



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

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

RECOMMENDATION

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

EXECUTIVE SUMMARY

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

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

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

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

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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

City Council adopted principles (Portfolio Management Strategy, 2004) for property acquisition states “Property will be acquired in support of an approved program only. A budget item must be approved for the program, including the costs of the real property and operational impact, before action is taken to acquire property.”

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

RELEVANT CONSULTATION

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

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

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

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

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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

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

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

ALTERNATIVES FOR CONSIDERATION

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

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

Our People and Performance

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

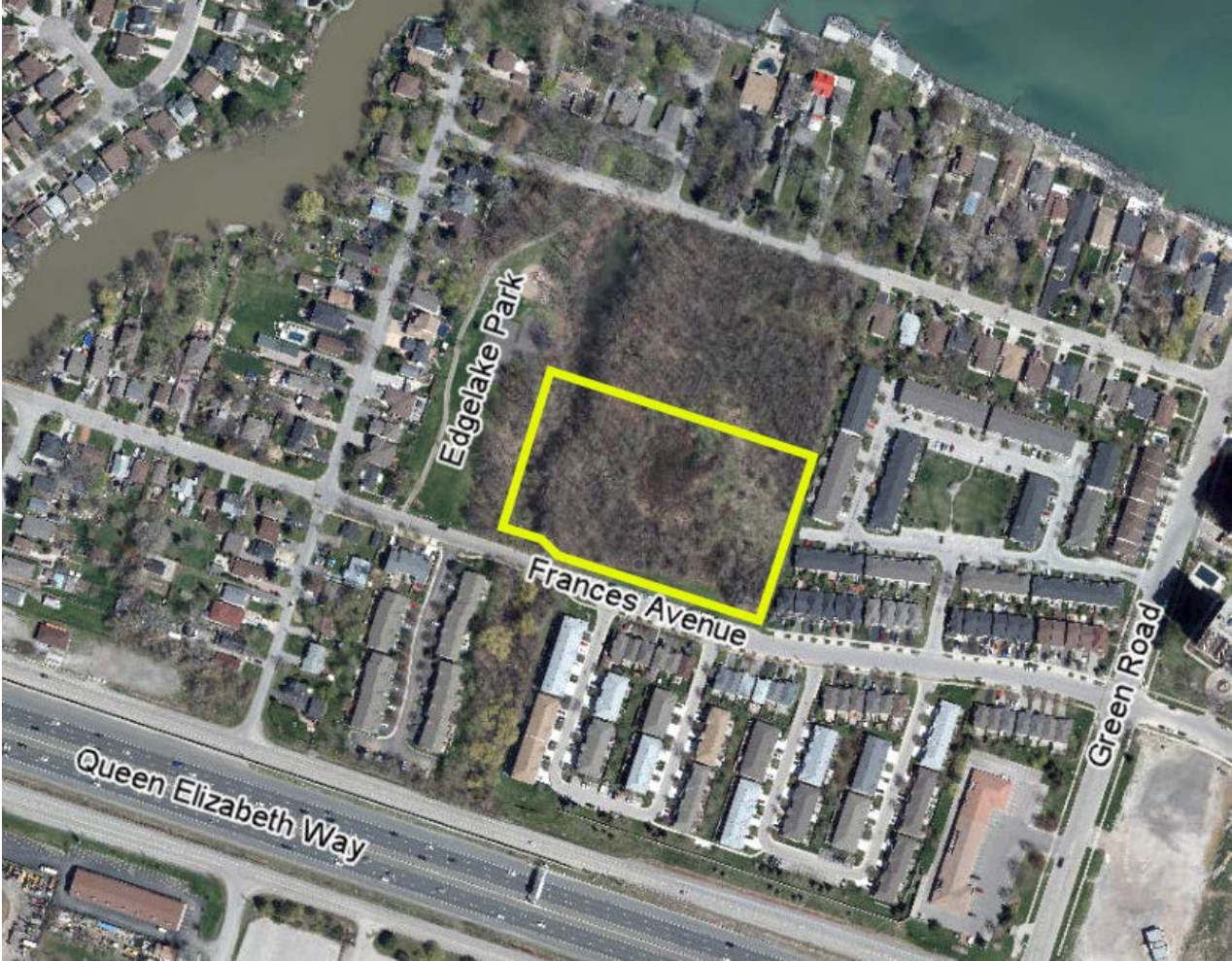
APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Site Development Requirements

Location Map

65 Frances Avenue, Stoney Creek (Ward 10)



SITE DEVELOPMENT REQUIREMENTS

Planning and Economic Development Department

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

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