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<th>Mayor and Members</th>
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<td>General Issues Committee</td>
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<td>WARD(S) AFFECTED:</td>
<td>WARD 10</td>
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<td>COMMITTEE DATE:</td>
<td>May 9, 2011</td>
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<td>SUBJECT/REPORT NO:</td>
<td>Hamilton-Wentworth Catholic District School Board (HWCDSB) Surplus Land - Located at 30 Church Street, Described as Part Lot 21, Concession Broken Front Saltfleet, former Township of Saltfleet, designated as Part 1, Plan 62R-1236, now City of Hamilton (PED11077) (Ward 10)</td>
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<td>SUBMITTED BY:</td>
<td>Tim McCabe</td>
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<td>General Manager</td>
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<td>Planning and Economic Development Department</td>
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<td>PREPARED BY:</td>
<td>William Farkas</td>
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<td>(905) 546-2424, Ext. 7019</td>
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RECOMMENDATION

(a) That the Real Estate Section of the Economic Development and Real Estate 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 would only have an interest in acquiring the lands for a nominal sum of $1.00 to preserve the environmental features on the subject lands located at 30 Church Street, legally described as Part Lot 21, Concession Broken Front Saltfleet, former Township of Saltfleet, designated as Part 1, Plan 62R-1236, now City of Hamilton, as shown on Appendix “A” attached to Report PED11077;

(b) That the Real Estate Section of the Economic Development and Real Estate 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,
more particularly outlined in Appendix “B” attached to Report PED11077, should the HWCDSB not be in agreement to the transfer of the land to the City of Hamilton for a nominal sum of $1.00; and,

(c) That the Hamilton Region Conservation Authority be advised that the City of Hamilton has an interest in the HWCDSB surplus lands as outlined in Recommendations (a) and (b) to Report PED11077.

EXECUTIVE SUMMARY

The Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department is seeking Council’s direction to advise the HWCDSB that the City of Hamilton has an interest in acquiring the surplus lands located at 30 Church Street, legally described as Part Lot 21, Concession Broken Front Saltfleet, former Township of Saltfleet, designated as Part 1, Plan 62R-1236, Stoney Creek, as shown on Appendix “A” to Report PED11077, at a nominal sum of $1.00. As the subject property has been identified as a Core Area (Environmentally Significant Area) in the Urban Hamilton Official Plan; a portion of the land has been identified as a locally significant wetland by the Ministry of Natural Resources; and, based on a previous Environmental Impact Statement, the property was identified as a significant Wildlife Habitat under the Provincial Policy Statement as a migratory bird stop-over area. Any form of development or site alteration, proposed within or adjacent to the area, would not be permitted unless it can be demonstrated through an Environmental Impact Statement that there would be no negative impacts on the ecological features and functions of the Core Area. Further, the subject parcel is zoned “Small Scale Institutional (IS)” Zone in Stoney Creek Zoning By-law No. 3692-92. Any form of development, other than Small Scale Institutional, shall require a site specific zoning amendment and amendments to the Official Plan.

Given that the development potential for the subject lands may be restricted, due in part to the wetland features, the Core Area, woodlands, and wildlife habitat, that the HWCDSB consider conveying the land to the City of Hamilton at a nominal sum of $1.00 to preserve the environmental features on the subject lands.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A
HISTORICAL BACKGROUND

The information and recommendations contained in this Report primarily affects Ward 10.

City Council, on July 14, 2004 approved Item 8.3 of the Planning and Economic Development Committee Report 04-013. The recommendation, in part, authorized and directed Real Estate staff to advise the HWCDSB of the following:

(c) That the City of Hamilton has an interest in acquiring a strip of land measuring approximately 20 meters (66 feet) by 102 meters (335 feet) for storm water management purposes within the Urban Lakeshore Planning District, composed of Part of Lot 21, Broken Front Concession, in the former City of Stoney Creek, now in the City of Hamilton, municipally known as 00 Church Street;

(d) To negotiate with the Hamilton-Wentworth Catholic District School Board for the acquisition of the land, as outlined in Recommendation (c) above; and,

(e) To advise the Hamilton-Wentworth Catholic District School Board of the City of Hamilton’s requirements relating to the development of the sites outlined in Recommendations (a), (b) and (c).

In regard to the above, correspondence and all relevant documentation had been sent to the HWCDSB on September 3, 2004.

On February 3, 2011 the Board of Directors of the Hamilton Conservation Authority adopted the following recommendation at its meeting of February 3, 2011:

“THAT the Hamilton Conservation Authority (HCA) request the Hamilton-Wentworth Catholic District School Board (HWCDSB) not to sell the land at 30 Church Street, Hamilton (Stoney Creek) as the City of Hamilton or the HCA may have an interest in acquiring the lands subject to further investigation; and

THAT the HCA recommends that the City of Hamilton consider acquiring the property at 30 Church Street, Hamilton to add to the adjacent Edgelake Park; and

THAT staff be directed to investigate the possible acquisition of 30 Church Street and report back to the Board of Directors if the City of Hamilton does not proceed with the acquisition of the lands at 30 Church Street, Hamilton; and further,
THAT HCA staff be directed to consult with the Community Beach Turtle Ponds Association."

The subject vacant rectangular parcel, having an area of approximately 1.62 ha (4.0 acres), is located close to Lake Ontario, east of Teal Avenue in the Urban Lakeshore Planning District; its frontage measures approximately 158.5 metres (520 feet) along Church Street having a depth of 101.2 metres (332 feet). The site contains a pond and a significant portion of the site is covered in woodlot. These lands are designated as Environmentally Significant in both the Hamilton-Wentworth and Stoney Creek Official Plans.

The subject lands are zoned “Small Scale Institutional Zone (IS)” within the City of Stoney Creek Zoning By-law No. 3692-92. The uses permitted are cemeteries, community centres, elementary schools, hospices, museums, police stations, post offices, churches, day nurseries, group homes, libraries, places of worship, residential care facilities and accessory dwelling units. Future residential development options for the site would necessitate a Zoning By-law Amendment to the Stoney Creek Zoning By-law No. 3692-92.

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, 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 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 Economic Development and Real Estate Division of the Planning and Economic Development Department circulated the HWCDSB’s information internally to determine if there was municipal interest in acquiring the lands.
SUBJECT: Hamilton-Wentworth Catholic District School Board (HWCDSB)
Surplus Land - Located at 30 Church Street, Described as Part Lot 21, Concession Broken Front Saltfleet, former Township of Saltfleet, designated as Part 1, Plan 62R-1236, now City of Hamilton (PED11077) (Ward 10)- Page 5 of 9

Comments received from the internal 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:

“Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Staff note that the subject lands are located within approximately 200m from Green Road and 248m from Queen Elizabeth Expressway. As such, any future development applications for the subject lands which contemplate a sensitive land use will require the fulfillment of the following condition:

That the owner/applicant shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.

Policy 2.1.6 outlines that development shall not be permitted on adjacent lands to the natural heritage feature identified (i.e. significant wetlands) unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Staff note that the subject lands are partially located within the Community Beach Ponds Environmentally Significant Area (ESA #79). As such, please refer to any comments/conditions provided by Natural 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
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

SUBJECT: Hamilton-Wentworth Catholic District School Board (HWCDSB) Surplus Land - Located at 30 Church Street, Described as Part Lot 21, Concession Broken Front Saltfleet, former Township of Saltfleet, designated as Part 1, Plan 62R-1236, now City of Hamilton (PED11077) (Ward 10)- Page 6 of 9

concentrated in the Urban Areas. However, Map No. 4 of the Plan indicates that the subject lands are partially located within the Community Beach Ponds Environmentally Significant Area (ESA #79). As such, Section C-1.2, which indicates that development shall not be permitted on adjacent lands to the natural heritage feature identified (i.e. significant wetlands) unless the ecological function of the ESA has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Based on the foregoing, please refer to any comments/conditions provided by Natural Heritage Staff.

The property is designated "Residential" on Schedule 'A' - General Land Use Plan and "Class 1 - Environmentally Sensitive Area" on Schedule 'B' - Stoney Creek Open Spaces and Natural Environment System in the Stoney Creek Official Plan.

The property is identified as "Separate Elementary School" in the Lakeshore Neighbourhood Plan and zoned “Small Scale Institutional (IS)” Zone in Stoney Creek Zoning By-law No. 3692-92.”

Development Engineering Section:

“Prospective purchasers should be advised:

i) There is an existing watercourse located in the subject lands.

ii) The lands immediately south, fronting on Frances Avenue contain a natural pond.

iii) Prior to developing any portion of the subject lands, an Environmental Impact Study would be required in order to delineate the flood plain and the ecological features.

iv) It is our understanding that because of all the existing natural features, the Planning Division will recommend that no development be permitted within the subject lands.”

Community Planning and Design Section:

Neighbourhood Plan Designation:
Lakeshore – Separate Elementary Schools

“The subject property is designated as a Core Area (Environmentally Significant Area) in the Urban Hamilton Official Plan. Core Areas are the most important components in terms of biodiversity, productivity, ecological and hydrological functions. It is the intent of the Core Area policies to enhance and preserve these areas and to ensure that any development or site alteration within or adjacent to these areas does not negatively
impact their environmental features or ecological functions. Community Planning staff recommends the City consider purchase of these lands to secure the conservation and protection of this Core Area. Please see comments from Natural Heritage Staff below."

**Community Planning – Archaeology:**

“The subject property meets 2 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) In an area of sandy soil in areas of clay or stone.

These criteria define the property as having archaeological potential. If direction is received from Committee and City Council that the property is appropriate for acquisition, any Department/Division of the City responsible for the property should be advised 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)."
Community Planning – Natural Heritage:

“The subject property has been identified as a Core Area (Environmentally Significant Area) in the Urban Hamilton Official Plan. The Ministry of Natural Resources has also identified a portion of the property as a locally significant wetland. During the preparation of a previous Environmental Impact Statement, the property was identified as Significant Wildlife Habitat under the Provincial Policy Statement because it is an important migratory bird stop over area. Therefore, any development or site alteration proposed within or adjacent to this property would not be permitted unless it could be shown, through an Environmental Impact Statement, that there will be no negative impacts on the ecological features and functions of the Core Area.”

Building Services Division:

“Our records indicate the last recognized use to be a vacant parcel of land.

Any proposed development shall meet the requirements of the IS zone.

This parcel of land falls within an Environmentally Significant Area (ESA). As such, any development shall require an application for Site Plan Approval through the Development Planning Division (East Section).”

Community Services Department, Recreation Division:

“The Recreation Division of the Community Services Department advises that we have no interest in purchasing the Hamilton-Wentworth Catholic District School Board surplus land referred to as 30 Church Street in the former City of Stoney Creek.

Should the Board wish to transfer the lands to the City of Hamilton at a later date for $1.00, the Recreation Division would support that.”

Public Works Department:

“No interest. Due to the current land use and environmental features, the storm water function will be preserved regardless of ownership.”

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 an interest in acquiring the surplus land for a nominal sum of $1.00 to protect the ecological features and functions of the Core Area.
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ALTERTNATIVES FOR CONSIDERATION

HWCDSB requires either a confirmation of interest or in the alternative, a declination. In this instance, the City has an interest in acquiring the property for a nominal sum of $1.00.

CORPORATE STRATEGIC PLAN


Intergovernmental Relationships

- Maintain effective relationships with other public agencies.

APPENDICES / SCHEDULES

Appendix “A” to Report PED11077 – Location Map
Appendix “B” to Report PED11077 – Conditions of Development

WF/sd
CITY’S REQUIREMENTS TO THE DEVELOPMENT

Legislative Approvals Section:

“Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Staff note that the subject lands are located within approximately 200m from Green Road and 248m from Queen Elizabeth Expressway. As such, any future development applications for the subject lands which contemplate a sensitive land use will require the fulfillment of the following condition:

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