

**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 8
<b>COMMITTEE DATE:</b> July 9, 2012	
<b>SUBJECT/REPORT NO:</b> Hamilton-Wentworth District School Board (HWDSB) Surplus Land - Located at 1460 Upper James Street, described as Part of Lot 15, Concession 8 (formerly Township of Barton) City of Hamilton (PED12116) (Ward 8)	
<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>	

**RECOMMENDATIONS**

- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in the property located at 1460 Upper James Street, described as Part of Lot 15, Concession 8, as shown on Appendix "A" attached to Report PED12116.
- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) of the City of Hamilton's site requirements for the site as set out in Appendix "B" attached to Report PED12116.

**SUBJECT:** Hamilton-Wentworth District School Board (HWDSB) Surplus Land - Located at 1460 Upper James Street, described as Part of Lot 15, Concession 8 (formerly Township of Barton) City of Hamilton (PED12116) (Ward 8) - **Page 2 of 4**

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## EXECUTIVE SUMMARY

The subject property is a vacant parcel in the Mewburn Neighbourhood, south of Stone Church Road, approximately 320 feet west of Upper James Street; the property is accessed via a 20 foot right of way off Upper James Street.

The Real Estate Section of the Economic Development Division of the Planning and Economic Development Department is seeking Council's direction to advise the HWDSB that the City of Hamilton has no interest in acquiring the surplus land located at 1460 Upper James Street, legally described as Part of Lot 15, Concession 8, in the former Township of Barton.

*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 8.

The subject parcel, having an area of approximately 2.02 ha (5 ac), is vacant. The site has a rectangular shape with varying boundary dimensions of 181.77 m (596.37 ft) at the east limit, 111.85 m (336.99 ft) along the north limit, 178 m (584.25 ft) on the west limit and 112.12 m (367.87 ft) along the south limit; this parcel is approximately 97.53 m (320 ft) from Upper James Street, connected by a 6 m (20 ft) right of way between the parcel and the road. The legal description for the property is Part of Lot 15, Concession 8, City of Hamilton, and further identified as all of PIN 16912-0022 and Roll No. 251808095104830.

Zoning for this property is "AA" – Agricultural according to Section 7A of Zoning By-law 6593. Permitted uses include a single family dwelling, a public hospital, a school, and limited recreational uses.

This parcel is non-conforming in that it does not have street frontage. An application to the Committee of Adjustment for a minor variance would be required for any proposed

**SUBJECT:** Hamilton-Wentworth District School Board (HWDSB) Surplus Land - Located at 1460 Upper James Street, described as Part of Lot 15, Concession 8 (formerly Township of Barton) City of Hamilton (PED12116) (Ward 8) - **Page 3 of 4**

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development of the property. If these lands were to be merged with adjoining parcel having street frontage, a minor variance would not be required.

### **POLICY IMPLICATIONS**

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.

### **RELEVANT CONSULTATION**

There are a number of school sites that will be declared surplus over the next five (5) years. The City will need to prioritize which sites to purchase as the Parkland Reserve funding is insufficient to acquire all the sites. Acquisition of surplus school properties will need to be balanced with other parkland purchases such as those that fulfill Secondary and Neighbourhood Plan requirements.

The internal circulation and discussions with the Ward Councillor confirmed no municipal need for the subject property; Council's direction is being sought to allow staff to advise the HWDSB that the City of Hamilton has no interest in acquiring this site.

### **ANALYSIS / RATIONALE FOR RECOMMENDATION**

Approval of Recommendation (a) by Committee and Council will authorize Real Estate staff to advise HWDSB that the City of Hamilton has no interest in acquiring the surplus school lands known municipally as 1460 Upper James Street.

### **ALTERNATIVES FOR CONSIDERATION**

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

### **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.

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(Ward 8) - **Page 4 of 4**

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<b>APPENDICES / SCHEDULES</b>
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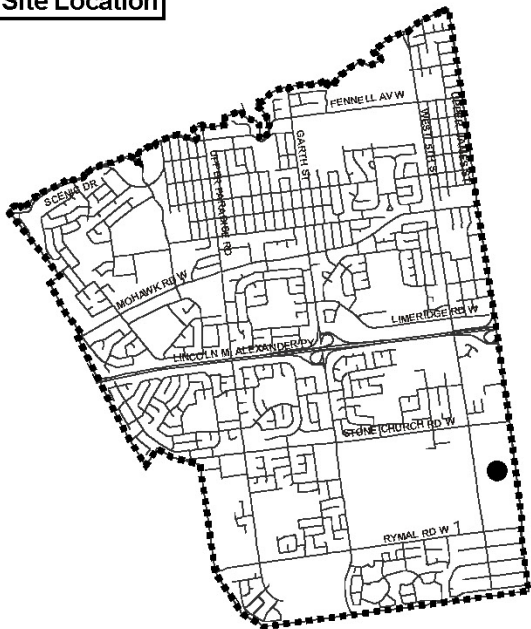
Appendix "A" to Report PED12116 - Location Map

Appendix "B" to Report PED12116 - Site Requirements


DC/sd



● Site Location



Ward 8 Key Map

N.T.S. 

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
2012-047

Date:  
June 8, 2012

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
DC/AL

### Subject Property



1460 Upper James Street

Part of Lot 15, Concession 8  
(former Township of Barton)

PIN# 16912-0022



20' Right of Way

## 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 statement issued under the act. In reviewing the PPS, staff provides the following comments:

Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Staff note that the subject lands are located adjacent to existing commercial development and are located within 90 metres of Upper James Street. As such, any future development application for the subject lands which contemplates a sensitive land use would 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.*

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

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

The subject property is designated as "Major Institutional" in the City of Hamilton Official Plan, which permits cultural facilities, health, welfare, educational, religious, and governmental activities and accessory uses. However, Policies A.2.6.5 and A.2.6.6 also

allow residential uses, as well as recreational uses that are ancillary to the primary “Major Institutional” use, within areas designated “Major Institutional”, provided that such uses are compatible with the surrounding area and are in keeping with the policies set out in the Official Plan.

The subject property is designated “Civic and Institutional” in the Mewburn Neighbourhood Plan, and the proposed road pattern suggests that access would ultimately be provided from an internal neighbourhood road connecting the site to West 5<sup>th</sup> Street. Lands abutting the subject property are predominantly “Single and Double”, but also include “Attached Housing”, and “Commercial” lands with frontages onto Upper James Street.

The subject property is designated “Neighbourhoods” in the New Urban Hamilton Official Plan (which is currently under appeal to the Ontario Municipal Board and not in full force and effect), which permits a variety of land uses that are appropriately scaled and designed to meet the needs of local residents, in accordance with policies contained in Section E.3.0. As the lands are located outside the Built Area, identified in Appendix G, any development would be considered Greenfield and would be subject to density targets identified in Policy 2.3.3.3.

The subject property is zoned “AA (Agricultural) District, in accordance with Section 7A of Hamilton Zoning By-law 6593. Permitted uses include a single family dwelling, a public hospital, a school, and limited recreational uses, among others.

A portion of the subject property is within an area regulated by the Hamilton Conservation Authority (HCA). Comments from the HCA should be sought in this regard.”

***Building Services Division:***

“Our records indicate that the lands are currently vacant. The subject lands are legally established non-conforming as they do not have any frontage on a street. As such, a successful application to the Committee of Adjustment for a minor variance will be required for any proposed development; however, if the subject lands are merged in title with an abutting parcel a minor variance may not be required. Any proposed development shall conform with the requirements of the “AA” District. Building permits will be required in the normal manner prior to any development being permitted.”

***Community Planning & Design Section:***

- “Neighbourhood Plan Designation:  
- Mewburn Neighbourhood – Civic and Institutional  
Prior Community Planning comments continue to apply:

*The subject property is located within the Mewburn Neighbourhood, which is currently deficient in neighbourhood parkland by 0.3 ha. As the subject*

*neighbourhood is less than 1 ha in deficiency and there is a large proposed park in the area, staff does not recommend the purchase of these lands. (AMc 02-10-08)*

### Archaeology:

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

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) Local knowledge associates areas with historic events/activities/occupations.

These criteria define the property as having 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 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 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 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).

The School Board should also be advised of the property's archaeological potential so that, in the event that the City does not purchase the property, any other prospective owners can also be advised as above. (MH/OA 2012 05 16)"

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

#### Strategic Planning:

"Access to Upper James Street is through a 20 metre right of way in the City of Hamilton's New Urban Official Plan; refer to Schedule C-2 – Future Road Widening (Upper James Street, 36.576 m)."



Traffic Planning:

"It is the Mewburn Neighbourhood plan intention that the lands around this property ideally develop in a consolidated manner. We advise that per the Plan, access to the road network from this property will be from the west, not from Upper James Street. The Mewburn plan includes a municipal roadway running north-south along the west limits of the property, and a significant planting strip along the east and portions of the north property line."

DC/sd