



## CITY OF HAMILTON

### PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT Economic Development Division

<b>TO:</b> Mayor and Members General Issues Committee	<b>WARD(S) AFFECTED:</b> WARD 13
<b>COMMITTEE DATE:</b> April 18, 2012	
<b>SUBJECT/REPORT NO:</b> Infrastructure Ontario (IO) Surplus Land - Project 8453 - Located at 63 – 75 Atkinson Boulevard, Described as Parts 6 and 28, Plan 62R-15585, former Town of Dundas, now City of Hamilton (PED12067) (Ward 13)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Darlene Cole (905) 546-2424, Ext. 7910
<b>SIGNATURE:</b>	

#### RECOMMENDATION:

- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise Infrastructure Ontario that the City of Hamilton has no interest in acquiring their land located at 63 – 75 Atkinson Boulevard, in the former Town of Dundas, now City of Hamilton, as shown on Appendix "A", attached to Report PED12067; and,
- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise Infrastructure Ontario of the City of Hamilton's requirements to the development of the site as identified in Appendix "B", attached to Report PED12067.

**EXECUTIVE SUMMARY:**

The Real Estate Section of the Economic Development Division of the Planning and Economic Development Department is seeking Council's direction to advise Infrastructure Ontario (IO) that the City of Hamilton has no interest in acquiring the surplus lands located at 63 – 75 Atkinson Boulevard, described as Parts 6 and 28, Plan 62R-15585, in the former Town of Dundas, now City of Hamilton, as shown on Appendix "A" to Report PED12067.

*Alternatives for Consideration - Page 3*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS:**

**Financial:** N/A.

**Staffing:** N/A.

**Legal:** N/A.

**HISTORICAL BACKGROUND:**

The information and recommendations contained in this Report primarily affect Ward 13.

The subject is a vacant, irregular parcel of land comprising 0.17 ha (0.44 acres) within the Pleasant View neighbourhood lying north of York Boulevard and south of Highway 6 in Dundas. The CP rail line bounds the west limit of this parcel which is described as Part of Lots 18, 19, 20 and 21, Plan 673, and forms all of PINs 17495-0184 and 17495-0106, and Roll Nos. 251826027020600 and 251826027021000.

Pleasant View Neighbourhood, unique for its geography and history, covers an area of approximately 985 acres of land of which about 600 acres is held primarily by private investment (corporate and residential), about 85 acres of natural conservation land, and the remaining 300 acres is absorbed with utilities, roads, railways and institutional uses. Implementation of the Parkway Belt West Plan in 1974 by the Provincial government placed Pleasant View Neighbourhood in the "Special Complementary Use" designation within the "Escarpment Link", wherein all official plans, development agreements, plans of subdivision, subdivision agreements, and zoning and other by-laws would ensure that development and redevelopment would conform with certain goals and objectives of the Parkway Belt West Plan.

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For some time, this policy foundation left Pleasant View Neighbourhood with scattered residential development, unfinished roadways, inadequate municipal services and an erratic ownership pattern with numerous small parcels owned by individuals unable to build due to the absence of certain basic services (water, sewage, roads). When Zoning and Official Plan documents covering Pleasant View Neighbourhood were adopted, development activity resumed.

**POLICY IMPLICATIONS:**

An internal circulation has confirmed there is no municipal need for the subject property at this time. As no municipal need has been identified, Council's direction is being sought to allow staff to advise IO that the City of Hamilton has no interest in acquiring the lands.

**RELEVANT CONSULTATION:**

Pursuant to the City of Hamilton Real Property Sale Procedural By-law 04-299, the Real Estate Section circulated the request to all City Departments. No municipal uses were identified for the subject property.

Please see Appendix "B", attached to Report PED12067, for the City's requirements to the development of the site.

**ANALYSIS / RATIONALE FOR RECOMMENDATION:**

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

**ALTERNATIVES FOR CONSIDERATION:**

IO requires either a confirmation of interest or in the alternative, a declination. In this instance, the City has no interest in acquiring the property at this time.

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**CORPORATE STRATEGIC PLAN:**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

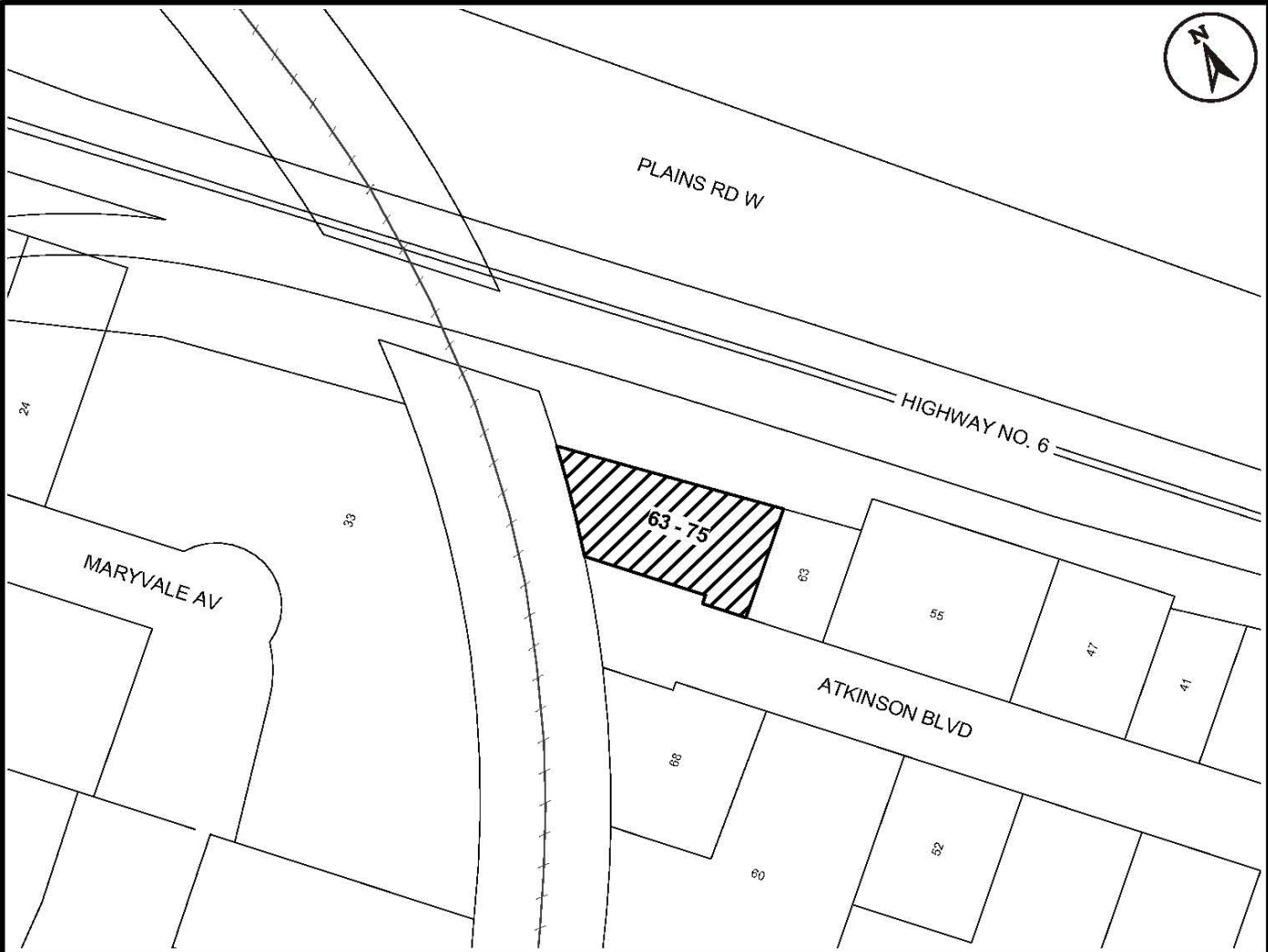
***Intergovernmental Relationships***

- ◆ Maintain effective relationships with other public agencies.

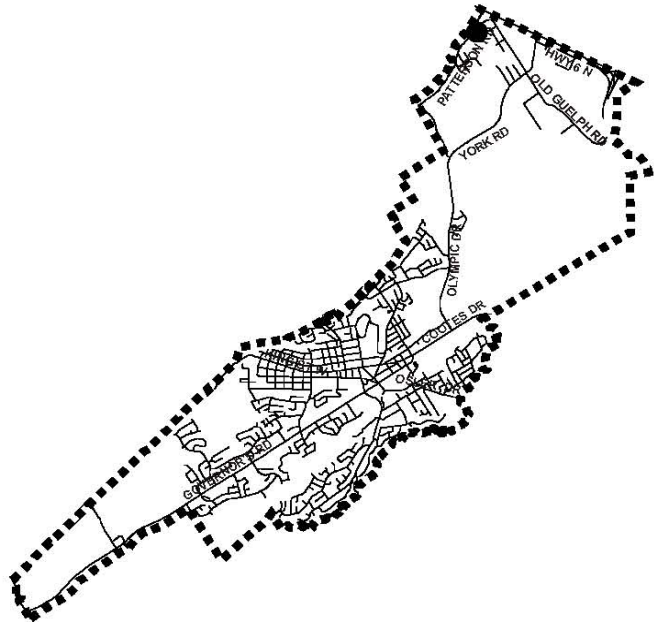
**APPENDICES / SCHEDULES**

Appendix "A" to Report PED12067 – Location Map  
Appendix "B" to Report PED12067 – Site Requirements

DC/sd



● Location



Ward 13 Key Map

N.T.S.

# Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**File Name/Number:**  
2011-099

**Date:**  
March 21, 2012

**Appendix "A"**

**Scale:**  
N.T.S.

**Planner/Technician:**  
DC/KA

**Subject Property**

63 - 75 Atkinson Boulevard

PARTS 6 and 28

PLAN 62R-15585

PIN # 17495-0184

PIN # 17495-0106

## SITE REQUIREMENTS

### ***Legislative Approvals Section:***

“The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. Staff notes the following PPS policies:

Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Staff notes that the subject lands are located adjacent to Highway 6 and a Canadian Pacific Railway Corridor. As such, any future development application for the subject lands which contemplates a sensitive land use will require the fulfilment of the following condition:

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

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

The subject property is designated as “**Special Complementary Use Area**” within the Parkway Belt West Plan. This designation permits existing uses, public uses, additions to uses, and one single family residence on an existing vacant lot provided that certain criteria are met. However, please note the restrictions in the Dundas Zoning By-law below.

The subject property is designated as “**Parkway Belt West Policy Area**” within the Hamilton-Wentworth Regional Official Plan. Policy C.1.6 states that the policies of the Parkway Belt West Plan apply within this area.

The lands fall within an area that was deleted from the Town of Dundas Official Plan. Instead, the lands remain subject to OPA # 23 to the former Town of Dundas Official Plan, amended by the OMB, under the previous 1992 Official Plan. Notwithstanding, it falls within the Parkway Belt West Plan.

The subject lands are zoned Rural “RU/S-58” Zone in the Town of Dundas Zoning By-law. This zone permits dwellings that legally existed as of August 14, 1998, or dwellings that received building permits, site plan approval, or amendments to O-Reg. Nos. 484/73 or 486/73 before August 14, 1998. For such dwellings, a number of site-specific regulations apply. “

***Community Planning:***

“The following planning framework also applies to the subject property:

**Rural Hamilton Official Plan Designation:**

- Schedule “D” – Rural Land Use – Rural

**Dundas Official Plan Designation:**

- Schedule “B” – Land Use – Urban Area – Rural Area  
Deleted from Plan – OPA #23”

***Community Planning - Archaeology:***

“The subject property meets 2 of the 10 criteria used by the City of Hamilton and Ontario Ministry of Tourism and Culture for determining archaeological potential:

- 1) Local knowledge associates areas with historic events / activities / occupations; and,
- 2) Along historic transportation routes.

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

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416-314-7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416-326-8392).”

***Community Services – Recreation:***

“There are no neighbourhood parks within the Guelph Planning Unit and thus a neighbourhood park deficiency exists, based on the 2006 census population, of 0.133 ha. However, from a site suitability perspective, the size of the vacant parcel at 0.17 ha, is not sufficient to meet the minimum standard for a neighbourhood park, nor would its size be suitable for other recreation facilities. Furthermore, the site location is challenged by access constraints for residents beyond those in the immediate vicinity, in part due to the physical barriers presented by Highway 6 and the CP rail line.

Accordingly, the location and site attributes are not ideally suited to meeting Recreation needs within the community.”

***Development Engineering:***

“Atkinson Boulevard between Northcliffe Avenue and the CPR Railway is approximately 300 metres in length with no alternative access. According to current municipal standards, this would require a vehicular turning circle to allow for emergency/service vehicles to safely manoeuvre and exit a public street in a forward manner. To construct the City’s standard turning circle, a radius of 16 metres is required, 13 metres for the paved portion and an additional 3 metres for grading/drainage and snow storage.”

***Environment and Sustainable Infrastructure Division:***

“Potential purchasers should be advised that a proper cul-de-sac for garbage pick-up and a snow plough turnaround is required at this location, therefore sufficient land to accommodate these needs may be required by the City at some future date.”

***Building Services Division:***

“Our records indicate the last recognized use of both 63 and 75 Atkinson Boulevard are vacant parcels of land.

These lands are zoned RU/S-58, with the following permitted uses:

- (i) A single detached dwelling legally existing as of August 14, 1998;



- (ii) A new single detached dwelling in accordance with a valid building permit issued by the Chief Building Official prior to August 14, 1998 and the construction of which has not been completed by August 14, 1998;
- (iii) A new single detached dwelling in accordance with a site plan approval granted by Council prior to August 14, 1998 and for which a building permit has not been issued by August 14, 1998;
- (iv) A new single detached dwelling in accordance with an amendment to Ontario Regulation No. 484/73 or 486/73 granted prior to August 14, 1998 by the Minister of Municipal Affairs and Housing and for which a building permit has not yet been issued by August 14, 1998; and,
- (v) Accessory buildings, structures and uses.”