(a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth Catholic District School Board (HWCDSB) that the City of Hamilton has no interest in acquiring the land located at 50 Greenhill Avenue, legally described as Part of Lots 1 and 2, Concession 5, former Township of Barton, now City of Hamilton, as shown on Appendix “A” attached to Report PED11110; and,

(b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the HWCDSB of the City’s requirements to the development of the site as contained in the “Relevant Consultation” Section of Report PED11110;
(c) That the Niagara Escarpment Commission be notified that the subject land is being declared surplus by HWCDSB;

(d) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to advise the HWCDSB of the need to provide all potential purchasers of the subject lands with the development commentary of the City and the NEC policies.

**EXECUTIVE SUMMARY**

The Real Estate Section of the Economic Development Division of the Planning and Economic Development Department is seeking Council’s direction to advise the HWCDSB that the City of Hamilton has no interest in acquiring the surplus lands located at 50 Greenhill Avenue, legally described as Part of Lots 1 and 2, Concession 5, former Township of Barton, now City of Hamilton, shown on Appendix “A” to Report PED11110.

The subject property is the site of the former St. Christopher Catholic Elementary School situated at the north limit of the King’s Forest Golf Course, between Rosedale Drive and Cortina Crescent. As part of its Property Disposition Protocol, HWCDSB is required to advise and consult with various levels of government, including the City of Hamilton, regarding the disposition of its surplus properties.

The Real Estate Section of the Planning and Economic Development Department circulated the HWCDSB’s information internally to determine if there was municipal interest in acquiring the lands, and no interest was expressed.

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

The information and recommendations contained in this Report primarily affect Ward 5.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities. Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
The subject vacant parcel, having an area of approximately 0.72 ha (1.48 acres), is located on the north limit of the King’s Forest Golf Course, between Rosedale Drive and Cortina Crescent; its westerly, southerly and easterly limits are enclosed by the golf course. The site’s frontage along the south limit of Greenhill Avenue measures approximately 120 metres (395 feet) by a depth of about 45.7 metres (150 feet). The site is improved with the former St. Christopher Catholic Elementary School. This property is also identified as PIN 17105-0611 and Roll No. 251805054100002.

The subject lands are zoned “Conservation, Open Space, Park and Recreation (A/S-25) District Modified” in Hamilton Zoning By-law No. 6593.

In this instance, zoning is superceded by the policies of Niagara Escarpment Commission Development Control, as the property is designated as “Escarpmnt Protection Area” within the Niagara Escarpment Plan (NEP). Any development proposal would require a Development Permit from the Niagara Escarpment Commission. Further commentary on the planning framework for this parcel is contained in the “Relevant Consultation” section of this report.

POLICY IMPLICATIONS

City Council, at its meeting of November 24, 2004, adopted the City’s Portfolio Real Estate Strategy Plan which established a formalized process to be consistently applied across all areas of the City to guide the management of the City’s real property owned, leased, to be sold and acquired.

Section 4.3, “Acquisition” establishes criteria's and principles surrounding acquisition of real property. As noted under this Section, acquisitions of properties will primarily occur:

(i) For a new municipal facility, through the capital budget planning process.
(ii) As a dedication, through the development approval.
(iii) As a result of tax arrears or donations.

The Council adopted principles for acquisition states that “Property will only be acquired in support of approved programs only. A budget item must be approved for the program, including the costs of the real property and operational impact, before action is taken to acquire property”.

The Real Estate Section of the Planning and Economic Development Department undertook an internal circulation. Comments received from this circulation are noted under the “Relevant Consultation” section of this Report.
RELEVANT CONSULTATION

Pursuant to the City of Hamilton Real Property Sale Procedural By-law 04-299, the Real Estate Section circulated the request to all City Departments. The following comments were received:

**Legislative Approvals Section:**

"The subject property is designated as “Escarpment Protection Area” within the Niagara Escarpment Plan (NEP) and is located within the Niagara Escarpment Commission’s (NEC) Development Control Area. As such, any development proposal for the subject lands would require the issuance of a Development Permit by the NEC. Staff advises that the subject circulation should be provided to the NEC for review and comment. Additionally, the purchaser should be advised of the subject lands’ designation and applicable restrictions within the NEP.

The subject property is designated as “Urban Area” on Map No. 1, “Niagara Escarpment Plan Area” on Map No. 2, and “Escarpment Protection Area” on Map No. 3a within the Hamilton-Wentworth Regional Official Plan. Policy 1.5 outlines that proposals within the Niagara Escarpment Plan Area must meet the requirements of the Regional and Local Official Plan as well as the Niagara Escarpment Plan.

The property is designated “Open Space” on Schedule “A” – Land Use Concept in the Hamilton Official Plan.

The property is zoned “A/S-25” (Conservation, Open Space, Park and Recreation) District, Modified, in Hamilton Zoning By-law No. 6593. However, the zoning is superceded by Niagara Escarpment Commission Development Control."

**Development Engineering:**

"There is a municipal combined sewer and a municipal water main on Greenhill Avenue to service the subject lands."

**Community Planning:**

“There are no approved Secondary or Neighbourhood Plans for this application.”
Community Planning – Archaeology:

“The subject property meets two of the 10 criteria used by the City of Hamilton and Ministry of Tourism and Culture for determining archaeological potential:

1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
2) Along historic transportation routes.

Therefore, the school board is advised to make any prospective purchasers aware of the following:

The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances, and an archaeological assessment should be conducted prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Testing and Stage 4 Mitigation may be required as determined by the Ontario Ministry of Tourism and Culture. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism and Culture.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).”

Cultural Heritage Landscapes:

“The subject property is adjacent to King’s Forest Park, which is listed as a Cultural Heritage Landscape (CHL) in the City’s Inventory of Buildings of Architectural and/or Historical Interest. Any redevelopment of the subject lands involving any application(s) under the Planning Act may require the completion of a Heritage Impact Assessment to ensure that the redevelopment is in keeping with the character and scenic amenity of King’s Forest Park.”
Community Services Department, Recreation Division:

“The Recreation Department does not have an interest in this property.”

Public Works Department:

"Future purchasers must enter into an encroachment agreement with the City for the existing stairs and retaining wall, or if the property is to be redeveloped then all encumbrances must be removed.”

Environment & Sustainable Infrastructure – Landscape Architectural Service:

“This is an irregularly shaped parcel of land which is less than half the size of a typical neighbourhood park. It is located within 400 metres from Rosedale Park where new playground equipment is planned for installation in 2011 which will allow Rosedale Park to serve a neighbourhood park function. This site would only service a small portion of the adjacent planning area based on an 800 metre walking distance. On this basis, Landscape Architectural Service has no interest in this site for park purposes.”

Building Services Division:

“Our records indicate the last recognized use of this property to be a school.

All proposed development shall comply with the requirements of the I1 zone and are subject to the issuance of a building permit from this Division in the normal manner.

Demolition of the existing school, if proposed, is subject to the issuance of a demolition permit from this Division in the normal manner.”

ANALYSIS / RATIONALE FOR RECOMMENDATION

Approval of the recommendation by Committee and Council will authorize Real Estate staff to advise the HWCDSB that the City of Hamilton has no interest in acquiring the surplus land.

ALTERNATIVES FOR CONSIDERATION

HWCDSB requires either a confirmation of interest or in the alternative, a declination.
CORPORATE STRATEGIC PLAN


Intergovernmental Relationships
- Maintain effective relationships with other public agencies.

APPENDICES / SCHEDULES

Appendix “A” to Report PED11110 - Location Map

DC/sd