED COSTS (sum of items 1-5 above) \$

SECTION F – DEVELOPMENT INFORMATION

Provide a detailed description (building size/type, number of stories, construction materials, etc.) of the proposed development to take place on the site once this site has been environmentally remediated (please attach detailed plans)

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Estimated Construction Value of the Proposed Development

\$

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Estimated Construction Start Date (Month/Year)

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Estimated Construction End Date (Month/Year)

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SECTION G – AUTHORIZATION

I, _____ am the owner of the land that is subject of this application, and I hereby authorize our agent / solicitor _____ to make this application and to act on my behalf in regard to this application.

Dated at the _____, this _____ of _____, _____
(City/Town of...) Day Month Year

Name of Owner

Signature of Owner

SECTION I – ERASE PROGRAM AREAS

