



Hamilton

INFORMATION REPORT

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 5
COMMITTEE DATE: September 17, 2013	
SUBJECT/REPORT NO: 178 Hixon Road, Hamilton - Slope Stabilization (PED13157/PW13066) (Ward 5)	
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SIGNATURE:	

Council Direction:

As a result of the delegation from Mr. Abacu Mendoza at the Planning Committee on November 20, 2012, and formally endorsed by Council on November 28, 2012, staff was directed to report back to the appropriate Committee with options to address the slope stability issue on City-owned property abutting 178 Hixon Road, Hamilton.

Information:

Immediately following the presentation by the delegation, staff from the Building Services Division attended the site. Based on a visual assessment, staff determined that there was no immediate or short term concerns regarding the stability of the existing foundation. A second visit was conducted in March 2013 at which time staff noted little change in the condition of the slope. Evaluations completed by LVM Naylor Engineering Associates generally confirmed the same observation previously in 2011.

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OUR Mission: WE provide quality public service that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Values: Accountability, Cost Consciousness, Equity, Excellence, Honesty, Innovation, Leadership, Respect and Teamwork

Subsequently, staff from Public Works, Risk Management and Growth Management met to develop an evaluation strategy and options to address the current conditions; in the absence of a discernible public use for the property, staff focused on the remediation options considering liability/risk concerns and land use policy implications.

Remediation

The subject property abuts City-owned lands which comprise, in part, the west slope of the Red Hill Valley. The slope is vegetated by a mature woodlot (see Appendix "A") and exhibits visible evidence of localized soil instability affecting the top of the bank and the abutting lands including visible cracks in the masonry foundation of the single-family dwelling on the property. The property owner has appealed to the City of Hamilton for assistance and, accordingly, this Report has been prepared.

A preliminary report by Cole Engineering requested by Public Works, identifies three possible remediation concepts for consideration:

1. Stabilize the affected slope through soil and bio engineering techniques;
2. Stabilize the affected slope through retaining wall construction;
3. Purchase property, demolish building and
 - a. Restore the site for public open space use or
 - b. Dispose of the property for redevelopment.

The report recommends undertaking a detailed topographic survey and geotechnical investigation at the site and the subsequent preparation of construction drawings and specifications to confirm the preliminary cost estimates which have been reported as follows:

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| 1. Stabilization (soil and bioengineering techniques) | \$ 740,000 |
| 2. Stabilization (retaining wall construction) | \$ 1,080,000 |
| 3. Purchase of Property (building demolition) and | Current market value |
| a. Restore the property for open space use | |
| b. Dispose of the property for redevelopment | |

Risk Management and Legal

This matter was originally brought to the attention of Risk Management in July of 2009 along with four other claims of a similar nature involving valley erosion. At the time there was no evidence to indicate that the City was negligent for any of the claims and all were accordingly denied as per the Risk Management mandate to only pay claims when there is a presence of negligence on the part of the City. The denial was based primarily on a detailed opinion from Legal Services indicating that the City would not be considered liable. The City had not undertaken any activity which may have withdrawn lateral support, nor was it reasonable to expect the City to have prevented the natural movement of earth around the valley. There have been no developments in the

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interceding years, either through case law or the subject fact situation, to necessitate a change from the established liability position.

Similar to the subject property discussed in PW10067, any remedial or compensatory action taken by the City contrary to the liability analysis, and counter to the Risk Management mandate, would set an undesirable precedent for future claims.

Land-use and Development Impacts

The property is currently zoned for a single-family home. Staff consulted with the Hamilton Conservation Authority (HCA) regarding the development or home reconstruction options on 178 Hixon Road. The property in question is located within the HCA regulated area (see Appendix "A"). Any development of the lot would require a permit from the HCA. The exact requirement would depend on the type of development. New development would have to be located beyond stable slope line plus erosion access allowance. Typically a 6.0 metre setback would be required from stable top of bank. As the lot in question has dimensions of only 40 feet by 152 feet (approximately 12 metres by 46 metres), this would make it undevelopable or very restrictive. However, subject to appropriate studies including a geotechnical report on the Slope Stability and Environmental Impact Statement (EIS), the ultimate setbacks would be established as part of this review at site plan stage. It is estimated that following the site plan process, additional field surveying, an EIS geotechnical investigation could cost between \$15,000 to \$25,000. As the form of development and the full appreciation of the restricted access to evaluate the existing conditions is unknown, this cost could increase substantially.

In conclusion, as a result of the aforementioned analysis, it is staff's position that no further action be taken. However, if Committee wants additional information with respect to the market value and acquisition options, staff will have relevant information ready to share with the Committee in camera.

Appendix

Appendix "A" – Detailed Environmentally Significant Area Map

TS/BS:mh

178 Hixon Road, Hamilton

