



## City of Hamilton

# SCHOOL BOARD PROPERTIES SUB-COMMITTEES

**Meeting #:** 19-003  
**Date:** December 17, 2019  
**Time:** 1:30 p.m.  
**Location:** Room 193, 1st Floor  
City Hall, 71 Main Street West

Loren Kolar, Legislative Coordinator (905) 546-2424 ext. 2604

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1. CEREMONIAL ACTIVITIES
2. APPROVAL OF AGENDA  
(Added Items, if applicable, will be noted with \*)
3. DECLARATIONS OF INTEREST
4. APPROVAL OF MINUTES OF PREVIOUS MEETING
  - 4.1 September 20, 2019
5. COMMUNICATIONS
6. DELEGATION REQUESTS
7. CONSENT ITEMS
8. PUBLIC HEARINGS / DELEGATIONS
9. STAFF PRESENTATIONS
10. DISCUSSION ITEMS
  - 10.1 Hamilton-Wentworth District School Board Property at 1284 Main Street East, Hamilton (PED19162) (Ward 4)
  - 10.2 Hamilton-Wentworth District School Board Property at 1020 Upper Paradise Road, Hamilton (Falkirk West Vacant Site) (PED19235) (Ward 14)

- 10.3 Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239) (Ward 10)

**11. MOTIONS**

**12. NOTICES OF MOTION**

**13. GENERAL INFORMATION / OTHER BUSINESS**

**14. PRIVATE AND CONFIDENTIAL**

- 14.1 Closed Session Minutes - September 20, 2019

Pursuant to Section 8.1, Sub-sections (c) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (c) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes.

**15. ADJOURNMENT**



Hamilton

**SCHOOL BOARD PROPERTIES SUB-COMMITTEE**

**MINUTES 19-002**

**Friday, September 20, 2019**

**10:00 a.m.**

**Room 830, 8<sup>th</sup> Floor**

**Hamilton City Hall, 71 Main Street West**

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**Present:** Councillor C. Collins (Chair)  
Councillors S. Merulla (Vice Chair), T. Jackson and J. Partridge

**Absent with  
Regrets:** Councillor T. Whitehead - Personal

**Also Present:** Councillor E. Pauls

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**THE FOLLOWING ITEMS WERE REFERRED TO THE GENERAL ISSUES COMMITTEE FOR CONSIDERATION:**

**1. Surplus School Property at 155 Macassa Avenue, Hamilton, known as Vincent Massey School (PED19139(a)) (Item 14.1)**

**(Jackson/Partridge)**

- (a) That the direction provided to staff in Closed Session respecting Surplus School Property at 155 Macassa Avenue, Hamilton, known as Vincent Massey School (PED19139(a)), be approved; and,
- (b) That Report PED19139(a) respecting a Surplus School Property at 155 Macassa Avenue, Hamilton, known as Vincent Massey School, remain confidential and not be released as a public document until following the completion of a transaction pursuant to an agreement of purchase and sale, and that the financial details outlined in Appendix "B" attached to Report PED19139(a) remain confidential and not be released as a public document.

**CARRIED**

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

The Clerk advised the Committee of the following change to the agenda:

**14. PRIVATE AND CONFIDENTIAL**

14.2 Closed Session Minutes – June 24, 2019

**(Merulla/Jackson)**

That Item 14.2, Closed Session Minutes, be moved up the agenda to immediately precede Item 14.1, Surplus School Property at 155 Macassa Avenue, Hamilton, known as Vincent Massey School (PED19139(a)).

**CARRIED**

**(Jackson/Partridge)**

That the agenda for the September 20, 2019 meeting of the School Board Properties Sub-Committee be approved, as amended.

**CARRIED**

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) June 24, 2019 (Item 4.1)**

**(Partridge/Jackson)**

That the Minutes of the June 24, 2019 meeting of the School Board Properties Sub-Committee be approved, as presented.

**CARRIED**

**(d) PRIVATE AND CONFIDENTIAL (Item 14)**

**(i) Closed Session Minutes – June 24, 2019 (Added Item 14.2)**

As the School Board Properties Sub-Committee determined that no discussion respecting the Closed Session Minutes of June 24, 2019 meeting was required, the Minutes were approved in Open Session, as shown below.

**(Merulla/Jackson)**

That the Closed Session Minutes of the June 24, 2019 meeting of the School Board Properties Sub-Committee be approved, as presented, and remain confidential.

**CARRIED**

**(Partridge/Jackson)**

That the Committee move into Closed Session respecting Item 14.1 Pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 18- 270, and Section 239(2), Sub-section (c), of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes.

**CARRIED****(ii) Surplus School Property at 155 Macassa Avenue, Hamilton, known as Vincent Massey School (PED19139(a)) (Item 14.1)**

For further disposition, please refer to Item 1.

**(e) ADJOURNMENT (Item 15)****(Jackson/Partridge)**

That there being no further business, the School Board Properties Sub-Committee be adjourned at 10:22 a.m.

**CARRIED**

Respectfully submitted,

Councillor C. Collins, Chair  
School Board Properties Sub-  
Committee

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk





**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	School Board Property Sub-Committee
<b>COMMITTEE DATE:</b>	December 17, 2019
<b>SUBJECT/REPORT NO:</b>	Hamilton-Wentworth District School Board Property at 1284 Main Street East, Hamilton (PED19162) (Ward 4)
<b>WARD(S) AFFECTED:</b>	Ward 4
<b>PREPARED BY:</b>	Craig Hamilton (905) 546-2424 Ext. 7022
<b>SUBMITTED BY:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the Real Estate Section 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 does not have an interest in acquiring its property located at 1284 Main Street East, Hamilton, as shown on Appendix "A" attached to Report PED19162;
- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be directed to advise the Hamilton-Wentworth District School Board (HWDSB) of the City of Hamilton's site development requirements as identified in Appendix "B" attached to Report PED19162.

### EXECUTIVE SUMMARY

The Hamilton-Wentworth District School Board (HWDSB) has advised the City of its intention to sell its property located at 1284 Main Street East, Hamilton, formerly known as Delta Secondary School. Based on circulation of the property to stakeholders, and consideration by Portfolio Management Committee (PMC), staff deemed the potential acquisition of the property to not be in the interest of the City.

### *Alternatives for Consideration – See Page 3*

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**SUBJECT: Hamilton-Wentworth District School Board Property at 1284 Main Street East, Hamilton (PED19162) (Ward 4) - Page 2 of 3**

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**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

At the June 5, 2012, Planning Committee and subsequent City Council meeting of June 13, 2012, a motion was approved to establish a Sub-committee of City Council to review those school board properties being declared surplus for disposition by a school board and report back to the General Issues Committee with recommendations, including a financial strategy for potential acquisitions.

On October 24, 2019, the HWDSB provided written notice to the City of its Proposal to Sell Real Property located at 1284 Main Street East, Hamilton, in accordance with Ontario Regulation 444/98. The City and other preferred agencies have 90 days to respond to the HWDSB as to whether or not they have an interest in acquiring the property.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The HWDSB like other school boards in the Province, follows a formal established property disposal protocol for surplus Board owned properties that are intended to be sold, as governed by Section 194(3) of the *Ontario Education Act* and Ontario Regulation 444. Under this protocol, the HWDSB circulates notice of the proposed property sale to preferred agents including the City (as per Ontario Regulation 444).

City Council adopted principles (Portfolio Management Strategy, 2004) for property acquisition states “Property will be acquired in support of an approved program 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.”

In keeping with general municipal protocol related to potential surplus school sites, the School Board Sub-Committee is to establish and recommend direction with respect to all surplus school sites that may come available.

**RELEVANT CONSULTATION**

On October 30, 2019, Real Estate staff circulated a memorandum to all City departments and relevant stakeholders concerning the HWDSB’s proposal to sell its property at 1284 Main Street East, to elicit their comments or future interest in

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**SUBJECT: Hamilton-Wentworth District School Board Property at 1284 Main Street East, Hamilton (PED19162) (Ward 4) - Page 3 of 3**

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acquisition of the property. No Business Case was received in support of an acquisition of this property.

The results of the circulation were presented to the PMC on November 25, 2019.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The subject property is a rectangular 6.19-ac site with 487 ft of frontage on Main Street East. It is situated on the south side of Main Street East, to the east of Graham Avenue South and is improved with an existing school (with a gross floor area of approximately 225,600 ft<sup>2</sup>).

Following consideration of comments from circulation stakeholders, PMC established that there is no City requirement to justify the purchase of this school site. It is notable that the Light Rail Transit Office has indicated a requirement for a small portion of the frontage of the site – this will be addressed with the HWDSB or subsequent property owner outside of this circulation process.

The City divisions have provided valuable information respecting guidelines for the future use of the site.

**ALTERNATIVES FOR CONSIDERATION**

Alternatively, the Real Estate Section may be directed to advise the HWDSB that the City of Hamilton may have an interest and is exploring the extent to what the interest might be in acquiring its property located 1284 Main Street East, Hamilton. Such direction would require authorization and funding to undertake due diligence in consideration of the potential acquisition.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement & Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

**Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

Appendix “B” – Site Development Requirements

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## Location Map

1284 Main Street East, Hamilton (Ward 4)





## SITE DEVELOPMENT REQUIREMENTS

### Planning and Economic Development Department

<p style="text-align: center;"><b>Building, Engineering &amp; Zoning</b> Building Division</p>	<p>Building Division records indicate that the recognized use is an Educational Establishment known as "Delta Secondary School", which is permitted. Permitted uses and applicable zone provisions shall be in accordance with Section 8.2 and Schedule C of Hamilton Zoning By-law 05-200. This property is designated under Part IV of <i>the Ontario Heritage Act</i>, by municipal By-law Number 14-077 as a property of cultural heritage value. A Heritage Permit may be required for alterations or changes to the property. The lands may be subject to Site Plan Control. As such, development or redevelopment may require application to the Planning and Development Division. Any development is subject to the issuance of a building permit in the normal manner. No outstanding work orders exist on the property.</p>
<p style="text-align: center;"><b>Transportation Planning</b></p>	<p>Approximately 12.5 m are to be dedicated to the right-of-way on Main Street East, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Major Arterial Roads (Main Street East) are to be 45.720 m. The existing right-of-way is 20.5 m. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s). Approximately 1 m are to be dedicated to the right-of-way on Maple Avenue, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Local Roads (Maple Avenue) are to be 20.117 m. The existing right-of-way is 18.5 m. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).</p> <p>Approximately 1 m are to be dedicated to the right-of-way on Wexford Avenue South, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Local Roads (Wexford Avenue South) are to be 20.117 m. The existing right-of-way is 18 m. A survey conducted by an Ontario Land Surveyor</p>

**Appendix “B” to Report PED19162**  
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	<p>and at the Applicant’s expense will determine the ultimate dimensions for the right-of-way widening(s).</p> <p>The existing right-of-way on Graham Avenue South is approximately 20 m. Therefore, no additional right-of-way dedications are required for Graham Avenue South.</p> <p>Wexford Avenue South and Maple Avenue are both Local Roads. The Applicant is to dedicate a 4.57 m by 4.57 m Daylighting Triangle to the right-of-way, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7.</p> <p>Graham Avenue South and Maple Avenue are both Local Roads. The Applicant is to dedicate a 4.57 m by 4.57 m Daylighting Triangle to the right-of-way, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7.</p> <p>Main Street East is an Arterial Road and Wexford Avenue South is a Local Road. The Applicant is to dedicate a 12.19 m by 12.19 m Daylighting Triangle to the right-of-way, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7.</p> <p>Main Street East is an Arterial Road and Graham Avenue South is a Local Road. The Applicant is to dedicate a 12.19 m by 12.19 m Daylighting Triangle to the right-of-way, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7.</p>
<p style="text-align: center;"><b>Heritage &amp; Design</b>  Development Planning</p>	<p><u>Cultural Heritage:</u></p> <p>The subject property is designated under Part IV of is considered a “protected heritage property” <i>the Ontario Heritage Act</i> and under the Provincial Policy Statement. Both the building and the surrounding yards are protected under designation By-law No. 14-077 (attached to these comments in a separate document).</p> <p>City staff should be made aware that any future alterations which affect the designated features identified in By-law No. 14-077 will require the issuance of a</p>

## Appendix “B” to Report PED19162

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Heritage Permit prior to the initiation of any works. In addition, a Cultural Heritage Impact Assessment (CHIA) may be required by staff in order to assess the impact of any alterations to the building or landscape which may impact upon the designated heritage attributes of the property. In support of the property's designation, a Cultural Heritage Assessment report was completed (Dilse and Robb, December 2013). This report addressed the property's potential redevelopment and adaptive reuse with the following recommendations:

Opportunities for Conservation:

When Delta Secondary School finishes its present purpose, the conservation of the school's heritage attributes may be achieved in the two broad alternative scenarios outlined below. In both scenarios, the community park would be maintained. If existing building fabric is redundant in a shared-use facility or new single-use scenario, removal of work from the 1970-72 renovations should be given priority. Any new construction should be compatible with the 1923-24 building and 1948-50 additions.

Scenario One - Shared-Use Facility:

The existing school building could accommodate neighbourhood secondary school students in reduced floor space; and the remaining, unneeded space could be converted to complementary new uses. A complementary new use may be assisted-living housing for adults with disabilities or for senior citizens, who would jointly use common rooms with the students enrolled in the secondary school. The auditorium, gymnasiums and food services would be shared in this scenario.

Alternative Shared-Use Options:

- neighbourhood secondary school and community recreation centre and/or public library;
- community centre and assisted-living housing; and,
- community centre and live/work space.

In considering any of the above options or another possibility, their fit with the existing heritage fabric is important to the discussion.

Scenario Two - Single-Use Building:

The existing school building could be put to an entirely new single use. The best possible uses are those that involve the fewest interventions to the existing heritage

## Appendix “B” to Report PED19162

## Page 4 of 5

fabric. New uses that may lessen the impact on the heritage fabric and suit the neighbourhood context include:

- assisted-living housing;
- retirement home; and,
- live/work space.

In considering any new single use, its fit with the existing heritage fabric is important to the discussion.

Archaeology:

The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) In areas of pioneer EuroCanadian settlement;
- 2) Along historic transportation routes; and,
- 3) Within a property designated under *the Ontario Heritage Act*.

These criteria define the property as having archaeological potential. If Real Estate Staff determines that the property is appropriate for acquisition, any Department/Division of the City responsible for the property be 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. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact 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 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Tourism, Culture and Sport. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Tourism, Culture and Sport.

Should deeply buried archaeological materials be found on the property during any of the above development



**Appendix “B” to Report PED19162**  
**Page 5 of 5**

	<p>activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).”</p>
<b>Light Rail Transit Office</b>	<p>The LRT Property Acquisitions Unit has a fee simple requirement of 2308.8ft<sup>2</sup> of land along the frontage of the property.</p>





**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	School Board Property Sub-Committee
<b>COMMITTEE DATE:</b>	December 17, 2019
<b>SUBJECT/REPORT NO:</b>	Hamilton-Wentworth District School Board Property at 1020 Upper Paradise Road, Hamilton (Falkirk West Vacant Site) (PED19235) (Ward 14)
<b>WARD(S) AFFECTED:</b>	Ward 14
<b>PREPARED BY:</b>	Craig Hamilton (905) 546-2424 Ext. 7022
<b>SUBMITTED BY:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the Real Estate Section 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 does not have an interest in acquiring its property located at 1020 Upper Paradise Road, Hamilton (Falkirk West Vacant Site), as shown on Appendix "A" attached to Report PED19235;
- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be directed to advise the Hamilton-Wentworth District School Board (HWDSB) of the City of Hamilton's site development requirements as identified in Appendix "B" attached to Report PED19235.

### EXECUTIVE SUMMARY

The Hamilton-Wentworth District School Board (HWDSB) has advised the City of its intention to sell its property located at 1020 Upper Paradise Road, Hamilton, known as Falkirk West Vacant Site. Based on circulation of the property to stakeholders, and consideration by Portfolio Management Committee (PMC), staff deemed the potential acquisition of the property to not be in the interest of the City.

### ***Alternatives for Consideration – See Page 3***

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**SUBJECT: Hamilton-Wentworth District School Board Property at 1020 Upper Paradise Road, Hamilton (Falkirk West Vacant Site) (PED19235) (Ward 14) - Page 2 of 3**

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**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

At the June 5, 2012, Planning Committee and subsequent City Council meeting of June 13, 2012, a motion was approved to establish a Sub-committee of City Council to review those school board properties being declared surplus for disposition by a school board and report back to the General Issues Committee (GIC) with recommendations, including a financial strategy for potential acquisitions.

On October 24, 2019, the HWDSB provided written notice to the City of its Proposal to Sell Real Property located at 1020 Upper Paradise Road, Hamilton (Falkirk West Vacant Site), in accordance with Ontario Regulation 444/98. The City and other preferred agencies have 90 days to respond to the HWDSB as to whether or not they have an interest in acquiring the property.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The HWDSB like other school boards in the Province, follows a formal established property disposal protocol for surplus Board owned properties that are intended to be sold, as governed by Section 194(3) of the *Ontario Education Act* and Ontario Regulation 444. Under this protocol, the HWDSB circulates notice of the proposed property sale to preferred agents including the City (as per Ontario Regulation 444).

City Council adopted principles (Portfolio Management Strategy, 2004) for property acquisition states “Property will be acquired in support of an approved program 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.”

In keeping with general municipal protocol related to potential surplus school sites, the School Board Sub-Committee is to establish and recommend direction with respect to all surplus school sites that may come available.

**RELEVANT CONSULTATION**

On October 30, 2019, Real Estate staff circulated a memorandum to all City departments and relevant stakeholders concerning the HWDSB’s proposal to sell its

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**SUBJECT: Hamilton-Wentworth District School Board Property at 1020 Upper Paradise Road, Hamilton (Falkirk West Vacant Site) (PED19235) (Ward 14) - Page 3 of 3**

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property at 1020 Upper Paradise Road, Hamilton (Falkirk West Vacant Site), to elicit their comments or future interest in acquisition of the property. No Business Case was received in support of an acquisition of this property.

The results of the circulation were presented to the Portfolio Management Committee (PMC) on November 25, 2019.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The subject property is a rectangular 6.00-ac site that is landlocked but is adjacent to City-owned lands. It is situated to the west of Edgehill Drive and south of Stoneridge Court. The lands are currently undeveloped and contain the Provincially Significant Wetlands of Tiffany Creek.

Following consideration of comments from circulation stakeholders, PMC established that there is no City requirement to justify the purchase of this school site.

The City divisions have provided valuable information respecting guidelines for the future use of the site.

### **ALTERNATIVES FOR CONSIDERATION**

Alternatively, the Real Estate Section may be directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton may have an interest and is exploring the extent to what the interest might be in acquiring its property located at 1020 Upper Paradise Road, Hamilton (Falkirk West Vacant Site). Such direction would require authorization and funding to undertake due diligence in consideration of the potential acquisition.

### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

#### **Community Engagement & Participation**

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Hamiltonians have a high level of trust and confidence in their City government.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

Appendix “B” – Site Development Requirements

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OUR Vision: To be the best place to raise a child and age successfully.

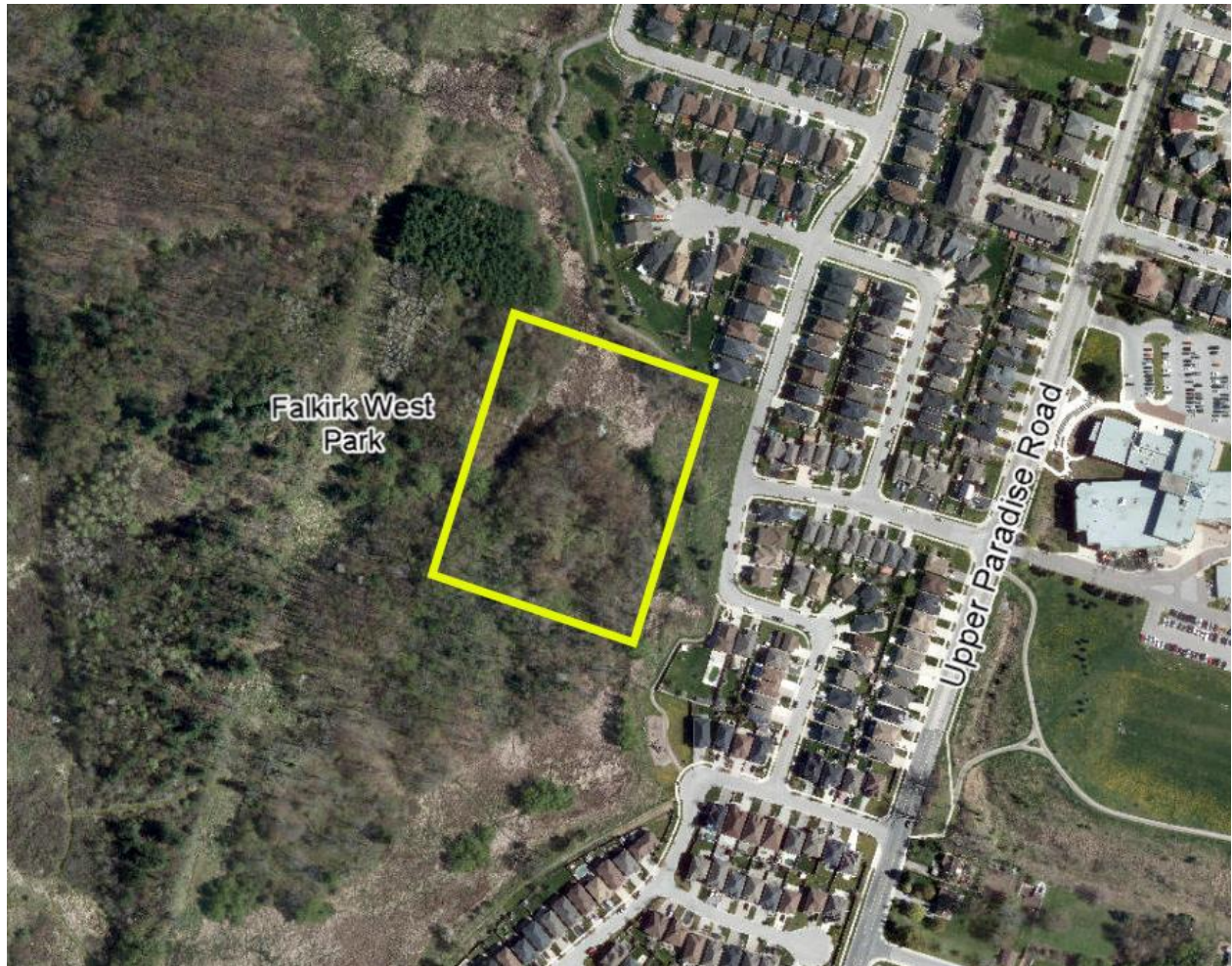
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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## Location Map

1020 Upper Paradise Road (Falkirk West Vacant Site), Hamilton (Ward 14)







## SITE DEVELOPMENT REQUIREMENTS

### Planning and Economic Development Department

<p><b>Building, Engineering &amp; Zoning</b>                  Building Division</p>	<p>Building Division records indicate that the land is vacant. Permitted uses and applicable zone provisions shall be in accordance with Hamilton Zoning By-law 6593. Be advised that property has no lot line along the boundary of a street; as such, appropriate planning approvals shall be required prior to any development being permitted on this property. The lands are located within or adjacent to an Environmentally Sensitive Area (ESA) and are subject to Site Plan Control. Please be advised that a portion of this property is within an area regulated by Hamilton Conservation Authority. Please contact (905) 525-2181 prior to any development. Subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types. There are no outstanding work orders.</p>
<p><b>Natural Heritage Planning</b></p>	<p>The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) of the UHOP, Core Areas have been identified within and adjacent to the subject property. Core Areas are the most important components of the Natural Heritage System in terms of biodiversity, productivity and ecological and hydrological functions. In this case, the Core Areas have been identified as Tiffany Creek Headwaters Environmentally Significant Area (ESA), Tiffany Creek Headwaters Provincially Significant Wetland (PSW), Significant Woodland and Tiffany Creek. In addition, the entire property is located within the Hamilton Conservation Authority’s regulated area.</p> <p>In addition,</p> <ul style="list-style-type: none"> <li>a) The subject property is bordered on three sides by City-owned properties (67 Copperwood Avenue (North); 1030 Upper Paradise Road (Falkirk Road West Park) (west) and 110-120 Edgehill Drive (east)).</li> <li>b) The property abuts Falkirk West Park. This park is currently not managed, and it forms a contiguous natural area (woodland/wetland) with the subject property. There does not appear to be disturbance (i.e. clearing of trees) within the subject property.</li> <li>c) The subject property is regulated under the City’s Urban Woodland Conservation By-law (By-law 14-212).</li> </ul>

	<p>This by-law applies to trees in a woodland 0.2 ha or greater within the urban boundary. Core Areas have been identified as ‘Sensitive Natural Areas’ within the by-law. If this property was acquired, the Core Areas and their functions would be protected.</p> <p>d) Tiffany Creek PSW has been identified within and adjacent to the subject property. Provincial (policy 2.1.4) and municipal (C.2.5.2) policies prohibit development within the wetland. As a result, there is limited development potential on site.</p> <p>e) The Tiffany Creek Headwaters ESA, which has been identified within and adjacent to the subject property, was originally identified as an ESA in 1976 based on its functions (provides habitat for regionally, provincially or nationally rare or endangered species).</p> <p>Further, through inventories and evaluation of biological attributes undertaken as part of the Natural Areas Inventory Project (initiated by the Hamilton Naturalists’ Club in 1991 and continued 2003 and 2014 as a collaboration of stakeholders including the City), it has been recommended that:</p> <ul style="list-style-type: none"> <li>• The significant features and functions of the ESA be protected from further development and fragmentation</li> <li>• This area should be maintained as a public open space and managed to protect its hydrological and ecological values</li> </ul>
<p><b>Development Engineering</b></p>	<p>Watermain, sanitary, and storm sewers do not directly front the property. Storm, sanitary, and water sewers are available on Edgehill Drive along Block 70 of Plan 62M-896.</p> <p>Existing Infrastructure (On Edgehill Drive):</p> <ul style="list-style-type: none"> <li>- 250mm dia. Sanitary Sewer at 0.53%</li> <li>- 300mm dia. Storm Sewer at 0.52%</li> <li>- 200mm dia. Watermain</li> </ul> <p>According to the UHOP, the designated road allowance width of the subject sections of Edgehill Drive and Upper Paradise Road are 20.117 m and 30.480 m, respectively. The existing road widths appear to be in accordance with UHOP, therefore future road alliance widenings will not be required across the frontage of the property.</p> <p>The property lies within the Conservation of Hamilton Regulated and consists of an existing watercourse running through the property.</p>



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	School Board Property Sub-Committee
<b>COMMITTEE DATE:</b>	December 17, 2019
<b>SUBJECT/REPORT NO:</b>	Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Craig Hamilton (905) 546-2424 Ext. 7022
<b>SUBMITTED BY:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the Real Estate Section 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 does not have an interest in acquiring its property located at 65 Frances Avenue, Stoney Creek, as shown on Appendix "A" attached to Report PED19239;
- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be directed to advise the Hamilton-Wentworth District School Board (HWDSB) of the City of Hamilton's site development requirements as identified in Appendix "B" attached to Report PED19239.

### EXECUTIVE SUMMARY

The Hamilton-Wentworth District School Board (HWDSB) has advised the City of its intention to sell its property located at 65 Frances Avenue, Stoney Creek. Based on circulation of the property to stakeholders, and consideration by Portfolio Management Committee (PMC), staff deemed the potential acquisition of the property to not be in the interest of the City.

***Alternatives for Consideration – See Page 3***

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239) (Ward 10) - Page 2 of 3**

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**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

At the June 5, 2012, Planning Committee and subsequent City Council meeting of June 13, 2012, a motion was approved to establish a Sub-committee of City Council to review those school board properties being declared surplus for disposition by a school board and report back to the General Issues Committee with recommendations, including a financial strategy for potential acquisitions.

On October 24, 2019, the HWDSB provided written notice to the City of its Proposal to Sell Real Property located at 65 Frances Avenue, Stoney Creek, in accordance with Ontario Regulation 444/98. The City and other preferred agencies have 90 days to respond to the HWDSB as to whether or not they have an interest in acquiring the property.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The HWDSB like other school boards in the Province, follows a formal established property disposal protocol for surplus Board owned properties that are intended to be sold, as governed by Section 194(3) of the *Ontario Education Act* and Ontario Regulation 444. Under this protocol, the HWDSB circulates notice of the proposed property sale to preferred agents including the City (as per Ontario Regulation 444).

City Council adopted principles (Portfolio Management Strategy, 2004) for property acquisition states “Property will be acquired in support of an approved program 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.”

In keeping with general municipal protocol related to potential surplus school sites, the School Board Sub-Committee is to establish and recommend direction with respect to all surplus school sites that may come available.

**RELEVANT CONSULTATION**

On October 30, 2019, Real Estate staff circulated a memorandum to all City departments and relevant stakeholders concerning the HWDSB’s proposal to sell its property at 65 Frances Avenue, Stoney Creek, to elicit their comments or future interest

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**SUBJECT: Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239) (Ward 10) - Page 3 of 3**

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in acquisition of the property. No Business Case was received in support of an acquisition of this property.

The results of the circulation were presented to the PMC on November 25, 2019.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The subject property is a rectangular 3.95 ac site with 521 ft of frontage onto Frances Avenue. It is situated on the northern side of Frances Avenue, west of Green Road. The lands are currently undeveloped and are located within an environmentally-sensitive area.

Following consideration of comments from circulation stakeholders, PMC established that there is no City requirement to justify the purchase of this school site.

The City divisions have provided valuable information respecting guidelines for the future use of the site.

**ALTERNATIVES FOR CONSIDERATION**

Alternatively, the Real Estate Section may be directed to advise the HWDSB that the City of Hamilton may have an interest and is exploring the extent to what the interest might be in acquiring its property located at 65 Frances Avenue, Stoney Creek. Such direction would require authorization and funding to undertake due diligence in consideration of the potential acquisition.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN****Community Engagement & Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

**Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Location Map

Appendix "B" – Site Development Requirements

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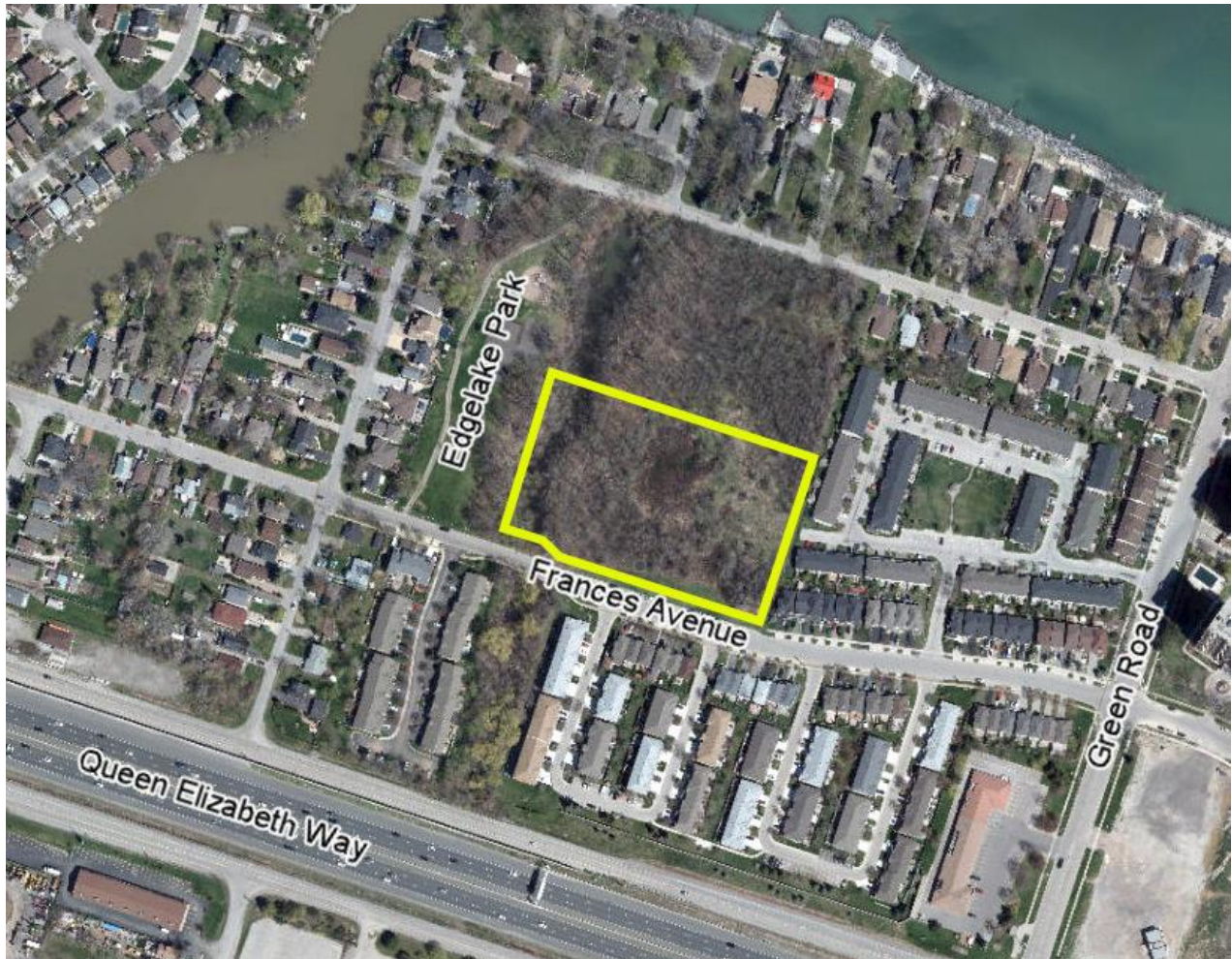
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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## Location Map

65 Frances Avenue, Stoney Creek (Ward 10)







## SITE DEVELOPMENT REQUIREMENTS

### Planning and Economic Development Department

<p><b>Building, Engineering &amp; Zoning</b> Building Division</p>	<p>Building Division records indicate that the land is vacant. Permitted uses and applicable zone provisions shall be in accordance with Section 10.2 of Stoney Creek Zoning By-law 3692-92. The lands are located within or adjacent to an Environmentally Sensitive Area (ESA) and are subject to Site Plan Control. Please be advised that a portion of this property is within an area regulated by Hamilton Conservation Authority (HCA). Please contact (905) 525-2181 prior to any development. All proposed development is subject to the issuance of a building permit in the normal manner. No outstanding work orders.</p>
<p><b>Natural Heritage Planning</b></p>	<p>The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) of the UHOP, Core Areas have been identified within and adjacent to the subject property. Core Areas are the most important components of the Natural Heritage System in terms of biodiversity, productivity and ecological and hydrological functions. In this case, the Core Areas have been identified as Community Beach Ponds ESA, Significant Woodland, Significant Wildlife Habitat, wetland and watercourse. In addition, most of the property is located within the HCA regulated area.</p> <p>In addition,</p> <p>a) The subject property is bordered by a City-owned property to the west (Edgelake Park). Edgelake Park is a neighbourhood park that supports the protection of natural features by preserving the woodland and the creek in their natural form.</p> <p>b) The City has a long-standing tradition of protecting natural heritage features. The Community Beach Ponds ESA, which has been identified within and adjacent to the subject property, has been designated as an ESA based on its features and its functions (unusual habitat with limited representation in the municipality, Ontario or Canada; provides habitat for rare or endangered species that are endangered regionally, provincially or nationally). Further, through inventories and evaluation of biological attributes under the Natural Areas Inventory (NAI) Project (initiated by the Hamilton Naturalists' Club in 1991 and continued in 2003 and 2014 as a collaboration of</p>

**Appendix “B” to Report PED19239**  
**Page 2 of 2**

	<p>stakeholders including the City), it has been recommended that:</p> <ul style="list-style-type: none"> <li>• The area should be protected from development or other impacts</li> </ul> <p>c) An Environmental Impact Statement (EIS) was prepared by Dougan and Associates (September of 2006) to assess the impacts of proposed development on the ESA. Through this study, it was identified that this area is considered Significant Wildlife Habitat (Landbird Migratory Stopover). In addition, this area is frequented in the spring and fall by avid bird watchers. The acquisition of this property would ensure the protection of Significant Wildlife Habitat.</p> <p>d) The subject property is regulated under the City’s Urban Woodland Conservation By-law (By-law 14-212). This by-law applies to trees in a woodland 0.2 ha or greater within the urban boundary. Core Areas have been identified as ‘Sensitive Natural Areas’ within the by-law. If the property was acquired, the Core Areas and their functions would be protected.</p> <p>If this property is not acquired by the City, it may be disposed of with the intent for development. While it is the opinion of Natural Heritage Planning staff that this property would be difficult to develop, there is the potential for the Natural Heritage System to be negatively impacted. If development was to occur within or adjacent to this property, an EIS would be required.</p>
<p align="center"><b>Infrastructure Planning</b></p>	<p>There is a tributary and wetland on the subject land which provides storm water management functions for the upstream lands.</p>
<p align="center"><b>Development Engineering Approvals</b></p>	<ol style="list-style-type: none"> <li>1. Frances Avenue is classified as a Local Road in the City of Hamilton Urban Official Plan and shall be 26.213 m in width all along the property. The property line of the subject site appears to be irregular and does not meet this width requirement along the entire frontage. For this reason, the property may be subject to a road widening.</li> <li>2. The subject site is regulated by the Hamilton Conservation Authority.</li> <li>3. The existing municipal infrastructure fronting the subject site is summarized below:  Frances Avenue <ul style="list-style-type: none"> <li>- 200mm dia. watermain</li> <li>- 300mm dia. sanitary sewer</li> <li>- 750mm dia. storm sewer</li> </ul> </li> </ol>