

October 4, 2024

**TO WHOM IT MAY CONCERN**

**Re: Notice of Passing By-law 2024–124 and adoption of City Initiated  
Community Improvement Plan Amendment  
2015 Community Improvement Plan  
File No.: 60.32.99**

On September 23, 2024, City Council passed by-law 2024-124 to adopt the plan amendment to the 2015 Community Improvement Plan (2015CIP) under Section 28 of the Planning Act. The purpose of the by-law is to address Council directives, previous administrative challenges, and other improvements identified through staff's ongoing monitoring of the 2015CIP.

The by-law has the following effects:

- Permits assignment of the grant to a Financial Institution, or to a person, persons or corporation subject to the approval of City Council;
- Clarifies non retroactive costs to include Legal fees, consulting fees, and financing costs when related to the preparation of a complete application;
- Clarifies non retroactive costs to exempt Phase II Environmental Assessment and Site-Specific Risk Assessment;
- Exempts redevelopment and / or remediation costs incurred, prior to City Council approval of the TIF application; and
- Permits using the original MPAC assessment estimate for projects which receive a project completion deadline extension and the reevaluated assessment exceeds the original MPAC assessment estimate by 5%.

A description or key map of the subject land has not been provided, as the amendments do not apply to a specific site.

Public input has been received, considered and has informed the decision of Council.

A complete copy of the by-law is attached.

With Bill 185 receiving Royal Assent on June 6, 2024, only the registered owner of any land to which the plan would apply, a specified person, and public bodies as defined in the Planning Act, who before the plan was adopted, made oral submissions at a public meeting or written submissions to the council, may appeal the decision of the City of St. Catharines to the Ontario Land Tribunal by filing a notice of appeal with the City Clerk of The Corporation of the City of St. Catharines.

The notice of appeal must set out the reasons for the appeal, and the specific part(s) of the plan being appealed. A notice of appeal must be accompanied by the Ontario Land Tribunal fee, by certified cheque or money order payable to the Minister of Finance, and a completed copy of the appeal form. A copy of the appeal form is available from Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

**Notice of appeal must be received by the City Clerk no later than October 24, 2024.**

**Important Appeal Information for the Community Improvement Plan Amendments**  
The proposed plan amendment to the 2015CIP is exempt from approval by the Minister. The decision of the council is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

No person or public body shall be added as a party to the hearing of the appeal unless, before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

If you do not understand any of the details of the plan amendments to the 2015 Community Improvement Plan, you may obtain information by telephoning the Planning and Building Services Department in City Hall, 50 Church Street, (905-688-5601, Extension 1660) or the City's TTY number (text telephone) 905-688-4TTY (4889) during normal business hours.

**Dated at the City of St. Catharines, this 4<sup>th</sup> day of October, 2024.**



Donna Delvecchio  
Acting City Clerk

CITY OF ST. CATHARINES

BY-LAW NO. 2024-124

A By-law to amend By-law No. 2014-276 entitled "A By-law to adopt a Community Improvement Plan for the City of St. Catharines."


THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. The attached text constituting an amendment to the Community Improvement Plan, referred to as the 2015CIP is hereby adopted.
2. This By-law shall come into force and effect on the date of passing by Council, subject to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended.

Read and passed this 23<sup>rd</sup> day of SEPTEMBER 2024.



DEPUTY CLERK



MAYOR

Amendment to the Community Improvement Plan  
(2015CIP)

This Amendment to the Community Improvement Plan for the City of St. Catharines, which has been adopted by the Council of The Corporation of the City of St. Catharines, is approved under Section 28 of the Planning Act.

PART A – THE PREAMBLE	An explanation of the Amendment, but does not constitute part of the Amendment.
PART B – THE AMENDMENT	Consisting of the following text which constitutes the Amendment to the Community Improvement Plan (2015CIP).
PART C – THE APPENDICES	These Appendices contain background data, planning considerations and public involvement associated with the Amendment, but does not constitute part of the Amendment.

## PART A – THE PREAMBLE

The Community Improvement Plan Amendment implements updates to various sections of the 2015CIP related to Non Retroactive Costs, Eligible Costs, Program Description, Calculation of Tax Increment, and Definitions to ensure requirements of the Tax Increment Finance (TIF) program continue to support the intended purpose of the 2015CIP and the community improvement policies of the Garden City Plan.

## PART B – THE AMENDMENT

### Details of Amendment

The Community Improvement Plan, referred to as 2015CIP is hereby amended as follows:

1. Part B, Section 1 B) i) is amended to delete subsection i) in its entirety and replace it with the following:

“i) Only the property owner or an authorized agent can apply for a grant under the TIF program, and only the property owner making the application will receive the grant or a permitted assignee in accordance with a) and b) below.

  - a) Following completion of *remediation* and / or *redevelopment*, the property owner may assign the grant to a *Financial Institution*; or
  - b) Following completion of *remediation* and / or *redevelopment* the *property owner may assign the grant to a person, persons or corporation subject to the approval of City Council.*”
2. Part B, Section 1. B) ii) c) is amended to delete the first paragraph of subsection c) in its entirety and replace it with the following:

“c) Non Retroactive

With the exception of a Phase II Environmental Site Assessment and Site-Specific Risk Assessment (SSRA) as identified in Part B, Section 1. E ii) a), and legal fees, consulting fees, and financing costs as they relate to the preparation of complete application requirements as identified in Part B, Section 1. E i) h), this program is not offered retroactively for any remediation and/ or redevelopment activities undertaken, or costs incurred, prior to City Council approval of the TIF application.”
3. Part B: Section 1. E) i) h) is amended to delete the words “and to eligible costs identified in a) to g) above.” and to add the words “; and” after the word “requirements”, so it reads as follows:

“h) legal fees, consulting fees, and financing costs as they relate to the preparation of complete application requirements; and”

4. Part B: Section 1. E) is amended to add a new subsection i) as follows:

“i) legal fees, consulting fees, and financing costs as they relate to eligible costs identified in a) to g) above.”

5. Part B: Section 1. F) i) is amended to delete subsection i) in its entirety and replace it with the following:

“i) Calculation of Tax Increment

The increase in property tax assessment, or the ‘municipal tax increment’, is calculated as follows:

- a) The difference between the ‘base rate’ (the municipal tax assessment of the lot prior to the remediation and/or redevelopment project) and the municipal tax assessment of the lot after re-evaluated by the Municipal Property Assessment Corporation (MPAC) following project completion or, at the commencement year, whichever is the earlier date; or
- b) For projects that receive a project completion deadline extension, as outlined in subsection 1. B) ii) e), and the re-evaluated assessment exceeds the original MPAC assessment estimate submitted as part of the TIF application by 5% of greater, the original MPAC assessment estimate shall be used to determine the *Tax Increment*.

6. Part C: Section 5. is amended to add the following definition:

“**Financial Institution:** means a corporation incorporated pursuant to the Trust And Loan Companies Act (Canada), Chartered Bank, Trust Company, Credit Union, Caisse Populaire or Insurance Company.”

## PART C - APPENDICES

The following Appendices do not constitute part of the Amendment to the Community Improvement Plan, referred to as 2015CIP, but are included as information supporting the Amendment.

### Appendix 1

A copy of the "Public Notice" to citizens which outlines City of Council's intent to consider an Amendment to the Community Improvement Plan for the subject lands.

### Appendix 2

A copy of the staff report which relates to the proposed Community Improvement Plan Amendment.

### Appendix 3

Minutes of the Public Meeting held on September 23, 2024.



**Report from:** Planning and Building Services, Planning Services

**Report Date:** August 29, 2024

**Meeting Date:** September 23, 2024

**Report Number:** PBS-133-2024

**File:** 60.32.99

**Subject:** Administrative Amendment to the 2015 Community Improvement Plan (2015CIP)

**Strategic Pillar:**

This report aligns with the following St. Catharines Strategic Plan pillars: economic and social



## Recommendation

That Council approve an amendment to 2015 Community Improvement Plan (2015CIP), to revise specified administrative requirements of the Tax Increment Finance (TIF) program, as outlined in Appendix 1; and

That Mayor and City Clerk be authorized to execute the necessary by-laws to give effect to Council's decision; and

That the Notice of Decision required by the Planning Act, R.S.O. 1990, c. P13, as amended, be processed by staff; and

That upon expiration of the appeal period, staff forward any appeals to the Ontario Land Tribunal for consideration; and

Further that the Clerk be directed to make all necessary notifications.

## Summary

Staff have prepared an Administrative Amendment of the 2015CIP to address clerical inconsistencies, inadvertent omissions and to clarify the intent, and implementation of the City's tax incentive programs. An amendment is required at this time to address

recent Council directives, previous administrative challenges, and other improvements identified through staff's ongoing monitoring of the 2015CIP.

## **Relationship to Strategic Plan**

This report relates to the following Strategic Directions from the City's Strategic Plan:

### **Economic Prosperity:**

- Sustain emphasis on attracting, retaining, and expanding businesses
- Advance a positive and progressive environment for development

### **Social Well-Being:**

- Enhance neighbourhoods through regeneration, particularly in the downtown core

This report also relates to the following Priority Initiative from the City's Strategic Plan:

- **Economic Prosperity Priority Initiative:** Community Improvement Plan Implementation

## **Background**

The City's 2015 Community Improvement Plan (2015CIP) was adopted by Council in 2014. The uptake in CIP project applications and approvals has been successful in stimulating community revitalization. With the adoption of the 2020 Community Improvement Plan, the City stopped accepting new applications under the 2015CIP. However, the City is still committed to approvals granted under the 2015CIP until approximately 2035. Projects approved under the 2015CIP vary in administrative status from annual payments in progress, completed construction, under construction, not under agreement or revoked.

As such, this report is intended to provide several interpretation and implementation improvements to assist staff's application of the 2015CIP, in addition to providing greater consistency and predictability for approved applicants subject to the 2015CIP.

## **Report**

The proposed amendment to the 2015CIP is attached as Appendix 1. The proposed amendments are also presented in a track changes document identifying all of the proposed revisions, additions and deletions attached in Appendix 3. The proposed amendments can be generally broken into the following three areas, which make up the main sections of this report:

- **Assignment of Grant:** Revisions to permit the TIF Grant to be assigned to person(s) or corporations, subject to certain criteria or approvals.
- **Assessment Variance:** Revisions to establish an assessment variance limit for projects with an approved Completion Deadline Extension.
- **Eligible Costs and Retroactively Eligible Costs:** Revisions to when remediation and / or redevelopment costs incurred are eligible and clarification of retroactive

eligibility for complete application costs and Phase II Environmental Site Assessment and Site-Specific Risk Assessment.

### **Assignment of Grant**

In staff's experience with incentive programs and working with the development community, it was noted that municipal grants offered under the CIPs may be used by applicants to obtain funding or loan opportunities from either private financial institutions or public institutions like the Canada Mortgage and Housing Corporation (CMHC).

Unlike the 2004CIP or the 2020CIP, the 2015CIP contains explicit language that only the property owner making the application can receive the grant. This inflexible language may be overly restrictive and may hinder private sector investment and participation in government funding programs, contrary to the policy intent of the Garden City Plan and the 2015CIP.

This Administrative Amendment proposes to allow assignment of the grant to a financial institution. A financial institution is proposed to be defined in the 2015CIP, as a corporation incorporated pursuant to the Trust and Loan Companies Act (Canada), Chartered Bank, Trust Company, Credit Union, Caisse Populaire, or Insurance Company. It also proposes to permit assignment to any person, persons or corporation subject to approval by City Council. Assignment to a financial institution would not require City Council's permission.

### **Assessment Variance Limit**

In May 2024, Council directed staff to draft amendments to the 2015CIP and 2020CIP to facilitate extensions to completion deadlines for approved applications. In response to Council's direction, Council adopted the recommendations of staff ([Report PBS-119-2024](#)) at its meeting on August 26, 2024. Projects may now apply for extensions and if approved, this may impact the current estimated payout timeline and future budget projections. Generally, the greater departure from the predicted completion date, the greater likelihood of deviation from the estimated post-development tax assessment. To protect against potential significant impacts to the CIP budget caused by any deadline extension, the proposed Administrative Amendment establishes a maximum 5% variance limit.

This new provision limits the allowable variance from the estimated post-development property assessment, (which is submitted with the TIF / BTIF application) to the actual post-development property assessment to 5%. The same limit is implemented in the 2020CIP for all TIF / BTIF projects, however, the proposed limit in the 2015CIP will only be applicable to projects that utilize the new extension permissions. This 5% variance limit is consistent with criteria established in the 2020CIP.

### **Eligible Costs and Retroactively Eligible Costs**

The 2015CIP establishes eligible, ineligible, and retroactively eligible costs. Eligible costs can be offset by a Tax Incentive Grant (TIF / BTIF) and are costs incurred by the property owner, during a specified date and for a specified item. Ineligible costs are

costs that do not meet the criteria set out in the 2015CIP and cannot be offset by a grant. Retroactively eligible costs are the only category of costs that can be incurred prior to City Council approval of the grant application, grant authorization by-law and agreement. In accordance with the Planning Act, no grant offered by the City may exceed eligible costs for a project.

The Administrative Amendment makes three revisions to the existing eligible and retroactively eligible requirements for the Tax Increment Programs.

1. Costs incurred for a Site Specific Risk Assessment (SSRA) are added as a retroactively eligible cost. Both the Phase II Environmental Site Assessment (ESA) and the SSRA are studies used to determine the level of contamination of a site and required remediation activities and costs. Due to inadvertent omission, the policy currently only identifies a Phase II ESA as an eligible cost. This revision rectifies that oversight and ensures consistency with retroactive eligible costs in the 2020CIP.
2. Legal fees, consulting fees, and financing costs related to redevelopment activities are not retroactively eligible. Legal fees, consulting fees, and financing costs are only retroactively eligible when related to the preparation of a complete application. Revised Section references, and the addition of another eligible cost category in the 2015CIP, provides greater clarity on that distinction.
3. All remediation and / or redevelopment activities undertaken, or costs incurred, after City Council approval of the TIF application are proposed to be eligible. The existing policy identifies execution of the authorizing bylaw and agreement as the timing threshold between eligible and ineligible costs. Due to historical administrative delays in entering into agreements with applicants, some applicants may not realize the total grant value approved by City Council. That was not the intent of this policy and has been revised accordingly.

## **Public Notice**

In accordance with established procedures and requirements under the Planning Act, notice for the public meeting has been circulated in the Newspaper (Appendix 2), posted on the City's Website, and mailed / emailed to specified public bodies. Members of the public had the opportunity to provide comments on the proposed amendment through EngageSTC, by email and by mail. As of September 6, 2024, no comments were received.

## **Financial Implications**

The proposed administrative amendment to the 2015CIP to permit assignment of the grant to a financial institution does not have associated financial implications to the City.

Regarding the proposed amendment for Assessment Variance Limit under the 2015CIP, this will ensure consistency for CIP project extensions for applications under the 2015CIP and 2020CIP. The extension of project completion deadline will be on an

application basis. The revised completion timeline will be required by City staff at the time of application. Without having this information, it would be challenging for staff to predict which projects will request deadline extensions and the length of time needed until project completion, and to calculate the specific financial impact. The risk of extending completion deadline for existing projects is that the final post-construction reassessment could potentially increase significantly more than what the City has budgeted for the payment amount. In the 2020 CIP, there is a cap at 5% (higher or lower) of the estimated post-construction reassessment which helps us mitigate this risk. By implementing the proposed amendment for Assessment Variance Limit, it will help the City to mitigate the risk indicated above for project extensions under the 2015CIP. Should projects be permitted to have extensions, we will analyze the financial impact at the time of their request.

Regarding the administrative amendments related Eligible Costs and Retroactively Eligible Costs, there is no direct financial and budget implications to the City. These amendments are administrative in nature to amend the 2015CIP and better align the approved grant value with actual eligible project costs.

## **Environmental Sustainability Implications**

There are no environmental implications associated with this report.

## **Operational Implications**

There are no operational impacts associated with this report.

## **Conclusion**

A Community Improvement Plan (CIP) is an effective tool to co-ordinate and guide public and private redevelopment activities for the purpose of revitalization and re-investment. It supports the achievement of objectives, goals and strategies set out in the City's Corporate Strategic Plan, the Official Plan, Housing Action Plan, Housing Accelerator Fund Program as well as other related municipal planning initiatives. The Administrative Amendment is proposed to ensure requirements and provisions continue to align with those aims and the long-term sustainability of financial programs are maintained.

### **Prepared by**

Claire Semple, M.Pl  
Planner

Elena Campbell, MA  
Community Improvement Coordinator

### **Submitted by**

James Neilson, MES (Planning), CAHP, RPP  
Senior Project Manager

**Approved by**  
Tami Kitay, MPA, MCIP, RPP  
Director of Planning and Building Services

## **Appendices**

1. Draft By-law to Amend 2015CIP
2. Notice of Public Meeting
3. Excerpts of 2015CIP with Redlined Changes

## City of St. Catharines Legislated Public Meeting City Initiated Community Improvement Plan (CIP) Administrative Amendment

The City of St. Catharines is proposing an amendment to the 2015 Community Improvement Plan (2015CIP) to ensure administrative requirements of the Tax Increment Finance (TIF) program continue to support the intended purpose of the 2015CIP and the community improvement policies of the Garden City Plan.

### The key elements of the Administrative Amendment include:

- Changes to when remediation and/or redevelopment costs become eligible.
- Permissions for TIF grant assignment.
- Establish a maximum five per cent variance limit for the post development property tax assessment.
- Clarification of retroactive eligibility for legal fees, consulting fees, and financing cost, Phase II Environmental Site Assessment and Site-Specific Risk Assessment.

Given that the subject amendment applies to the whole of the municipal urban area of the City of St. Catharines, a key map has not been provided with this notice.

Amendment materials are available for review and comment and can be found at [EngageSTC.ca/CIPAmendment](https://engagestc.ca/CIPAmendment) as well as at the Planning and Building Services Department at City Hall. Additional, revised, or further refined information will be uploaded to the City's website at the link above as it becomes available.

### Legislated Public Meeting

City Council is hosting a Legislated Public Meeting on Sept. 23, 2024, to receive input and comment on the proposed 2015CIP amendment, after which Council will consider approval of the amended plan.

**Date:** Sept. 23, 2024

**Time:** 6 p.m.

**Location:** The public meeting will be held in Council Chambers, 3rd Floor City Hall, 50 Church Street, St. Catharines. You can also participate electronically.

Visit [stcatharines.ca/Council](https://stcatharines.ca/Council) for information on how to access and participate in the meeting, and how to request and make a delegation before Council.

Written submissions must be received by noon the Thursday before the public meeting by mailing or delivering them to:

City of St. Catharines Legal and Clerk Services /  
City's Clerks Division, City Hall, 50 Church Street,  
P.O. Box 3012, St. Catharines, ON, L2R7C2.

**Refer to File No. 60.32.99**

Email submissions may also be made by noon on the day of the public meeting and directed to [clerks@stcatharines.ca](mailto:clerks@stcatharines.ca). Oral and written comments and recommendations received will be considered by City Council when making a decision on the subject matter.

### Important Public Meeting Information

- i. If a person or public body would otherwise have an ability to appeal the decision of Council of the City of St. Catharines to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of St. Catharines before the by-law is passed, the person or public body is not entitled to appeal the decision.
- ii. If a person or public body does not make oral submissions at a public meeting, or make written submissions to Council of the City of St. Catharines before the by-laws are passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision of the Corporation of the City of St. Catharines on the proposed Community Improvement Plan Administrative Amendment, you must make a written request to:

City of St. Catharines Legal and Clerk Services /  
City's Clerks Division, City Hall, 50 Church Street,  
P.O. Box 3012, St. Catharines, ON, L2R 7C2.

**Refer to File No: 60.32.99**

### Contact

For more information about this matter, including information about appeal rights, contact:

#### Elena Campbell

Community Improvement Coordinator  
Planning and Building Services Department

✉ [ecampbell@stcatharines.ca](mailto:ecampbell@stcatharines.ca) ☎ 905.680.7197

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Public Notice

City of St. Catharines Notice of Public Meeting  
City Initiated Community Improvement Plan (CIP)  
Administrative Amendment

The City of St. Catharines is proposing an amendment to the 2015 Community Improvement Plan (2015CIP) to ensure administrative requirements of the Tax Increment Finance (TIF) program continue to support the intended purpose of the 2015CIP and the community improvement policies of the Garden City Plan.

The key elements of the administrative amendment include:

- Changes to when remediation and/or redevelopment costs become eligible.
- Permissions for TIF grant assignment.
- Establish a maximum five per cent variance limit for the post development property tax assessment.
- Clarification of retroactive eligibility for legal fees, consulting fees, and financing cost, Phase II Environmental Site Assessment and Site-Specific Risk Assessment.

Given that the subject amendment applies to the whole of the municipal urban area of the City of St. Catharines, a key map has not been provided with this notice.

Amendment materials are available for review and comment and can be found at [Engage5TC.ca/CIPAmendment](https://engage5tc.ca/CIPAmendment) as well as at the Planning and Building Services Department at City Hall. Additional, revised, or further refined information will be uploaded to the City's website at the link above as it becomes available.

Legislated Public Meeting:

City Council is hosting a Legislated Public Meeting on Sept. 23, 2024, to receive input and comment on the proposed 2015CIP amendment, after which Council will consider approval of the amended plan.

Date: Sept. 23, 2024

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Location: The public meeting will be held in Council Chambers, 3rd Floor City Hall, 50 Church Street, St. Catharines. You can also participate electronically.

Contact: For more information about this matter, including information about appeal rights, contact:

Elena Campbell, Community Improvement Coordinator  
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[ecampbell@stcatharines.ca](mailto:ecampbell@stcatharines.ca) 905.680.7197

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[stcatharines.ca](https://stcatharines.ca)

