TO: Mayor and Members
General Issues Committee

WARD(S) AFFECTED: WARD 5

COMMITTEE DATE: August 9, 2011

SUBJECT/REPORT NO:
Hamilton-Wentworth District School Board (HWDSB) Surplus Land - Located at 300 Albright Road, described as Part of Lot 32, Concession 4, former Township of Saltfleet, now City of Hamilton (PED11142) (Ward 5)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Darlene Cole
(905) 546-2424, Ext. 7910

SIGNATURE:

RECOMMENDATION

(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 District School Board (HWDSB) that the City of Hamilton has no interest in acquiring the land located at 300 Albright Road, legally described as Part of Lots 32, Concession 4, former Township of Saltfleet, now City of Hamilton, as shown on Appendix “A” attached to Report PED11142;

(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 HWDSB of the City’s requirements for development of the site as contained in the “Relevant Consultation” Section of Report PED11142; and,
(c) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to advise the HWDSB of the need to provide all potential purchasers of the subject lands with the development commentary of the City.

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 HWDSB that the City of Hamilton has no interest in acquiring the surplus land forming part of 300 Albright Road, legally described as Part of Lot 32, Concession 4, former Township of Saltfleet, now City of Hamilton, shown on Appendix “A” to Report PED11142.

The subject property forms part of the former Red Hill Learning Centre situated on Albright Road between the Red Hill Neighbourhood Park and Mount Albion Road. As part of its Property Disposition Protocol, HWDSB is required to advise and consult with various levels of government, including the City of Hamilton, regarding disposition of its surplus properties.

The Real Estate Section of the Planning and Economic Development Department circulated the HWDSB’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.

The subject property is located within the Red Hill Neighbourhood, situated east of the Red Hill Valley Expressway corridor and south of King Street East. The immediate area is developed with single and semi-detached dwellings, townhouses and apartments with commercial plazas at major intersections. Developed between 1950 and 1980, this
neighbourhood has several churches, schools (separate and public) and areas of parkland and open space.

The subject parcel forms part of the site known as the Red Hill Learning Centre. This severed, rectangular parcel aligns with the rear lot line of the residences to the immediate north on Mount Albion Road; it comprises an area of 0.57 ha (1.43 acres) with frontage along Albright Road of approximately 61 metres (120 feet) and on Mount Albion Road, about 90 metres (297 feet). The parcel can also be identified as part of PIN 17105-0462 and Roll No. 251805054100420. Severance from the parent parcel leaves about 50 paved parking spaces on this property.

The subject lands are zoned “Agricultural” (AA) in Hamilton Zoning By-law No. 6593, permitting single detached dwellings, but not semis, townhouses or apartment units. The only other “residential” use permitted would be a foster home. Certain institutional and commercial uses are also permitted (library, school, school, college or university, cemetery, fairground, golf course, bowling green, tennis court, playfield, picnic ground, kennel, animal hospital) but the parcel is undersized. The minimum lot area in this zoning category is 12,000 square metres (2.96 acres); as it exists, a variance would be required to develop the site.

Early in 2009 when HWDSB offered the entire school site, an internal appraisal determined the highest and best use to be an infill site for low to medium density residential (townhouses or lower scale apartments consistent with the character of the immediate neighbourhood). 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 Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the act. In reviewing the PPS, staff provides the following comments:

Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. Staff note that the subject lands are located within an area of archaeological potential. As such, please refer to any comments provided by Community Planning, Cultural Heritage staff in this regard.

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Regional Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas.

The property is designated “Major Institutional” on Schedule “A” – Land Use Concept in the City of Hamilton Official Plan and identified as “Civic and Institutional” in the Red Hill Neighbourhood Plan.

The property is zoned “AA” (Agricultural) District in Hamilton Zoning By-law 6593.
The property is designated “Neighbourhoods” on Schedule E – Urban Structure and on Schedule E-1 – Urban Land Use Designations in the new Urban Hamilton Official Plan.”

**Development Engineering:**

"According to our records, the subject severed lands were created by Land Division Application HM/B-11:13.

There are existing municipal storm and sanitary sewers and municipal water mains on Albright Road and Mount Albion Road to service the subject lands.

A condition of severance approval required that a 9.14 m by 9.14 m daylight triangle from the severed lands at the intersection of Albright Road and Mount Albion Road be dedicated to the City of Hamilton.

Development of the severed lands will require a Development Agreement with the City of Hamilton to address issues including drainage, servicing, grading, etc."

**Community Planning:**

Neighbourhood Plan Designation:

- Red Hill – Civic and Institutional

**Community Planning – Archaeology:**

On April 19, 2011, as part of Severance Application HM/B-11:13, Heritage staff provided the following comments regarding the subject property:

“The subject property meets 5 of the 10 criteria used by the City of Hamilton and Ministry of Tourism and Culture for determining archaeological potential:

1) Within 250 metres of known archaeological sites;
2) 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;
3) Local knowledge associates areas with historic events/activities/occupations;
4) In an area of sandy soil in areas of clay or stone; and
5) Along historic transportation routes.

Staff recommended approval of the consent conditional on an archaeological assessment being carried out. Committee of Adjustment approved the consent and the recommended condition was changed to an advisory note, as follows:
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)."

Accordingly, the school board is advised to make any prospective purchasers aware of the foregoing.

Natural Heritage:

“The subject property is adjacent to a Core Area (Environmentally Significant Area #52 – Redhill Valley) in the Urban Hamilton Official Plan. Development and site alteration are not permitted within or adjacent to a Core Area unless it can be shown, through an Environmental Impact Statement, that the proposed development will not have a negative impact on the ecological features and functions of the Core Area.

Any future owner or the proponent would be required to complete an Environmental Impact Statement (EIS) which identifies the natural heritage features and functions (environmental analysis), cumulative impact assessments, buffer requirements or other studies deemed to be necessary. These studies could impact any proposed programmable space or building envelope.”

Community Services Department, Recreation Division:

“The Recreation Division of the Community Services Department advises that it has no interest in this parcel of land at this time. However, should the larger parcel (1.42 ha)
become available at some time, we would be interested in acquiring it to be added to the park property that is adjacent.”

**Public Works Department - Environment and Sustainable Infrastructure:**

"There is an existing access to Albright Road that serves the parking lot on the site. The severance line appears to split the parking lot. If the existing site layout is to remain, we suggest that a mutual right of way be established for the continued use of the parking lot and driveway for both parcels of land.

It is our preference that should the severed lands be sold for development purposes, that future purchasers be advised that access to the property is recommended from Albright Road rather than Mount Albion Road. Access should be considered as far to the west as possible on Albright Road to maintain clearance from the traffic signal controlled intersection.

For the subject lands, there is no concern from Stormwater Management perspective.

The subject severance is not needed for City-owned sanitary sewer and storm sewer servicing facilities.”

**Public Works – Strategic Planning:**

“Refer to the City of Hamilton’s New Urban Hamilton Official Plan – Chapter C – City Wide Systems and Designations, Functional Classification 4.5.2 e) Collector roads, follow the recommendations and provide appropriate daylight triangles.

No concerns from Stormwater Management perspective."

**Building Services Division:**

“A minor variance is required for both the parcels to be conveyed and retained through land severance application HM/B-11:13. Be advised that the minimum required lot area is 12,000.0 square metres (2.97 acres).

All proposed development is subject to the requirements of Hamilton Zoning By-Law 6593 and the issuance of a building 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 HWDSB that the City of Hamilton has no interest in acquiring the surplus land.
ALTERNATIVES FOR CONSIDERATION

HWDSB 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 PED11142 - Location Map

DC/sd
Location Map

File Name/Number: 2009-063
Date: July 12, 2011

Appendix "A"

Scale: N.T.S.

Subject Property

Part of 300 Albright Road
(Part of Lot 32, Con. 4, Twp. of Salfleet)

Area: 0.57 ha (1.43 acres)

RIN: 17105-0462