



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	December 2, 2015
SUBJECT/REPORT NO:	Release - Hamilton Jewish Communal Projects Inc. (HJCPI) - Municipal Capital Facilities Agreement, 1030 Lower Lions Club Road, Ancaster (PED15209) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Darlene Cole (905) 546-2424 Ext. 7910
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

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 Hamilton Jewish Communal Projects Inc. (HJCPI) that the City of Hamilton will not be exercising its right of first refusal to purchase the lands, buildings and premises comprising 1030 Lower Lions Club Road, Ancaster, now City of Hamilton, as shown on Appendix "A" attached to Report PED15209, pursuant to Section 4 of the Municipal Capital Facilities Agreement dated September 9, 2003;
- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise Hamilton Jewish Communal Projects Inc. (HJCPI) of the City of Hamilton's site development requirements as identified in Appendix "B" attached to Report PED15209;
- (c) That the City Manager's Office, Legal Services Division, be authorized and directed to rescind By-law No. 2000-125 enacted on November 6, 2000 by the Town of Ancaster, being a By-law to authorize the signing of an agreement with the Hamilton Jewish Communal Projects Inc. (HJCPI), to operate and maintain the Jewish Community Centre located at 1030 Lower Lions Club Road and to exempt such municipal capital facility from taxation for municipal and school board purposes;

- (d) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

The Corporation of the Town of Ancaster passed By-law No. 2000-125 on November 6, 2000, authorizing that an agreement be entered into with the Hamilton Jewish Communal Projects Inc. (HJCPI) to operate and maintain the Jewish Community Centre located at 1030 Lower Lions Club and to exempt this municipal capital facility from taxation for municipal and school board purposes. On September 9, 2003, the City of Hamilton entered into a Municipal Capital Facilities Agreement with the HJCPI. This Agreement gave the City of Hamilton the right to purchase these lands at a price equal to the best offer received by the HJCPI. Recently, HJCPI approached the City of Hamilton advising they intended to cease their operations in this location, they received an offer to sell their land holdings and they were inquiring as to whether or not the City wished to exercise its right to purchase the lands. City staff circulated this property to the stakeholders to determine if there was any interest in acquiring this property for City projects. As well, the Portfolio Management Committee (PMC) also considered the potential acquisition of this property. City staff concluded that there was no interest by the City to acquire these lands.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Municipal Capital Facility exemption from taxation will be rescinded.

Staffing: N/A

Legal: Legal Services Division will be required to release HJCPI from the Municipal Capital Facilities Agreement and to repeal By-law No. 2000-125.

HISTORICAL BACKGROUND

In May 2003, the City entered into a Municipal Capital Facilities Agreement with HJCPI at 1030 Lower Lions Club Road, Ancaster. In this Agreement, HJCPI made their recreational facility available for municipal purposes and public use. A By-law was enacted on November 6, 2000 by the Town of Ancaster which declared this to be a municipal capital facility, thereby exempting the facility from taxation.

The Agreement gave the right to the City of Hamilton to purchase these lands at a price equal to the best offer received by the HJCPI. For HJCPI, the Jewish Community Centre is no longer sustainable as the membership is down, the buildings need capital improvements and the property is being offered for sale. The entire holding consists of

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33.43 acres and except for a 200mm waterline in Lower Lions Club Road, there are no municipal services.

Although two purchasers have come forward, HJCPI is obliged to offer the property first to the City of Hamilton in accordance with the terms of the Municipal Capital Facilities Agreement. Circulation to all City Departments determined there is no municipal need for this property.

Since the Agreement is registered on title, Council approval is required to release HJCPI from its obligation to the City and also to rescind By-law 2000-125 to remove the tax exemption on this property.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

- Real Estate Portfolio Strategy Plan

RELEVANT CONSULTATION

- Ward Councillor
- City Manager's Office, Legal Services Division
- Portfolio Management Committee
- All City Departments

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The subject property is outside the urban boundary, situated within the Niagara Protection Area of the Niagara Escarpment Plan. There is limited development potential given the lack of services and constraints of the existing planning framework. The lands are designated Open Space in the Rural Hamilton Official Plan. The Ancaster Zoning By-law is still in force, designating the subject as Private Open Space 01-248 and Agricultural A1. This site specific zone restricts the use to a private tennis and squash club with accessory facilities and parking.

In the new Rural Zoning By-law 05-200 (under appeal before the OMB), the property would be designated Agriculture (A1), with Conservation / Hazard Land Rural (P6) zoning applied along the southerly and westerly limits. Niagara Escarpment Commission / Niagara Protection Area permitted uses include agricultural operations, existing uses, single dwellings, recreation uses oriented towards the land with minimal impact and modification, small scale commercial uses accessory to agriculture, among others.

Although the need for outdoor tennis courts in Ancaster can be demonstrated, staff has advised that a central location in a current park designation would be more appropriate.

Furthermore, the HJCPI property is not well situated for convenient access and is not on a transit route.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED15209 – Location Map

Appendix “B” to Report PED15209 – Site Development Requirements

DC/sd