



City of Hamilton

CITY COUNCIL ADDENDUM

22-015

Wednesday, June 22, 2022, 9:30 A.M.

Council Chambers

Council Chambers, Hamilton City Hall

71 Main Street West

4. COMMUNICATIONS

- *4.6. Correspondence from Alex Bishop on behalf of Harlo Capital and DCR Holdings Inc. requesting a deferral of Item 8 of Audit, Finance and Administration Report 22-012, respecting Development Charge Demolition Credit Extension

Request for Hamilton Central Business Park (Studebaker Place and Ferrie Street, formerly 440 Victoria Avenue North) (FCS17067(a)) (City Wide) to the July 8, 2022 Council meeting, so that they can have an opportunity to provide Council with information that they believe is necessary and important to allow Council to properly assess this in order to make its decision.

Recommendation: Be received and referred to the consideration of Item 8 of Audit, Finance and Administration Committee Report 22-012.

- *4.7. Correspondence from David Bronskill, Goodmans LLP respecting Community Benefits Charge Strategy, 41-61 Wilson Street and 97, 99 and 117 John Street North.

Recommendation: Be received and referred to the consideration of Item 6 of Audit, Finance and Administration Committee Report 22-012.

- *4.8. Correspondence from Dawn Danko, Chair of the Board of Trustees, HWDSB respecting the HWDSB Board of Trustees' opposition to the proposed Cultural Heritage Landscape designation of the Ancaster High School lands.

Recommendation: Be received and referred to the Item 3(a) of Planning Committee Report 22-010.

7. NOTICES OF MOTIONS

- *7.1. Naming of the Great Hall of First Ontario Concert Hall after Boris Brott
- *7.2. Donation from The Patrick J. McNally Charitable Foundation for St Mark's Capital Project



Concierge Group

June 21, 2022

To Hamilton City Council,



101-1001 Champlain Ave
Burlington, ON, CANADA



1 (877) – 912 – 0612



info@conciergestrategies.com



Conciergestrategies.com
Conciergecapitalpartners.com
www.ReCastProperties.com

Re: Development Charge Demolition Credit ("DC") Extension Request for Hamilton Central Business Park, 440 Victoria Avenue, Hamilton ("HCBP")

Thank you for considering the application for an extension for the DCs for the HCBP. We very much appreciated the opportunity to delegate at the Audit, Finance and Administration Committee meeting of June 16. We received feedback from that meeting, which we must consider. This includes certain information that we believe may be inaccurate and/or incomplete, which may well result in a decision being made based on faulty information. In our view, that would be detrimental to the City, Council and us.



We request that this matter be deferred to the next Council meeting so we can have an opportunity to provide Council with information that we believe is necessary and important to allow Council to properly assess this for Council to make a decision based on good process. We only learned on June 19 that this matter was going to Council on June 22, and we hope you will grant our request for a brief deferral for this matter that is important for the City and many stakeholders.

If this must proceed today, which we hope is not the case, we have tried to put together some information that would assist Council, but again, we are unable to provide all of the information needed for this decision.

It appears the City has 3 principal concerns: financial impacts to the City if the credits are extended; setting a precedent that will be concerning for the City; and why there were delays with this development.

Very briefly, this is a very significant brownfield development for Hamilton. It is extremely difficult to advance a massive brownfield site, which had decades of heavy industrial use. It is critically important for Hamilton to be able to have such sites redeveloped, which is a legacy that we hope Council will continue to create, support and embrace. Demolition credits are a critical part of such a large, complicated brownfield project. The owner has been working diligently to develop the property, which has required the expenditure of extraordinary resources (time and money), including



in the face of a global pandemic that set the project back two years.

1. Yes, there are financial impacts related to the credits, and the City has foregone tax revenue for vacant property. However, it is important to note that the owner suffered much more extensive financial impacts. It spent millions of dollars to complete environmental work, which is so critical for a brownfield site. The owner did all of the right things to ensure the environment, including people, were protected. In 2017, the City agreed to extend the expiry of the credits because of the "complex, innovative program for brownfield development; the development team has worked in a timely manner; site servicing was completed; and this is a "complex brownfield site" [this is from the Committee's report to Council]. The Committee report also noted the site required extensive remediation, for which the City was provided security.

Further, the property taxes increased very significantly as of 2019, when they went from \$80,401 in 2018 to \$312,664 in 2019. The owner could have appealed the tax increases, but again, took the high road and did not. It believed that working with the City, including taking into account the demo credits, was a better approach that set the right precedent. We hope the adage "no good deed goes unpunished" is not the case here. The owner believed, and believes, in the City, the importance of brownfield developments and fairness, and requests that the City consider all of the circumstances in order to grant an extension of two years.



2. Would this set a bad precedent? In our view, just the opposite. First, this is a very narrow situation that will unlikely be replicated. One of, if not the most, extensive, difficult brownfield development, with massive environmental issues that were managed with the highest regard for protection and safety, increased taxes that were not appealed, and then a global pandemic. If someone were to face this situation in the future, we trust the City would look at the circumstances and grant an appropriate extension. Clearly the City has the power to do so. And we believe that this is a situation where the City can and should use its power to demonstrate its support of, and encouragement for, critical brownfield developments in Hamilton. In our view, the City's willingness to consider each case and assess the merits of an extension, based on the circumstances, is the critical precedent that is so important for all stakeholders, including developers, to see. This is truly about the bigger picture for Hamilton, and in our view, the precedent arising from the extension here would provide short and long term benefits to the City and its residents. In our view, that is a legacy that we hope Council will embrace.

3. In terms of delay, yes, we agree that the City needs to have certainty about development, and needs to incentivize developers to move quickly. In our view, one needs to consider what delayed a project. If it was just a developer who was prepared to let property sit vacant, while it waited for opportunities, then no extension should be granted, in our view. That is not the case here. As noted by the City, as of 2017, "the development team [had] worked in a timely manner". That required very significant resources for



environmental remediation and site planning. In addition to massive expenditures, extraordinary time was needed to address environmental issues. For example, the owner needed to wait (in order to do this the right way) for chimney swifts (birds) to leave their nests, to prevent harm to them. The historical uses of the property left behind very significant environmental challenges, which has resulted in spending millions of dollars over many years. Further, when the property was ready to be sold for development, which was not possible until it was remediated, unfortunately, potential buyers who signed deals, and then cancelled, were not prepared to proceed in light of permitting issues (timing), which was then followed by the onset of the Covid pandemic. The pandemic alone cost the project almost 2 years.

Given the size of the brownfield development; the complexity of the property; the massive remediation that had to be completed for such a complex site with intensive industrial uses; and COVID and lockdowns, in our respectful submission, an extension of two years for the demolition credits would be in the best interests of the City and all stakeholders. Also, it is important to note that the properties are being developed by an exceptional developer, Harlo, which is actively working to develop the property and get building permits as soon as reasonably feasible. Harlo's June 10, 2022 letter confirming this is attached. As an aside, in light of the significant complexities related to the property, including environmental issues, it took approximately 9 months of negotiations and due diligence by Harlo for it to buy the property.



In our view, in short, granting a short extension of two years would establish an excellent precedent: if you have a complex brownfield site that requires extensive remediation, if you proceed diligently with servicing and sales, and if you run into a global pandemic that shuts everything down, and if you have a reputable developer who has firm plans, Hamilton will stand behind development and show flexibility, which it is permitted to do, to support development in the best interests of the City, its residents and businesses. These are important messages for developers looking to improve Hamilton.

To summarize, we are requesting a deferral of this matter to ensure that certain information presented to Audit Finance and Administration Committee that we believe may be inaccurate, incomplete, and as such, we request that this matter be deferred to the next Council meeting so we can have an opportunity to provide Council with information that we believe is necessary and important to allow Council to properly assess this in order to make its decision.

Gratefully Yours,

Alex Bishop

On behalf of Harlo Capital and DCR Holdings Inc.





Friday, June 10, 2022

Attention: Audit, Finance and Administration Committee

Re: 440 Victoria Avenue North, Hamilton (the "Hamilton Central Business Park")

Dear Committee Members:

Thank you for considering the extension for demolition credits for this development.

Harlo Capital is actively developing several projects in the Hamilton area, including Hamilton City Centre and 1107 Main Street. We are excited about the opportunity of playing a small part in the larger vision of Hamilton continuing to grow into one of Canada's greatest cities. We take a thoughtful approach to each of our developments, considering what the city requires and what will have the greatest long-term positive impact on each unique neighborhood. From a personal perspective, Hamilton welcomed my grandfather as an immigrant in the 1940s and was home for my mother and her sisters. I have many memories of visiting my grandparents in Hamilton as a child.

The Hamilton Central Business Park is a very important project for Hamilton, the local area, and our company. This is one of the largest, if not the largest, brownfield developments, which will showcase Hamilton's future and incentivize future development. That is very exciting for the City, and for us.

After purchasing the properties in January 2022, we moved quickly to develop this important project. We are in the process of phasing the Site Plan Applications, which include applications that have been submitted to the City in April and May, with others to be submitted in June, July and August. We will continue to advance the applications and obtain building permits as quickly as possible, working with the City. Our goal, which we believe is achievable, is to have applications and permits completed in 2024.

If you require any other information or have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in purple ink, appearing to read 'JK', written over a faint circular stamp.

Jeffrey Kimel
President and CEO

Harlo Capital
2 St. Clair Ave. E., Suite 1204
Toronto, Ontario M4T 2T5
Tel: (416) 551-7115

June 21, 2022

Our File No.: 221941

Via E-mail clerk@hamilton.ca

Mayor and Members of Council
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4y5

Dear Sirs/Mesdames:

**Re: Community Benefits Charge Strategy
41-61 Wilson Street and 97, 99 and 117 John Street North**

We are solicitors for the owners of the property known municipally in the City of Hamilton (the “**City**”) as 41-46 Wilson Street and 97, 99 and 117 John Street North (the “**Property**”).

By letter dated June 15, 2022, on behalf of our client, we provided our client’s comments to the Audit, Finance and Administration Committee regarding the draft community benefits charge by-law (the “**Draft CBC By-law**”). The Draft CBC By-law has not been revised to address our client’s concerns, so we are providing these comments directly to City Council for its consideration.

Background

The Property is subject to existing zoning that permits certain as-of-right heights and density for which a Section 37 contribution is not required. This was the City’s decision to ensure an approach to intensification of the Property (and others within the same area).

Our clients have significantly advanced the planning processes for the Property in reliance on this approach. Although the Property is subject to conditional site plan approval, we understand that the City is not prepared to allow our client to apply for a building permit at this time. This would prevent our client from avoiding application of the Draft CBC By-law.

The concern is that the Draft CBC By-law does not recognize the approach to pre-zone the Property (and others) without a Section 37 requirement. Passage of the Draft CBC By-law without a corresponding exemption would result in the Property being subject to payment of a community benefits charge contrary to the planning history for the Property.

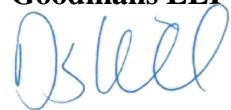
In passing zoning by-law amendments in certain areas, including for the Property, the City deliberately chose not to secure facilities, services or matters in return for an increase in the height/density of development. Our client relied on this decision of City Council in purchasing the Property and proceeding with development. However, the transition in Section 37.1 of the *Planning Act* may not apply to the Property, meaning that the City's decision not to apply Section 37 to the Property would be reversed absent an exemption in the Draft CBC By-law.

We would respectfully request that the City recognize the planning history for the Property and specifically exempt the Property from the imposition of community benefits charges. This would be consistent with the current approach to Section 37 for the Properties and protect the ongoing planning processes.

We would appreciate if this correspondence could be included as part of the record. Please also accept this letter as our request to receive notice of any decisions of the City regarding the Draft CBC By-law.

Yours truly,

Goodmans LLP



David Bronskill
DJB/

cc: Clients

7282114

HWDSB

Dawn Danko
Chair of the Board of Trustees
Hamilton-Wentworth District School Board
20 Education Court, P.O. Box 2558
Hamilton, ON L8N 3L1
ddanko@hwdsb.on.ca (289)775-0269

June 21, 2022

To whom it may concern,

Please see the attached correspondence from our Solicitor regarding the HWDSB Board of Trustees' opposition to the proposed Cultural Heritage Landscape designation of the Ancaster High School lands.

There remains a preference to maintain these lands as green space for community access. To this end, we express our continued willingness to cooperatively work on this matter with the City of Hamilton to support the Ancaster community we serve.

Sincerely,



Dawn Danko
Chair of the Board of Trustees, HWDSB

June 21, 2022

SENT VIA EMAIL

City of Hamilton
71 Main Street West
Hamilton, ON
L8P 4Y5

Mark R. Giavedoni
Certified Specialist (Real Estate Law)
Phone +1 905 540 8208
Fax +1 905 528 5833
mark.giavedoni@gowlingwlg.com
File No. H223912

Dear Sirs/Madames:

**Re: Ancaster High Cultural Heritage Landscape Designation
374 Jerseyville Road, Ancaster (the “Lands”)**

We are solicitors to Hamilton-Wentworth District School Board (“HWDSB”) and write to formally express our objection and opposition to the City of Hamilton’s recommendation to add the Lands to the City’s Cultural Heritage Landscape Inventory and mapping as part of the Official Plan review exercise (the “Inventory”). The City of Hamilton’s Heritage Committee moved to recommend to Planning Committee that the Lands be added to the Inventory at its meeting on June 10, 2022 and the Planning Committee subsequently endorsed this recommendation to Council on June 14, 2022, despite HWDSB’s objections.

Background

The Chair of HWDSB advised Council of the intent to sever a 12 acre parcel of land from the campus of Ancaster High School on June 20, 2018.

In response to this notice, a motion was introduced by the Ward Councillor at the July 2018 Planning Committee, and carried at the August 2018 Council meeting, directing the Municipal Heritage Committee to commence the process to designate all 43-acres of the Lands under the Ontario Heritage Act.

The motion directed staff ‘...to start the process of designating the campus of Ancaster High School site as a site of historical significance and report back to the Heritage Committee on providing the property with a Heritage designation.’

City Council approved this motion at its August 2018 meeting with background recitals that suggest the designation is tied to the City’s inability to purchase part of the Lands at market value, if they were to be sold.

On August 16, 2018 the Chair of HWDSB wrote to the Mayor and City Councillors (see attached). In the correspondence the Chair outlined:

‘The Hamilton-Wentworth District School Board trustees value our partnership with the City of Hamilton and as partners, we would like to continue investing in partnership projects.’

The letter continued by noting:

'A heritage designation for the Ancaster Secondary site would be detrimental to our school renewal plans for a number of schools, but especially the much needed work on the Ancaster High Secondary School and is not a creating solution regarding property dispositions to which school boards must adhere. Our school renewal plans hinge on the sale or parts or whole properties to reinvest in renewal projects. A heritage designation appears as a block to our severance application and will have a lasting impact on all of our school communities. We have shown restraint and offered to the City a unique deferred payment opportunity to consider, should you wish to purchase property, and will continue to take this and similar approaches in all of our decision making.

We believe that use of a heritage policy to address our collective dislike of property disposition rules is misplaced.'

Further to the correspondence submitted to the City in August of 2018, subsequent correspondence was sent to the City of Hamilton Heritage Committee on November 28, 2018 (see attached). This correspondence outlines issues with the motivation for the designation, noting that it is '...not a land-use planning tool that takes the place of a zoning by-law, a site plan agreement, severance conditions or a myriad of other land-use planning tools available to a municipality. Instead, the motion at the Planning Committee can be seen as an abuse of process to discriminate against HWDSB in its efforts to deal with its own property and to realize revenue. The subtext of the motion is clear: if the City cannot afford to acquire the lands, then no one will acquire the lands.

...HWDSB and the City of Hamilton have had a strong record of working together in this community for the benefit of the same stakeholders and have taken great pride in their ability to communicate and cooperate in serving this community within their respective mandates; however, if the City of Hamilton wishes to continue to utilize the heritage designation process as a land-use tool to deter or prevent development that it arbitrarily deems inappropriate, then HWDSB will have no other alternative but to seek full recourse under the law.'

HWDSB submitted two severance applications to the City of Hamilton on January 23, 2019.

Despite HWDSB's request to the contrary, the motion for designation was passed. In good faith, HWDSB agreed to suspend the severance applications, pending the City obtaining and reviewing with HWDSB cultural heritage reports concerning the Lands. This was expected to take three months. In February of 2019 (6 months after the resolution at Planning Committee) the City of Hamilton's Planning Division retained Archaeological Research Associates Ltd. ("ARA") to prepare a comprehensive Cultural Heritage Assessment ("CRA") for the Lands, which report was finalized in September 2020 (19 months after ARA was engaged).

The ARA report concluded that the property does not meet the criteria to warrant designation under Part IV of the Ontario Heritage Act.

In October of 2021 (13 months after the completion of the ARA report), the City engaged a second consultant to prepare a CRA for the Lands with an increased emphasis on reviewing the property's associative and contextual value within the context of the community. There was no Council resolution to authorize undertaking of this second study. The City of Hamilton's Planning Department retained

Archaeological Services Inc. (ASI) to prepare a comprehensive CHA for the Lands. In the process of the writing of this report input was provided by Chair Dawn Danko and the Manager, Planning Accommodation and Rentals, Ellen Warling. This report was finalized in May 2022 (7 months after ASI was engaged by the City). The ASI report concluded:

‘The property is valued by many residents in Ancaster. However, in consideration of the results of the research, analysis and application of prescribed heritage evaluation criteria, the property located at 374 Jerseyville Road West has limited cultural heritage value or interest. On its own and of itself, the property does not sufficiently meet the heritage evaluation criteria discussed herein. However, if the property were to be evaluated in combination with properties to the east and north, 374 Jerseyville Road West may contribute to a potentially significant cultural heritage landscape that tells a compelling and complete story of Ancaster’s post Second World War growth and land-use development patterns.’

The ASI report did not recommend designation under Part IV of the Ontario Heritage Act. It suggested further study of the surrounding area. Despite this recommendation from ASI, City Staff recommended the study area be added to the City’s Inventory.

This study area would include the Spring Valley V.L.A. Subdivision, the Ancaster Little League Ball Park, the Spring Valley Arena, the Ancaster Lions Outdoor Pool, the Spring Valley Trail Access, the Matthew Krol Field, the Sulphur Springs Trail Race Access, the Robert E. Wade Ancaster Community Park, the Ancaster Rotary Centre, the Morgan Firestone Arena, Frank Panabaker Elementary School & Ancaster Senior Public School and Amberly Park (see attached Schedule).

The ASI report was completed in May of 2022. In communication between staff, HWDSB staff were aware of the completion of this report. Hamilton staff noted that the findings of the ASI report were consistent with the findings of the initial ARA report as it did not recommend designation under Part IV of the Ontario Heritage Act. HWDSB staff requested a copy of the report prior to the Committee meeting as it may be necessary to send a delegation. On Thursday June 2nd at 4:19pm, HWDSB was provided a link to the Heritage Committee agenda that had been posted on the City’s website. Given the timing, HWDSB was not able to send a Delegation to the Heritage Committee.

At this meeting, Committee heard a presentation from Rebecca Sciarra from ASI, who again noted that the property was not recommended for protection as a cultural heritage landscape under Part IV of the Ontario Heritage Act. It was noted that if the property were evaluated in combination with properties to the east and north, the Lands could contribute to a potentially significant cultural heritage landscape that tells a compelling and complete story of Ancaster’s post Second World War growth and land-use development patterns. Further study would be necessary to confirm this.

The motion from the Hamilton Municipal Heritage Committee was unanimously approved despite the recommendations of the two Heritage Consultants that had been hired by the City.

At the June 13th, 2022 Planning Committee, the writer attended to object to the listing on the Inventory. At that meeting, members of the Planning Committee questioned the rationale of the Heritage Committee to recommend an action contrary to two third party consultants. It became clear that the motivation behind the recommendation was to impact the pending severance applications and the value of the Lands.

Concerns & Issues Raised

HWDSB notes the following material concerns and issues if the City proceeds to place the Lands on the Inventory:

i) No Heritage Value

There is no readily identifiable heritage value in placing the Lands on the Inventory, as the City's own third party consultants confirmed in their reports that the Lands do not meet the criteria to establish this under the Ontario Heritage Act. Staff's report to the Heritage Committee confirmed and supporting these findings.

The potential for a contextual cultural landscape would place the Lands within a broader area of surrounding lands, which has not been identified. ASI indicated further study would be required to identify the full extent of these lands and the cultural significance to warrant placement on the Inventory. This was discussed at Planning Committee and was rejected by a majority of the members. There is no justification to place the Lands on the Inventory without identifying the other lands that would form part of the same heritage landscape.

ii) Unfair Process

The HWDSB severance applications were and are intended to prepare the Lands for future uses. The Lands are not listed for sale, are not designated surplus to the needs of HWDSB and no process under the Education Act's disposition of real property has been commenced. The severance process does not impact land use, only subdivision constraints.

HWDSB agreed to stand down the applications pending the City's CHA. What was to take three months took three years and HWDSB patiently awaited the City's internal assessment. The City refused to share its findings with HWDSB and no constructive dialogue on the CHAs was able to take place before the City pushed the findings and recommendations to Heritage Committee. HWDSB did not have sufficient time to review the CHA reports and have a delegation present.

The Heritage Committee recommendation to place the Lands on the Inventory went to Planning Committee one business day later, when it should have been brought to the next Planning Committee for consideration, after all affected parties, including the City, had time to fully consider the options. The City refused to do so and pushed the recommendations ahead to the detriment of HWDSB.

iii) False Motivation

It is important to note that there was very little discussion at both committees on the heritage value of the Lands. This is mostly in part because the two heritage consultants found there was none. All public dialogue was centred on the City's concern that if HWDSB were to sell the Lands, the City would not be able to afford them, as the Education Act mandates that the disposition of surplus real property be sold for fair market value. This is not a prudent use of a heritage assessment. It suggests the City is using heritage assessments as a land use planning constraint, when the City has a plethora of land use planning tools at its disposal. The recommendation of the Heritage Committee and the Planning

Committee is clearly inappropriate, given the City's clear objectives and motivation for advancing the placement of the Lands on the Inventory.

Objection and Recommended Alternative

HWDSB urges City Council to reject the recommendations of Planning Committee and the Heritage Committee and not include the Lands on the Inventory. The City cannot do so without identifying and similarly affecting all the surrounding lands which form part of the same landscape, and neither City Staff nor the retained consultants have been able to identify the scope of the landscape and related cultural or heritage purpose.

There has been no real dialogue with HWDSB on the issue and on the CHA reports. HWDSB is open to continued discussion and consideration of options within its statutory and regulatory framework and mandate. The City of Hamilton/HWDSB Liaison Committee would be a suitable forum for this.

The City's placement of the Lands on the Inventory will only lead to further challenges here, contrary to the public interest. It is premature, at best, and a decision made without appropriate context and due process. The perception, if not the actual function, of this recommendation is to alter the land value and constrain the land use planning regime, neither of which are the objectives nor purpose of a heritage classification. We urge Council to reject the recommendation of its Heritage Committee and Planning Committee in respect of the Lands.

Yours very truly,

Gowling WLG (Canada) LLP



Mark R. Giavedoni
Partner

MRG/ar

CITY OF HAMILTON NOTICE OF MOTION

Planning Committee: July 10, 2018

MOVED BY COUNCILLOR xxxxxxxxxxxxxxxx.....

Ancaster High School, 374 Jerseyville Road West, Ancaster, to be considered for Heritage Designation.

WHEREAS the Chair of the Hamilton Wentworth District School Board (HWDSB) advised Council on June 20th that their intent was to sever 11 acres of land from the campus of Ancaster High School at 374 Jerseyville Road West;

WHEREAS the HWDSB has advised the City that they could purchase the 11 acres of land from the Board to keep it in public use for a price of “highest and best use” which means residential development or one to one and a half million dollars per acre or 11 to 13 million dollars;

WHEREAS in the June 28th Ancaster News story, the board chair states that “There is no threat to the use of this property”, the same article quotes the local trustee as saying their desire is to get the property in the hands of the City. This means at highest and best use or residential development price, not the cost of parkland;

WHEREAS the City currently has an infrastructure deficit of \$3.5 billion dollars and therefore unlikely to afford to purchase the 11 acres at highest and best use prices or 11 to 13 million dollars;

WHEREAS the taxpayers of Ancaster have already paid for the site once;

WHEREAS the Town of Oakville recently put a heritage designation on Glen Abby Golf Club as it formed an integral part of the Town’s Culture and Heritage;

WHEREAS in the 1950’s the Ancaster High School Board, in conjunction with the Town of Ancaster, decided to jointly purchase the existing High School Campus with the novel idea that the school would use the site during the day and community would use the site in the evening and on weekends; and

WHEREAS the Ancaster High School with some 40 acres, form an integral part of the community for the past 60 years. The Town has invested in a pool at this site with the similar novel idea that the school would use it during the day and the community could use the pool in the evenings and on weekends;

THEREFORE BE IT RESOLVED:

That staff be directed to start the process of designating the campus of Ancaster High School site as a site of historical significance and report back to the Heritage Committee on providing the property with a Heritage designation.

HWDSB

Todd White
Chair of the Board
Hamilton-Wentworth District School Board
20 Education Court, P.O. Box 2558
Hamilton, ON L8N 3L1
905-527-5092 ext. 2279

August 16, 2018

Mayor and City Councillors – City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Delivered by electronic mail.

Dear Mayor Eisenberger and City Councillors,

I am writing to you today in response to a motion that was passed on Monday, August 13, 2018 at the General Issues Committee in respect to the Ancaster Secondary School property (green space) and a possible Heritage Status designation. The Hamilton-Wentworth District School Board trustees value our partnership with the City of Hamilton and as partners, we would like to continue investing in partnership projects.

Our school board has been working to revitalize all of our facilities and we have worked diligently to find creative solutions to ensure our students needs are being met in buildings which offer the best learning environments. Through this work, we have attracted over \$100 million from the province in terms of funding for various revitalization projects.

We have been very responsive and flexible to the concerns of both City Councillors and residents that have come forward with regards to projects such as, Riverdale/Lake Avenue Community Hub, Sir John A. Macdonald property Community Hub, Millgrove, Hill Park, New North Secondary, Beverly Central, Greenville, and it is vital that we continue to build on our collective success.

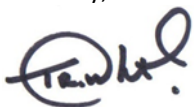
A heritage designation for the Ancaster Secondary site would be detrimental to our school renewal plans for a number of schools, but especially the much needed work on the Ancaster High Secondary School and is not a creative solution regarding property dispositions to which school boards must adhere. Our school renewal plans hinge on the sale of parts or whole properties to reinvest in renewal projects. A heritage designation appears as a block to our severance application and will have a lasting impact on all of our school communities. We have shown restraint and offered to the City a unique deferred property payment opportunity to consider, should you wish to purchase property, and will continue to take this and similar approaches in all of our decision making.

We believe that use of a heritage policy to address our collective dislike of provincial property disposition rules is misplaced.

We want Hamilton students to have the best learning environments available to them, however, a motion seeking the possibility of a heritage designation for the Ancaster site will not allow this to happen. I would ask that City Councillors reconsider their direction in asking staff to explore the heritage designation process and allow the land severance for the Ancaster property to move forward within the application process.

We value our partnership with the City and the great strides that have been taken to work together on a number of projects referenced throughout this letter, however this type of direction and approach could set us back.

Sincerely,



Todd White
Chair of the Board
Hamilton-Wentworth District School Board



Todd White
Chair of the Board
Hamilton-Wentworth District School Board
20 Education Court, P.O. Box 2558
Hamilton, ON L8N 3L1
905-527-5092 ext. 2279

November 28, 2018

Hamilton Municipal Heritage Committee
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Attention: Ms. Loren Kolar, Legislative Coordinator

Dear Ms. Kolar:

Re: Ancaster High School – 374 Jerseyville Road West, Ancaster

We write in response to the motion by Councillor Lloyd Ferguson (moved by Councillor Collins on his behalf) at the July 18, 2018 Planning Committee and carried at the August 14, 2018 meeting, directing the Municipal Heritage Committee to commence the process to designate all 43 acres of the Ancaster High School property under the *Ontario Heritage Act*.

The comments on the record and in the minutes of the Planning Committee show that the motivation for pursuing such a designation is aimed at preventing the Hamilton-Wentworth District School Board (“HWDSB”) from considering options on how to divest itself of a portion of the site that is not required to achieve its mandate under the *Education Act*.

We understand that the role and function of a designation under the *Ontario Heritage Act* is to recognize lands and structures of a significantly historical and cultural nature to the City of Hamilton and its community. It is not a land-use planning tool that takes the place of a zoning bylaw, a site plan agreement, severance conditions or a myriad of other land-use planning tools available to a municipality. Instead, the motion at the Planning Committee can be seen as an abuse of process to discriminate against the HWDSB in its efforts to deal with its own property and to realize revenue. The subtext to the motion is clear: if the City cannot afford to acquire the lands, then no one will acquire the lands.

We note with reference, two articles in *The Hamilton Spectator* on August 15, 2018: the first reported on the Planning Committee motion for Ancaster High and the second was a decision by the Municipal Heritage Committee to reject a designation for the Stoney Creek United Church, which has deep historical and cultural significance to the City of Hamilton and the Methodist and United Church Congregations. The basis of that decision appears to be that a designation would impact the ability of the congregation to sell the church on the open market.

HWDSB and the City of Hamilton have had a strong record of working together in this community for the benefit of the same stakeholders and have taken great pride in their ability to communicate and cooperate in serving this community within their respective mandates; however, if the City of Hamilton wishes to continue to utilize the heritage designation process as a land-use tool to deter or prevent development that it arbitrarily deems inappropriate, then HWDSB will have no other alternative but to seek full recourse under the law.

HWDSB

Todd White
Chair of the Board
Hamilton-Wentworth District School Board
20 Education Court, P.O. Box 2558
Hamilton, ON L8N 3L1
905-527-5092 ext. 2279

We are hopeful that the Municipal Heritage Committee will reconsider HWDSB's position on this matter and continue to involve HWDSB in any deliberations on this topic before making any recommendations to City Council or its committees.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd White", enclosed within a circular scribble.

Todd White
Chair of the Board
Hamilton-Wentworth District School Board

Cc: Municipal Heritage Committee

CITY OF HAMILTON

NOTICE OF MOTION

Council: June 22, 2022

MOVED BY MAYOR F. EISENBERGER.....

Naming of the Great Hall of First Ontario Concert Hall after Boris Brott

WHEREAS, Boris Brott was artistic director and conductor of the Hamilton Philharmonic Orchestra from 1969-1990, taking it from an amateur ensemble to a professional one with a popular subscription season and global recognition;

WHEREAS, Boris Brott led the launch of the orchestra's music education programs, paving the way to performing in classrooms and school auditoriums across the region. Many Hamiltonians will cite one of his concerts as their first experience with orchestral music. He taught and conducted many of our current HPO musicians and audience members through HPO education programs as well as through the Brott Music Festival and National Academy Orchestra;

WHEREAS, Boris Brott has a direct connection to the Great Hall as a collaborator on the design of the Hall itself;

WHEREAS, First Ontario Credit Union, current holder of naming rights for the facility are not only very much in support of this initiative, but have been instrumental in working with all parties involved to bring this to fruition;

WHEREAS, Boris Brott was later founder and artistic director of the National Academy Orchestra of Canada and Brott Music Festival, both based in Hamilton, where he lived for many years. He was the former principal conductor for youth and family programs at the National Arts Centre in Ottawa, and the New West Symphony Orchestra in Los Angeles in the mid-1990s;

WHEREAS, Boris Brott brought high quality classical music to as wide a public as possible was Brott's goal, never more so than since he became conductor and artistic director of the Orchestre Classique de Montréal, previously the McGill Chamber Orchestra, which his parents Alexander and Lotte Brott, both acclaimed musicians, founded in 1939;

WHEREAS, Boris Brott was not only a giant of the classical music world, he was also a giant for promoting and building Hamilton and his efforts over the decades helped lift our community to new heights; and

WHEREAS, the City of Hamilton recognizes individuals who have made significant contributions to the public life and well-being of the City of Hamilton through the naming of municipal facilities and properties;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to facilitate and execute the naming of the Great Hall of First Ontario Concert Hall in honour and recognition of Boris Brott for his contribution to the Hall itself and the enormous contribution Boris made to the greater Hamilton community arts and culture legacy that has been recognized on a global scale;
- (b) That an interior commemorative plaque be installed and an exterior sign be added to the existing exterior First Ontario Concert Hall sign with the wording “The Great Hall – Boris Brott”; and
- (c) That costs of the installations be funded by First Ontario Credit Union and Oak View Group (OVG) / *Hamilton* Urban Precinct Entertainment Group LP (*HUPEG*).

CITY OF HAMILTON

NOTICE OF MOTION

Council: June 22, 2022

MOVED BY COUNCILLOR J. FARR.....

Donation from The Patrick J. McNally Charitable Foundation for St Mark’s Capital Project

WHEREAS, the City of Hamilton is the owner and steward of the heritage building known as St Mark’s Church located at the corner of Bay St. S. and Hunter St. W. in Hamilton;

WHEREAS the City intends to convert St. Mark’s Church into a new downtown cultural space and community venue; and

WHEREAS The Patrick J. McNally Charitable Foundation wishes to make a monetary donation of Two Hundred and Fifty Thousand Dollars (\$250,000.00) towards the cost of the project to enhance the experience of visiting and using the site;

THEREFORE, BE IT RESOLVED:

- (a) That the General Manager, Planning and Economic Development, be authorized to negotiate and execute on behalf of the City all agreements and documents necessary to receive funding in the amount of \$250,000 from The Patrick J. McNally Charitable Foundation, all in a form satisfactory to the City Solicitor;
- (b) That the donation amount of \$250,000 from The Patrick J. McNally Charitable Foundation be placed into capital budget account number 7201841803 to be used for the St Mark’s Project; and
- (c) That the Mayor send a letter of thanks, on behalf of the City, to the Patrick J. McNally Charitable Foundation for its generous donation.