



City of Hamilton
SCHOOL BOARD PROPERTIES SUB-COMMITTEES
AGENDA

Meeting #: 21-001
Date: April 12, 2021
Time: 1:30 p.m.
Location: Due to the COVID-19 and the Closure of City Hall (RM)

All electronic meetings can be viewed at:

City of Hamilton's Website:
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's Youtube Channel:
<https://www.youtube.com/user/InsideCityofHamilton>

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

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. December 17, 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 441 Old Brock Road, Flamborough (PED21068) (Ward 13)
- 10.2. Hamilton-Wentworth District School Board Property at 1886 Governor's Road, Ancaster (PED21069) (Ward 12)
- 10.3. Hamilton-Wentworth District School Board Property at 1279 Seaton Road, Flamborough (PED21070) (Ward 13)
- 10.4. Hamilton-Wentworth District School Board Property at 1346 Concession 4 West, Flamborough (PED21071) (Ward 13)
- 10.5. Hamilton-Wentworth District School Board Property at 299 Barton Street, Stoney Creek (PED21082) (Ward 10)

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

14. PRIVATE AND CONFIDENTIAL

15. ADJOURNMENT



Hamilton

SCHOOL BOARD PROPERTIES SUB-COMMITTEE MINUTES 19-003

Tuesday, December 17, 2019

1:30 p.m.

Room 193

Hamilton City Hall, 71 Main Street West

Present: Councillor C. Collins (Chair)
Councillors T. Jackson, T. Whitehead and J. Partridge

**Absent with
Regrets:** Councillor S. Merulla (Vice Chair) - Personal

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

- 1. Hamilton-Wentworth District School Board Property at 1284 Main Street East, Hamilton (PED19162) (Ward 4) (Item 10.1)**

(Partridge/Whitehead)

- (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; and
- (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.

CARRIED

2. Hamilton-Wentworth District School Board Property at 1020 Upper Paradise Road, Hamilton (Falkirk West Vacant Site) (PED19235) (Ward 14) (Item 10.2)

(Whitehead/Jackson)

- (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; and
- (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.

CARRIED

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

(Whitehead/Jackson)

- (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; and
- (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.

CARRIED

4. Proposed City-Initiated Rezoning of the land at 65 Frances Avenue, Stoney Creek (Added Item 11.1)

(Partridge/Jackson)

- (a) That the land located at 65 Frances Avenue, Stoney Creek be referred to the Planning Committee for consideration on a proposed City-initiated rezoning of the land to open space; and,
- (b) That staff be directed to communicate to the Hamilton-Wentworth District School Board that the Hamilton Conservation Authority be pursued as a potential purchaser of the property located at 65 Frances Avenue, Stoney Creek.

CARRIED

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1 Viv Saunders, Lakewood Beach Community Council, respecting Item 10.3, Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239) (for today's meeting)
- 6.2 Sherry Hayes, respecting Item 10.3, Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239) (for today's meeting)
- 6.3 Debbie Martin, respecting Item 10.3, Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239) (for today's meeting)

(Partridge/Whitehead)

That Item 10.3, Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239), be considered immediately following Item 7, Public Hearings/Delegations.

CARRIED

(Whitehead/Jackson)

That the agenda for the December 17, 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) September 20, 2019 (Item 4.1)

(Whitehead/Partridge)

That the Minutes of the September 20, 2019 meeting of the School Board Properties Sub-Committee be approved, as presented.

CARRIED

(d) DELEGATION REQUESTS (Item 6)

(Partridge/Jackson)

That the following delegation requests be approved for today's meeting:

- (i) Viv Saunders, Lakewood Beach Community Council, respecting Item 10.3, Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239) (Added Item 6.1)
- (ii) Sherry Hayes, respecting Item 10.3, Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239) (Added Item 6.2)
- (iii) Debbie Martin, respecting Item 10.3, Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239) (Added Item 6.3)

CARRIED

(e) DELEGATIONS (Item 8)

- (i) **Viv Saunders, Lakewood Beach Community Council, respecting Item 10.3, Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239) (for today's meeting) (Added Item 8.1)**

Viv Saunders, addressed the Committee respecting Item 10.3, Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239).

(Whitehead/Jackson)

That the delegation from Viv Saunders, Lakewood Beach Community Council, respecting Item 10.3, Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239), be received.

CARRIED

For further disposition of this matter, refer to Items 3 and 4.

- (ii) **Sherry Hayes, respecting Item 10.3, Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239) (Added Item 8.2)**

Sherry Hayes, addressed the Committee respecting Item 10.3, Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239).

(Whitehead/Jackson)

That the delegation from Sherry Hayes, respecting Item 10.3, Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239), be received.

CARRIED

For further disposition of this matter, refer to Items 3 and 4.

(iii) Debbie Martin, respecting Item 10.3, Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239) (Added Item 8.3)

Debbie Martin, addressed the Committee respecting Item 10.3, Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239).

(Whitehead/Jackson)

That the delegation from Debbie Martin, respecting Item 10.3, Hamilton-Wentworth District School Board Property at 65 Frances Avenue, Stoney Creek (PED19239), be received.

CARRIED

For further disposition of this matter, refer to Items 3 and 4.

(f) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – September 20, 2019 (Item 14.1)

As the School Board Properties Sub-Committee determined that no discussion respecting the Closed Session Minutes of September 20, 2019 meeting was required, the Minutes were approved in Open Session, as shown below.

(Partridge/Whitehead)

That the Closed Session Minutes of the September 20, 2019 meeting of the School Board Properties Sub-Committee be approved, as presented, and remain confidential.

CARRIED

(g) ADJOURNMENT (Item 15)

(Jackson/Partridge)

That there being no further business, the School Board Properties Sub-Committee be adjourned at 2:24 p.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

TO:	School Board Property Sub-Committee
COMMITTEE DATE:	April 12, 2021
SUBJECT/REPORT NO:	Hamilton-Wentworth District School Board Property at 441 Old Brock Road, Flamborough (PED21068) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Craig Hamilton (905) 546-2424 Ext. 4114
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring its property located at 441 Old Brock Road, Flamborough, as shown on Appendix “A” attached to Report PED21068;
- (b) That staff be directed to advise the HWDSB of the City of Hamilton’s site development requirements as identified in Appendix “B” attached to Report PED21068.

EXECUTIVE SUMMARY

On February 2, 2021, pursuant to O.Reg 444/98, the Hamilton-Wentworth District School Board (HWDSB) submitted to the City a proposal to sell its property located at 441 Old Brock Road, Flamborough, as shown and legally described in Appendix “A” (the “Subject Property”). The Subject Property is an approximately 8.34-acre parcel of land and is improved with a school building having a building area of approximately 32,485 ft². The Subject Property was previously known as “Spencer Valley Elementary School”.

SUBJECT: Hamilton Wentworth District School Board Property at 441 Old Brock Road, Flamborough (PED21068) (Ward 13) - Page 2 of 4

Based on circulation of the property to stakeholders, and consideration by Portfolio Management Committee (PMC), the potential acquisition of the subject property is deemed not in the interest of the City.

Alternatives for Consideration – Not Applicable

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 February 2, 2021, HWDSB provided written notice to the City of its Proposal to Sell Real Property located at 441 Old Brock Road, Flamborough, in accordance with Ontario Regulation 444/98. The City and other preferred agencies have 90 days to respond to the HWDSB as to whether 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 444/98. Under this protocol, the HWDSB circulates notice of the proposed property sale to preferred agents including the City (as per Ontario Regulation 444/98).

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 February 12, 2021, Real Estate staff circulated a memorandum to all City Departments and relevant stakeholders concerning the HWDSB's proposal to sell its property at 441 Old Brock Road, Flamborough, in order to elicit their comments or interest in acquisition of the property. There was no program interest expressed in this property.

On March 18, 2021, the Portfolio Management Committee (PMC) considered the outcome of the internal circulation and does not support the acquisition of the Subject Property, due to there being no departmental interest or any approved program to support the acquisition.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Subject Property being offered for sale is an approximately 8.34-acre parcel of land, improved with a school building having a building area of approximately 32,485 ft², being previously known as "Spencer Valley Elementary School". The Subject Property is located on the west side of Old Brock Road, south of Highway No. 5 West.

Pursuant to the City Council adopted principles (Portfolio Management Strategy, 2004) for property acquisition, property shall only be acquired to support an approved program. The approved program must have an approved budget item that includes the costs of the real property and its operational impact. Given the results of the consultation noted in the Relevant Consultation section of this Report, there is no approved program to support the acquisition and operation of the Subject Property and thus no justification to acquire the Subject Property.

City Divisions have provided valuable information respecting guidelines for the future use of the site, the relevant comments are summarized in Appendix "B" and staff will share these comments with the HWDSB.

ALTERNATIVES FOR CONSIDERATION – N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map to Report PED21068

Appendix "B" – Site Development Requirements to Report PED21068

CH:sd

Location Map

441 Old Brock Road, Flamborough
(Former Spencer Valley Elementary School)



Legal Description: PT LOT 8 CONCESSION 2 WFLAM, AS IN AB39006;
FLAMBOROUGH CITY OF HAMILTON; ALL OF PIN17492-0080(LT)

SITE DEVELOPMENT REQUIREMENTS


Planning and Economic Development Department

<p>Building, Engineering & Zoning Building Division</p>	<ul style="list-style-type: none"> • There is an existing 375mm dia. storm sewer along Taylor Crescent; • No existing sanitary or water sewer infrastructure fronting the subject property; • According to the Rural Hamilton Official Plan (RHOP) and the GIS Transportation Planning Map, there are no required road widening dedications for the subject site; • The existing road widths appear to be in accordance with RHOP, therefore future road allowance widenings will not be required across the frontage; and, • The property is not within a conservation regulated area.
<p>Community Planning Planning & Economic Development</p>	<ul style="list-style-type: none"> • 441 Old Brock Road (Spencer Valley Elementary) are designated “Rural Settlement Area” on Schedule D of the Rural Hamilton Official Plan • Lands designated Rural Settlement Area are subject to Rural Settlement Area general policies for each Rural Settlement Area set out in Volume 2 of the RHOP. These areas are intended to be residential and service centres that serve the immediate community and the surrounding rural area • Volume 2, Chapter A – Flamborough Rural Settlement Area • 2.2GREENSVILLE RURAL SETTLEMENT AREA PLAN • 3.5.7 Settlement Institutional • Lands designated Institutional on Map 8a may be used for schools, churches, libraries, public halls and similar uses subject to the following policies: • 3.5.7.1The existing institutional uses shall continue to serve the needs of Greensville Rural Settlement Area residents. The City shall encourage the conservation of existing institutional buildings, especially the adaptation of existing structures for new uses. • 3.5.7.2 Additional lands may be designated Settlement Institutional by amendment to this

	<p>Rural Settlement Area Plan, subject to the justification for the need for the use and compatibility with the surrounding uses.</p> <ul style="list-style-type: none">• 3.5.7.3 Institutional uses shall, wherever possible, be integrated with parks and open space and other institutional land uses.• The subject property is zoned “S3” – Agriculture within Zoning By-law 05-200• Permitted uses include Agriculture, Day Nursery, Educational Establishment, Library, Place of Worship• Zoning Bylaw 05-200 Provisions<ul style="list-style-type: none">○ Min. Lot Area = 0.4 ha○ Max. Building Height = 10.5m
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CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	School Board Property Sub-Committee
COMMITTEE DATE:	April 12, 2021
SUBJECT/REPORT NO:	Hamilton-Wentworth District School Board Property at 1886 Governor's Road, Ancaster (PED21069) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Craig Hamilton (905) 546-2424 Ext. 4114
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring its property located at 1886 Governor's Road, Ancaster, as shown on Appendix "A" attached to Report PED21069;
- (b) That staff be directed to advise the (HWDSB) of the City of Hamilton's site development requirements as identified in Appendix "B" attached to Report PED21069.

EXECUTIVE SUMMARY

On February 2, 2021, pursuant to O.Reg 444/98, the Hamilton-Wentworth District School Board (HWDSB) submitted to the City a proposal to sell its property located at 1886 Governor's Road, Ancaster, as shown and legally described in Appendix "A" attached to this Report (the "Subject Property"). The Subject Property is an approximately 7.39-acre parcel of land and is improved with a school building having a gross floor area of approximately 19,558 ft². The Subject Property was previously known as "Queen's Rangers Elementary School".

Real Estate staff circulated internal stakeholders, including the local Ward Councillor to determine if there was any departmental/program interest in the acquisition of the

**SUBJECT: Hamilton-Wentworth District School Board Property at 1886
Governor's Road, Ancaster (PED21069) (Ward 13) - Page 2 of 5**

Subject Property. No internal departmental interest was expressed; however, the Ward Councillor expressed local community interest in its acquisition, which would be via a potential partnership/funding opportunity with a local community organization.

Pursuant to the City Council adopted principles (Portfolio Management Strategy, 2004), for property acquisition, property shall only be acquired to support an approved program. There is no approved program or budget to support the acquisition and operation of the Subject Property. Staff recommend that the City of Hamilton not pursue acquisition of the Subject Property.

Alternatives for Consideration – See Page 4

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 February 2, 2021, HWDSB provided written notice to the City of its Proposal to Sell the Subject Property, in accordance with O.Reg 444/98. The City and other preferred agencies have 90 days to respond to the HWDSB if they have an interest in potentially 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 O.Reg 444/98. Under this protocol, the HWDSB circulates notice of the proposed property sale to preferred agencies, including the City.

At the current stage, the HWDSB has circulated a Proposal to Sell to the preferred agencies, which includes the City. Pursuant to O.Reg 444/98, the City must respond to

**SUBJECT: Hamilton-Wentworth District School Board Property at 1886
Governor's Road, Ancaster (PED21069) (Ward 13) - Page 3 of 5**

the HWDSB proposal within 90 days, expressing its potential interest in acquiring the Subject Property. Submission within the prescribed timeline maintains the City's eligibility to submit an offer to purchase, pursuant to the process outlined in O.Reg 444/98.

Subsequent to a submission of the City's expression of interest in acquiring the Subject Property, pursuant to O.Reg 444/98 an offer to purchase at fair market value, must be submitted to the HWDSB within 180 days of the initial Proposal to Sell sent by the HWDSB on February 2, 2021. The City is not obligated to submit an offer to purchase and it may retract its interest in the Subject Property.

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 February 12, 2021, Real Estate staff circulated a memorandum to City Departments and relevant stakeholders to elicit their comments and/or interests in acquiring the Subject Property. There was no departmental interest expressed in the acquisition of the Subject Property. The Ward Councillor indicated community interest in the Subject Property, via a potential partnership/funding opportunity with a local community organization.

On March 18, 2021, the Portfolio Management Committee (PMC) considered the outcomes of the internal circulation and does not support the acquisition of the Subject Property, due to there being no departmental interest or any approved program to support the acquisition of the Subject Property.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Subject Property being offered for sale is an approximately 7.39-acre parcel of land, improved with a school building having a gross floor area of approximately 19,558 ft², being previously known as "Queen's Rangers Elementary School". The Subject Property is located at 1886 Governor's Road, Ancaster, as shown and legally described in Appendix "A" attached to this Report.

Pursuant to the City Council adopted principles (Portfolio Management Strategy, 2004), for property acquisition, property shall only be acquired to support an approved

**SUBJECT: Hamilton-Wentworth District School Board Property at 1886
Governor's Road, Ancaster (PED21069) (Ward 13) - Page 4 of 5**

program. The approved program must have an approved budget item that includes the costs of the real property and its operational impact.

Given the results of the consultation noted in the Relevant Consultation section of this Report, there is no approved program to support the acquisition and operation of the Subject Property and thus no justification to acquire the Subject Property.

ALTERNATIVES FOR CONSIDERATION

Given that the local Ward Councillor expressed an interest in the Subject Property for a community use, via a potential partnership opportunity with a local community organization; and that staff haven't had an opportunity to discuss viability/merits of the proposed framework, the School Board Sub-Committee could instead recommend that:

- (a) Staff be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has an interest in the potential acquisition of the property located at 1886 Governor's Road, Ancaster, as shown and legally described on Appendix "A" attached to Report PED21069; and,
- (b) That staff be authorized and directed, in conjunction with the local Councillor, to determine the feasibility of a partnership in the potential acquisition of the Subject Property, and report back to the Affordable Housing Site Selection Subcommittee on a recommended strategy for acquisition of HWDSB lands located at 1886 Governor's Road, Ancaster, as shown and legally described on Appendix "A" attached to Report PED21069, should a viable proposition exist with no costs to be incurred by the City.

If the City does not submit an expression of interest by the May 2, 2021 deadline, it will forfeit its ability to participate further in the O.Reg 444/98 disposal process. This alternative consideration would allow staff the opportunity to discuss viability/merits of the local community organizations proposed framework, undertake further due diligence of the Subject Property, and to report back to the School Board Sub-Committee if there is a viable acquisition/operational strategy deemed to be in the best interest of the City.

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map to Report PED21069

Appendix "B" – Site Development Requirements to Report PED21069

CH:sd

Location Map

1886 Governor's Road, Ancaster (Ward 12)



Legal Description: Part of Lot 32, Concession 1, Except Part 13 on Plan 62R-176 Town of Ancaster, being ALL OF PIN17420-0044

SITE DEVELOPMENT REQUIREMENTS

Planning and Economic Development Department

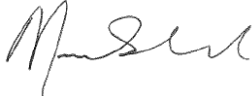
<p>Transportation Planning Planning and Economic Development</p>	<ul style="list-style-type: none"> • On the north side of the property, approximately 6 metres are to be dedicated to the right-of-way on Governors Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications; and, • Governors Road is to be 36.576 metres between the west City limits and 91 m west of Creighton Road.
<p>Hamilton Conservation Authority</p>	<ul style="list-style-type: none"> • The property is located at the headwaters area of Spring Creek; • The rear area of the property contains a watercourse that is part of the Spring Creek watershed and the watercourse and associated area are regulated by the HCA pursuant to the HCA's "Development, Interference with Wetlands, and Alteration to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04"; • Development in this area would require a permit from the HCA; and, • The woodlot area of the subject lands are designated as significant woodland as well as being part of the Copetown Ballpark Woodlot ESA.
<p>Development Approvals Growth Management – Planning and Economic Development</p>	<ul style="list-style-type: none"> • The existing road width to the west of the property on the south side of Governor's Road is approximately 6.25m wider; • There are no existing municipal water, wastewater or storm sewer services along the frontage of the property; • The site lies within regulated conservation area; and, • Our GIS records note that there are existing utilities (Bell and Hydro) on the site.
<p>Building Division Planning and Economic Development</p>	<ul style="list-style-type: none"> • Building Division records indicate that the recognized use is an Educational Establishment (Queen's Rangers Elementary School), which is permitted. This property is within the area controlled by the Niagara Escarpment Planning and Development Act. For further information, please contact: Niagara Escarpment Commission 232 Guelph Street Georgetown, Ontario, L7G 4B1 Telephone: (905) 877-5191

	<ul style="list-style-type: none"> • The current underlying zoning is S3 (Settlement Institutional) for the main portion of the school containing the school building and sports field; • The reaming southerly part of the property which contains a wooded area and watercourse is zoned P6 (Conservation / Hazard Land -Rural) Zone and is not developable; • As noted, the zoning is superseded by the NEC’s Development Control Area requirements; • Please be advised that the naturalized and flood plain portion of this property is within an area regulated by Hamilton Conservation Authority. Please contact (905) 525-2181 prior to any development; • The lands are subject to Site Plan Control in the event of new construction for development. All proposed development is subject to the issuance of a building permit in the normal manner; and, • Building Permit No. 19-134656 has been issued for the construction of four stand-alone portables. Please contact (905) 546-2424 extension 7777 for further information.
<p>Community Planning Planning & Economic Development</p>	<ul style="list-style-type: none"> • 1886 Governors Road (Queens Rangers Elementary) is designated “Rural Settlement Area” on Schedule D of the Rural Hamilton Official Plan • Lands designated Rural Settlement Area are subject to Rural Settlement Area general policies for each Rural Settlement Area set out in Volume 2 of the RHOP. These areas are intended to be residential and service centres that serve the immediate community and the surrounding rural area. • 1886 Governors Road (Queens Rangers Elementary) is designated as Copetown Settlement Institutional: • Volume 2, Chapter A – Ancaster Rural Settlement Area • 2.2COPETOWN RURAL SETTLEMENT AREA PLAN • 2.2.9 Settlement Institutional • 2.2.9.1 The use of lands designated Settlement Institutional on Map 2 shall be for religious, educational, charitable, governmental and health and welfare facilities. • 2.2.9.2 The Settlement Institutional uses on Map 2 are intended to serve the needs of Copetown and the immediate surrounding rural area.

	<ul style="list-style-type: none">• 2.2.9.3 New schools and new places of worship are not contemplated in this Rural Settlement Area Plan.• 2.2.9.4 New Settlement Institutional uses or the enlargement of existing Settlement Institutional uses shall be given consideration provided they primarily serve the needs of Copetown and the surrounding rural area and there is evidence that groundwater resources shall not be adversely impacted.• 2.2.9.5 New Settlement Institutional uses or the enlargement of existing Settlement Institutional uses shall be subject to Site Plan approval. Site plans shall ensure that traffic impacts are minimized and that building designs and massing are complementary to the existing built environment. • S3 – Settlement Institutional<ul style="list-style-type: none">○ Agriculture, Day Nursery, Educational Establishment, Library, Place of Worship○ Min. Lot Area = 0.4 ha○ Max. Building Height = 10.5m <p>The future use of this site should ensure compatibility with surrounding uses. Staff would be pleased to review any preliminary plans submitted by the property owner or prospective purchaser to ensure the appropriate integration of new development within the context of existing land use.</p>
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CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	School Board Property Sub-Committee
COMMITTEE DATE:	April 12, 2021
SUBJECT/REPORT NO:	Hamilton-Wentworth District School Board Property at 1279 Seaton Road, Flamborough (PED21070) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Craig Hamilton (905) 546-2424 Ext. 4114
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring its property located at 1279 Seaton Road, Flamborough, as shown on Appendix “A” attached to Report PED21070;
- (b) That staff be directed to advise the (HWDSB) of the City of Hamilton’s site development requirements as identified in Appendix “B” attached to Report PED21070.

EXECUTIVE SUMMARY

On February 2, 2021, pursuant to O.Reg 444/98, the Hamilton-Wentworth District School Board (HWDSB) submitted to the City a proposal to sell its property located at 1279 Seaton Road, Flamborough, as shown and legally described in Appendix “A” attached to this Report (the “Subject Property”). The Subject Property is an approximately 14.30-acre parcel of land and is improved with a school building having a building area of approximately 35,388 ft². The Subject Property was previously known as “Dr. John Seaton Elementary School”.

SUBJECT: Hamilton Wentworth District School Board Property at 1279 Seaton Road, Flamborough (PED21070) (Ward 13) - Page 2 of 4

Based on circulation of the property to stakeholders, and consideration by Portfolio Management Committee (PMC), staff deem the potential acquisition of the subject property to not be in the interest of the City.

Alternatives for Consideration – Not Applicable

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 February 2, 2021, HWDSB provided written notice to the City of its Proposal to Sell Real Property located at 1279 Seaton Road, Flamborough, in accordance with Ontario Regulation 444/98. The City and other preferred agencies have 90 days to respond to the HWDSB as to whether 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 444/98. Under this protocol, the HWDSB circulates notice of the proposed property sale to preferred agents including the City (as per Ontario Regulation 444/98).

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 February 12, 2021, Real Estate staff circulated a memorandum to all City Departments and relevant stakeholders concerning the HWDSB's proposal to sell its property at 1279 Seaton Road, Flamborough, in order to elicit their comments or interest in acquisition of the property. There was no program interest expressed in this property.

On March 18, 2021, the Portfolio Management Committee (PMC) considered the outcome of the internal circulation and does not support the acquisition of the Subject Property, due to there being no departmental interest or any approved program to support any acquisition.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Subject Property being offered for sale is an approximately 14.30 acre parcel of land, improved with a school building having a building area of approximately 35,388 ft², being previously known as "Dr. John Seaton Elementary School". The Subject Property is located on the west side of Seaton Road, north of Highway No. 8.

Pursuant to the City Council adopted principles (Portfolio Management Strategy, 2004) for property acquisition, property shall only be acquired to support an approved program. The approved program must have an approved budget item that includes the costs of the real property and its operational impact. Given the results of the consultation noted in the Relevant Consultation section of this Report, there is no approved program to support the acquisition and operation of the Subject Property and thus no justification to acquire the Subject Property.

City Divisions have provided valuable information respecting guidelines for the future use of the site. The relevant comments are summarized in Appendix "B" of this Report and staff will share these comments with the HWDSB.

ALTERNATIVES FOR CONSIDERATION – N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and 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

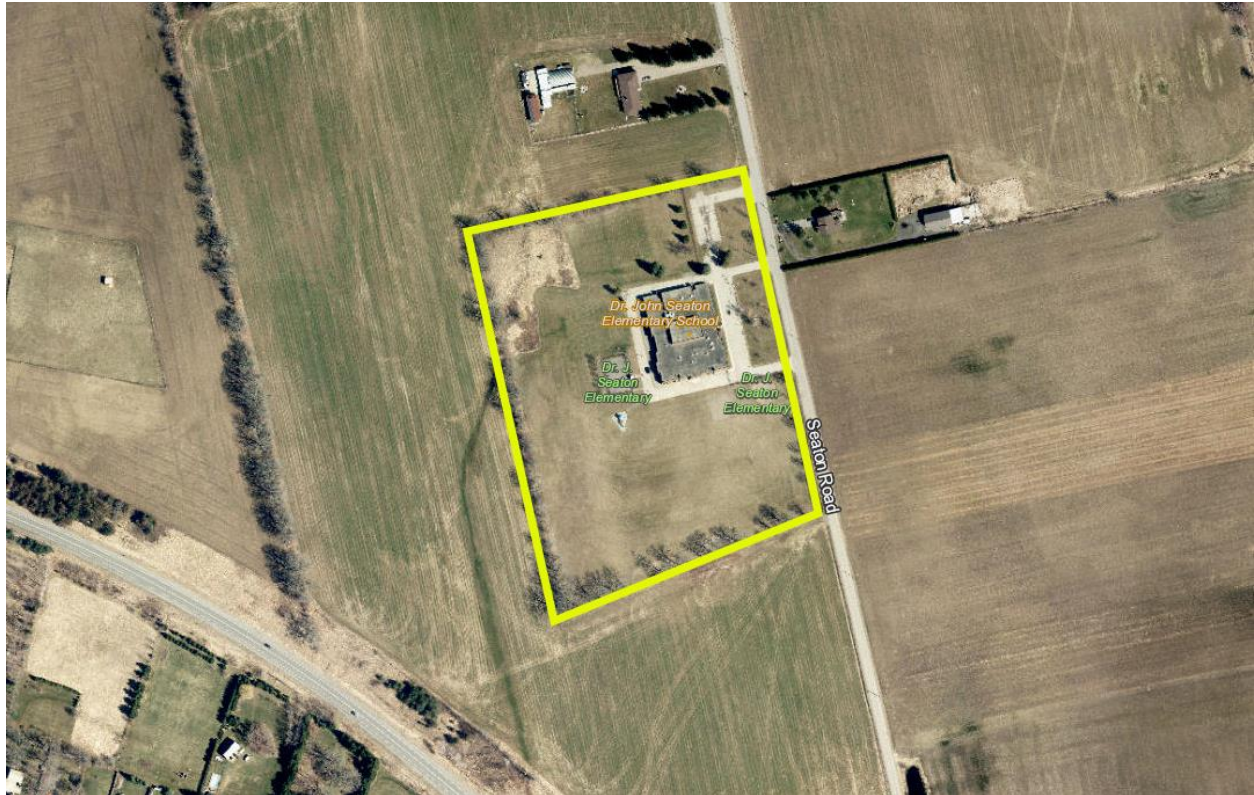
Appendix "A" – Location Map to Report PED21070

Appendix "B" – Site Development Requirements to Report PED21070

CH:sd

Location Map

1279 Seaton Road, Flamborough
(Former Dr. John Seaton Elementary School)



Legal Description: PT LT 8, CON 6 BEVERLY, AS IN AB82775 & AB124422;
FLAMBOROUGH CITY OF HAMILTON; BEING ALL OF PIN 17539-0204(LT)

SITE DEVELOPMENT REQUIREMENTS

Planning and Economic Development Department

<p>Development Approvals Growth Management – Planning and Economic Development</p>	<ul style="list-style-type: none"> • No existing sewer infrastructure fronting the subject property; • According to the Rural Hamilton Official Plan (RHOP) and the GIS Transportation Planning Map, there are no required road widening dedications for the subject site; • The existing road widths appear to be in accordance with UHOP, therefore future road allowance widenings will not be required across the frontage; and, • A portion of the property is within the Grand River Conservation Authority jurisdiction.
<p>Community Planning Planning & Economic Development</p>	<ul style="list-style-type: none"> • RHOP Schedule D – Land Use Designation: Agriculture • Rural Settlement Plan Area: N/A • 1279 Seaton Road (Dr. J. Seaton Elementary) is designated “Agriculture” on Schedule D of the Rural Hamilton Official Plan. Permitted uses in the Agriculture land use designation are identified in the RHOP Volume 1 Section D.2.0 Agriculture Designation, subject to meeting other RHOP policy and zoning requirements. These areas are intended to protect the prime agricultural areas for agricultural use over the life of the RHOP. <p>Volume 1 – Chapter D D.2.0 AGRICULTURE DESIGNATION</p> <p>2.1 Permitted Uses Agricultural Uses</p> <ul style="list-style-type: none"> • 2.1.1 <i>Agricultural uses</i> are permitted subject to the policies of this Plan. • 2.1.1.1 Mushroom operations, including the growing, harvesting, cleaning, packaging and shipping of mushrooms produced on the site and any other uses directly related to mushroom production including the creation of compost are permitted. The establishment of a new mushroom operation or the expansion of an <i>existing</i> operation shall be subject to Site Plan approval to address


	<p>the appropriate building location, drainage, and any other matters.</p> <ul style="list-style-type: none"> • 2.1.1.2 Tree farms are permitted, provided that any goods and materials offered for sale are limited to <i>small scale</i> retailing of agricultural products grown and produced primarily on-site in accordance with the policies of Section D.2.1.3.2 c) of this Plan for on-farm <i>secondary uses</i>. • 2.1.1.3 Farm greenhouses are greenhouses used primarily for the growing of crops for off-site wholesale. Farm greenhouses may be permitted provided the following conditions are met: (OPA 5) • Site Plan approval shall be required to address appropriate building location, storm water management and drainage; and • Any goods or materials offered for sale shall be limited to small scale retailing of products grown and produced primarily on site in accordance with the policies of Section D.2.1.3.2 c) of this Plan for on-farm secondary uses. • 2.1.1.4 Cannabis growing and harvesting facilities are permitted in accordance with the regulations set out in the Zoning By-law and provided that the following conditions are met: (OPA 9) (OPA 21) • a cannabis growing and harvesting facility is permitted in buildings existing at the date of the passing of the Zoning By-law; • The gross floor area for a new cannabis growing and harvesting facility shall not exceed 2000 square metres; • The testing, packaging, and shipping of cannabis shall be accessory to the cannabis production growing and harvesting facility; • An appropriate setback between a cannabis production growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law; • No retail sales are permitted; • No outdoor storage is permitted; and, <p>In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:</p> <ul style="list-style-type: none"> • Odour and Dust Impact Assessment; • Light Impact Assessment; • Transportation Impact Study;
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	<ul style="list-style-type: none">• Hydrogeological studies; and,• Any other appropriate studies; identified as part of the complete application and formal consultation process.• The establishment of a new cannabis production growing and harvesting facility, or the expansion of an existing facility shall be subject to Site Plan approval to address the appropriate building location, setbacks, drainage, sustainable private services, odour/dust, traffic and any other matters.• 2.1.1.5 Aquaponics facilities may be permitted provided the following conditions are met: (OPA 9)• Site Plan approval shall be required to address appropriate building location, storm water management and drainage; and,• Any goods or materials offered for sale shall be limited to small scale retailing of products grown and produced primarily on site in accordance with the policies of Section D.2.1.3.2 c) of this Plan for on-farm secondary uses.• 2.1.1.6 A farm labour residence may be permitted on the same lot as the primary farm use provided all the following conditions are met:• The size and nature of the farm operation requires additional on-site employment for regular and extended periods of time in the annual production process such that additional accommodation is required for the viability and effective operation of the farm, as shown in a justification report deemed acceptable by the City; (OPA 5)• A maximum of one farm labour residence may be permitted without an amendment to the Zoning By-Law, in the form of an accessory apartment attached to and forming part of the principal farm residence, or an accessory detached temporary dwelling, such as a mobile home or bunk house provided: (OPA 9)• The second unit shall be serviced by the same private sewer and water systems used by the principal farm residence and be in accordance with Section C.5.1, Sustainable Private Water and Wastewater Services policies of this Plan.• Where a temporary dwelling is used as a farm labour residence, the owner shall remove the temporary dwelling from the subject farm if, in the opinion of the City, it is no longer required or used as a farm labour residence.
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	<ul style="list-style-type: none">• 2.1.1.7 The severance of a lot for a farm labour residence shall not be permitted.• Agriculture, Residential Care Facility, Secondary Uses to Agriculture, Single Detached Dwelling, Veterinary Service – Farm Animal• Min. Lot Area = 40.4 ha• Min. Lot Coverage = 20% <p>The future use of this site should ensure compatibility with surrounding uses. Staff would be pleased to review any preliminary plans submitted by the property owner or prospective purchaser to ensure the appropriate integration of new development within the context of existing land use.</p>
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CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	School Board Property Sub-Committee
COMMITTEE DATE:	April 12, 2021
SUBJECT/REPORT NO:	Hamilton-Wentworth District School Board Property at 1346 Concession 4 West, Flamborough (PED21071) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Craig Hamilton (905) 546-2424 Ext. 4114
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring its property located at 1346 Concession 4 West, Flamborough, as shown on Appendix “A” attached to Report PED21071;
- (b) That staff be directed to advise the (HWDSB) of the City of Hamilton’s site development requirements as identified in Appendix “B” attached to Report PED21071.

EXECUTIVE SUMMARY

On February 2, 2021, pursuant to O.Reg 444/98, the Hamilton-Wentworth District School Board (HWDSB) submitted to the City a proposal to sell its property located at 1346 Concession 4 West, Flamborough, as shown and legally described in Appendix “A” attached to this Report (the “Subject Property”). The Subject Property is an approximately 4.0-acre parcel of land, and is improved with a school building having a building area of approximately 22,249 ft². The Subject Property was previously known as “Beverly Central School”.

**SUBJECT: Hamilton-Wentworth District School Board Property at 1346
Concession 4 West, Flamborough (PED21071) (Ward 13) - Page 2 of 4**

Based on circulation of the property to stakeholders, and consideration by Portfolio Management Committee (PMC), the potential acquisition of the subject property is deemed not to be in the interest of the City.

Alternatives for Consideration – Not Applicable

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 February 2, 2021, HWDSB provided written notice to the City of its Proposal to Sell Real Property located at 1346 Concession 4 West, Flamborough, in accordance with Ontario Regulation 444/98. The City and other preferred agencies have 90 days to respond to the HWDSB as to whether 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 444/98. Under this protocol, the HWDSB circulates notice of the proposed property sale to preferred agents including the City (as per Ontario Regulation 444/98).

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 February 12, 2021, Real Estate staff circulated a memorandum to all City Departments and relevant stakeholders concerning the HWDSB's proposal to sell its property at 1346 Concession 4 West, Flamborough, in order to elicit their comments or interest in acquisition of the property. There was no staff interest expressed in this property.

On March 18, 2021, the Portfolio Management Committee (PMC) considered the outcome of the internal circulation and does not support the acquisition of the Subject Property, due to there being no departmental interest or any approved program to support the acquisition of the Subject Property.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Subject Property being offered for sale is an approximately 4.0-acre parcel of land, improved with a school building having a building area of approximately 22,249 ft², being previously known as "Beverly Central School". The Subject Property is located in the southwest quadrant of the intersection of Concession 4 West and Westover Road.

Pursuant to the City Council adopted principles (Portfolio Management Strategy, 2004), for property acquisition, property shall only be acquired to support an approved program. The approved program must have an approved budget item that includes the costs of the real property and its operational impact. Given the results of the consultation noted in the Relevant Consultation section of this Report, there is no approved program to support the acquisition and operation of the Subject Property and thus no justification to acquire the Subject Property.

City Divisions have provided valuable information respecting guidelines for the future use of the site, the relevant comments are summarized in Appendix "B" of this Report and staff will share these comments with the HWDSB.

ALTERNATIVES FOR CONSIDERATION – N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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Our People and Performance

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APPENDICES AND SCHEDULES ATTACHED

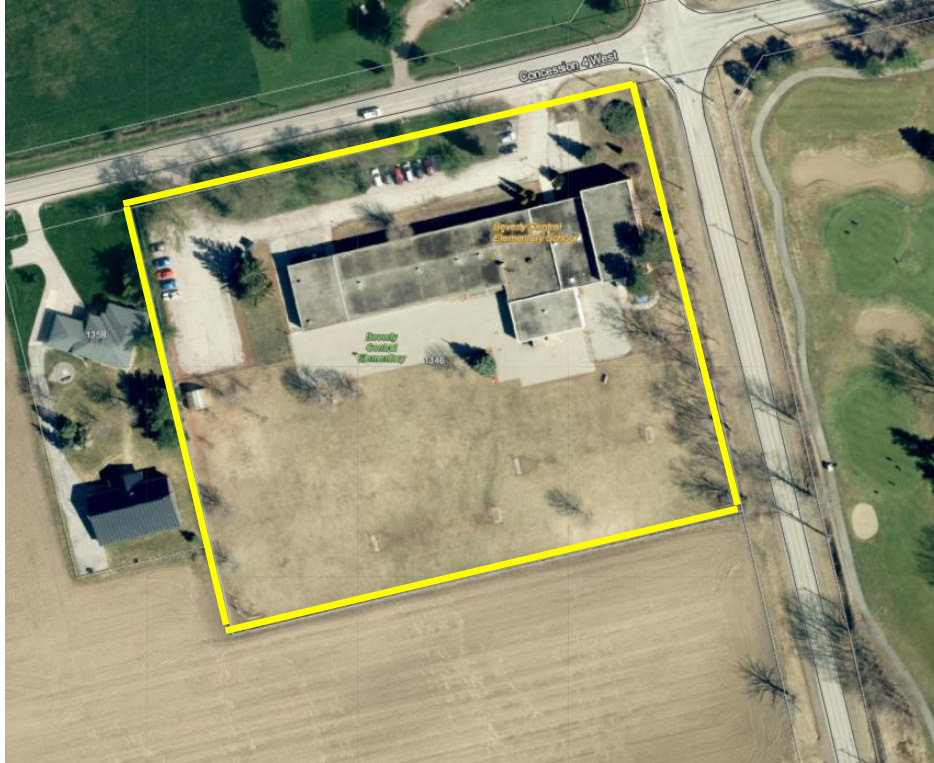
Appendix "A" – Location Map to Report PED21071

Appendix "B" – Site Development Requirements to Report PED21071

CH:sd

Location Map

1346 Concession 4, West, Flamborough



Legal Description: PT LT 30, CON 3 BEVERLY, AS IN HL86539 & BV353D EXCEPT AB266850; FLAMBOROUGH CITY OF HAMILTON; BEING ALL OF PIN 17550-0056(LT)

SITE DEVELOPMENT REQUIREMENTS

Planning and Economic Development Department

<p>Development Approvals Growth Management – Planning and Economic Development</p>	<ul style="list-style-type: none"> • No existing sewer infrastructure fronting the subject property; • According to the Rural Hamilton Official Plan (RHOP) and the GIS Transportation Planning Map, there are no required road widening dedications for the subject site; and, • The existing road widths appear to be in accordance with UHOP, therefore future road allowance widenings will not be required across the frontage.
<p>Community Planning Planning & Economic Development</p>	<ul style="list-style-type: none"> • 1346 Concession 4 Road West (Beverly Central Elementary) is designated “Agriculture” on Schedule D of the Rural Hamilton Official Plan. • Permitted uses in the Agriculture land use designation are identified in the RHOP Volume 1 Section D.2.0 Agriculture Designation, subject to meeting other RHOP policy and zoning requirements. These areas are intended to protect the prime agricultural areas for agricultural use over the life of the RHOP. <p>Volume 1 – Chapter D D.2.0 AGRICULTURE DESIGNATION</p> <p>Permitted Uses Agricultural Uses</p> <ul style="list-style-type: none"> • 2.1.1 <i>Agricultural uses</i> are permitted subject to the policies of this Plan. • 2.1.1.1 Mushroom operations, including the growing, harvesting, cleaning, packaging and shipping of mushrooms produced on the site and any other uses directly related to mushroom production including the creation of compost are permitted. The establishment of a new mushroom operation or the expansion of an <i>existing</i> operation shall be subject to Site Plan approval to address the appropriate building location, drainage, and any other matters. • 2.1.1.2 Tree farms are permitted, provided that any goods and materials offered for sale are limited to <i>small scale</i> retailing of agricultural products grown and produced primarily on-site in accordance


	<p>with the policies of Section D.2.1.3.2 c) of this Plan for on-farm <i>secondary uses</i>.</p> <ul style="list-style-type: none"> • 2.1.1.3 Farm greenhouses are greenhouses used primarily for the growing of crops for off-site wholesale. Farm greenhouses may be permitted provided the following conditions are met: (OPA 5) • Site Plan approval shall be required to address appropriate building location, storm water management and drainage; and • Any goods or materials offered for sale shall be limited to small scale retailing of products grown and produced primarily on site in accordance with the policies of Section D.2.1.3.2 c) of this Plan for on-farm secondary uses. • 2.1.1.4 Cannabis growing and harvesting facilities are permitted in accordance with the regulations set out in the Zoning By-law and provided that the following conditions are met: (OPA 9) (OPA 21) • a cannabis growing and harvesting facility is permitted in buildings existing at the date of the passing of the Zoning By-law; • The gross floor area for a new cannabis growing and harvesting facility shall not exceed 2000 square metres; • The testing, packaging, and shipping of cannabis shall be accessory to the cannabis production growing and harvesting facility; • An appropriate setback between a cannabis production growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law; • No retail sales are permitted; • No outdoor storage is permitted; and, <p>In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:</p> <ul style="list-style-type: none"> • Odour and Dust Impact Assessment; • Light Impact Assessment; • Transportation Impact Study; • Hydrogeological studies; and, • any other appropriate studies, identified as part of the complete application and formal consultation process; and, • The establishment of a new cannabis production growing and harvesting facility or the expansion of
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	<p>an existing facility shall be subject to Site Plan approval to address the appropriate building location, setbacks, drainage, sustainable private services, odour/dust, traffic and any other matters.</p> <ul style="list-style-type: none"> • 2.1.1.5 Aquaponics facilities may be permitted provided the following conditions are met: (OPA 9) • Site Plan approval shall be required to address appropriate building location, storm water management and drainage; and • Any goods or materials offered for sale shall be limited to small scale retailing of products grown and produced primarily on site in accordance with the policies of Section D.2.1.3.2 c) of this Plan for on-farm secondary uses. • 2.1.1.6 A farm labour residence may be permitted on the same lot as the primary farm use provided all the following conditions are met: <ul style="list-style-type: none"> • The size and nature of the farm operation requires additional on-site employment for regular and extended periods of time in the annual production process such that additional accommodation is required for the viability and effective operation of the farm, as shown in a justification report deemed acceptable by the City; (OPA 5) • A maximum of one farm labour residence may be permitted without an amendment to the Zoning By-Law, in the form of an accessory apartment attached to and forming part of the principal farm residence, or an accessory detached temporary dwelling, such as a mobile home or bunk house provided: (OPA 9) • The second unit shall be serviced by the same private sewer and water systems used by the principal farm residence and be in accordance with Section C.5.1, Sustainable Private Water and Wastewater Services policies of this Plan. • Where a temporary dwelling is used as a farm labour residence, the owner shall remove the temporary dwelling from the subject farm if, in the opinion of the City, it is no longer required or used as a farm labour residence. • 2.1.1.7 The severance of a lot for a farm labour residence shall not be permitted <p>Permitted Uses (A2 – Rural)</p> <ul style="list-style-type: none"> • Abattoir, Agriculture, Agricultural Processing Establishment – Stand Alone, Agricultural Storage Establishment, Farm Product Supply Dealer,
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	<p>Kennel, Livestock Assembly Point, Residential Care Facility, Secondary Uses to Agriculture, Single Detached Dwelling, Veterinary Service – Farm Animal</p> <ul style="list-style-type: none">• Min. Lot Area = 40.4 ha• Min. Lot Coverage = 20% <p>The future use of this site should ensure compatibility with surrounding uses. Staff would be pleased to review any preliminary plans submitted by the property owner or prospective purchaser to ensure the appropriate integration of new development within the context of existing land use.</p>
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CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	School Board Property Sub-Committee
COMMITTEE DATE:	April 12, 2021
SUBJECT/REPORT NO:	Hamilton-Wentworth District School Board Property at 299 Barton Street, Stoney Creek (PED21082) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Craig Hamilton (905) 546-2424 Ext. 4114
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring its property located at 299 Barton Street, Stoney Creek, as shown on Appendix “A” attached to Report PED21082;
- (b) That staff be directed to advise the HWDSB of the City of Hamilton’s site development requirements as identified in Appendix “B” attached to Report PED21082.

EXECUTIVE SUMMARY

On February 2, 2021, pursuant to O.Reg 444/98, the Hamilton-Wentworth District School Board (HWDSB) submitted to the City a proposal to sell its property located at 299 Barton Street, Stoney Creek, as shown and legally described in Appendix “A” attached to this Report (the “Subject Property”). The Subject Property is an approximately 5.8-acre parcel of land and is improved with a school building having a building area of approximately 22,542 ft². The Subject Property was previously known as “Mountainview Elementary School”.

SUBJECT: Hamilton-Wentworth District School Board Property at 299 Barton Street, Stoney Creek (PED21082) (Ward 10) - Page 2 of 4

Based on circulation of the property to stakeholders, and consideration by Portfolio Management Committee (PMC), the potential acquisition of the subject property is not deemed to be in the interest of the City.

Alternatives for Consideration – Not Applicable

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 February 2, 2021, HWDSB provided written notice to the City of its Proposal to Sell Real Property located at 299 Barton Street, 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 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 444/98. Under this protocol, the HWDSB circulates notice of the proposed property sale to preferred agents including the City (as per Ontario Regulation 444/98).

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 November 11, 2019, Real Estate staff circulated a memorandum to all City Departments and relevant stakeholders concerning the HWDSB's proposal to sell its property at 299 Barton Street, Stoney Creek, in order to elicit their comments or interest in acquisition of the property. There was no staff interest expressed in this property.

On February 13, 2020, the Portfolio Management Committee (PMC) considered the outcome of the internal circulation and does not support the acquisition of the Subject Property, due to there being no departmental interest or any approved program to support the acquisition of the Subject Property.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Subject Property being offered for sale is an approximately 5.38-acre parcel of land, improved with a school building having a building area of approximately 22,542 ft², being previously known as "Mountainview Elementary School". The Subject Property located on the north side of Barton Street, east of Green Road.

Pursuant to the City Council adopted principles (Portfolio Management Strategy, 2004) for property acquisition, property shall only be acquired to support an approved program. The approved program must have an approved budget item that includes the costs of the real property and its operational impact. Given the results of the consultation noted in the Relevant Consultation section of this Report, there is no approved program to support the acquisition and operation of the Subject Property and thus no justification to acquire the Subject Property.

City Divisions have provided valuable information respecting guidelines for the future use of the site, the relevant comments are summarized in Appendix "B" of this Report and staff will share these comments with the HWDSB.

ALTERNATIVES FOR CONSIDERATION – N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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Our People and Performance

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map to Report PED21082

Appendix "B" – Site Development Requirements to Report PED21082

CH:sd

Location Map

299 Barton Street, Hamilton (Ward 10)



Legal Description: PT LT 20, CON 1 SALTFLEET, AS IN SA39384 EXCEPT CD30464; STONEY CREEK; CITY OF HAMILTON – BEING ALL OF PIN 17331-0025(LT)

SITE DEVELOPMENT REQUIREMENTS

Planning and Economic Development Department

<p>Development Engineering Planning and Economic Development</p>	<ul style="list-style-type: none"> • The existing municipal infrastructure fronting the subject property is summarized below: <ul style="list-style-type: none"> ○ 1050mm dia. Watermain ○ 400mm dia. Watermain ○ 525mm dia. Storm sewer ○ 825mm dia. Storm sewer ○ 250mm dia. Sanitary sewer
<p>Transportation Planning Planning and Economic Development</p>	<ul style="list-style-type: none"> • On the south side of the property, approximately 7m are to be dedicated to the right-of-way on Barton Street, per the Council Approved Urban Official Plan: Schedule C-2 – Future Right of Way Dedications.
<p>Building Division Planning and Economic Development</p>	<ul style="list-style-type: none"> • Building Division records indicate that the recognized use is an Educational Establishment (Mountain View Public School), which is permitted pursuant to Special Exception 373; • Permitted uses and applicable zone provisions shall be in accordance with Section 9.2 and 9.3 of Hamilton Zoning By-law 05-200; • A minimum lot area of 4,000 square metres is required in the M2 and M3 zone; • Please note where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for each of the applicable zones as per Section 2.5f) of Hamilton Zoning By-law 05-200; • The lands are subject to Site Plan Control; • All proposed development is subject to the issuance of a building permit in the normal manner; and, • Building Permit 18-109991 for interior alterations is outstanding. Please contact (905) 546-2424 extension 7777 for further information.
<p>Development Planning, Heritage and Design Planning and Economic Development</p>	<ul style="list-style-type: none"> • “Note: 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 disturbance, in addition to any areas impacted by the installation of services, such as water, electricity and ground-source heat

	<p>pumps, and the proponent is advised to conduct an archaeological assessment 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 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the MHSTCI. Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."</p>
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