SUBJECT: Grays Road Road Closure Municipal Class Environmental Assessment (PW05123) - (Ward 5)

RECOMMENDATION:

(a) That the General Manager, Public Works, be authorized and directed to file the Grays Road Road Closure Municipal Class Environmental Assessment Project File Report with the Municipal Clerk for a thirty (30) day public review period; and,

(b) That upon final approval of the 2006 Capital Budget, the General Manager, Public Works Department, be authorized and directed to proceed with implementation of the preferred alternative.

Scott Stewart, C.E.T.
General Manager
Public Works

EXECUTIVE SUMMARY:

A Schedule “B” Municipal Class Environmental Assessment has recently been completed for the Grays Road Road Closure, north of Lakegate Drive to Lake Ontario. (See Appendix A) The Project File Report, documenting the planning process, is complete and ready for filing on the public record, in accordance with the Municipal Engineer’s Association Class Environmental Assessment (June 2000). The planning process has identified alternative solutions to the problem. The problem identified for this project is that illegal parking problems exist and associated spill off effects (noise,
litter and other activities), which results in a lack of enjoyment and security of the properties adjacent to the end of Grays Road.

The conclusion is that the preferred alternative is to keep the road allowance open, but closed to vehicular traffic and used for pedestrian access only. The Project File Report is recommended for filing on the public record and, subject to any comments received, authorizing staff to proceed with implementing the preferred alternative.

**BACKGROUND:**

On April 2, 2003, an application was made by residents adjacent to Grays Road for a Road Closure for the north end of Grays Road, Hamilton. Grays Road north of Lakegate Drive leads to a dead end at Lake Ontario. Following the submission of the road closure application it was later determined that an Environmental Assessment (EA) was required to consider closure of the road.

The applicants filed a road closure application because they wanted to reduce the illegal parking and associated spill over effects (noise, litter and other activities, which results in a lack of enjoyment and security of their properties). The applicants were requesting to acquire the subject land in order to solve these problems.

During the EA process bollards (posts) were erected blocking the north end of Grays Road. These bollards were put into place in order to address illegal parking concerns at the end of Grays Road. Unfortunately the illegal parking was continuous making enforcement difficult. The bollards have helped to remedy the situation as a temporary measure until the Municipal Class EA study has been completed. The installation of these bollards was to help address the parking situation and did not mean that a decision had been made in the ongoing Class Environmental Assessment (EA).

Watermains, sanitary and storm sewers all currently run under the roadway. In addition, there is a storm sewer that runs under the road and outlets at the water’s edge.

**Municipal Class Environmental Assessment**

The Schedule B planning process was followed for this project which requires Phases 1 and 2 of the EA Planning process to be completed:

- Phase 1 Problem Definition
- Phase 2 Identification and Evaluation of Alternative Solutions to determine a preferred solution

Public consultation is a key component of the Class Environmental Assessment process. The public were invited to provide comments for the proposed Grays Road Road Closure in the Notice of Study Commencement advertised twice in the Hamilton Spectator (At Your Service Section) on June 24 and 30, 2005. Residents in the community living within a 400 feet radius of the north end of Grays Road were also mailed the Notice of Study Commencement as well as required agencies and City staff.

A Public Information Centre was not held for this Environmental Assessment due to its small scale.

The majority of public comments received were from nearby residents and other community members that opposed the road closure and sale of the property. The
residents wanted to have public access rather than limiting it just to private access to the waterfront. In addition people didn’t want to see public land, being the road, go into private ownership. Most residents were already opposed to the chain link fence that was erected in the summer of 2001 to limit access to the water. This fence was erected to discourage persons from loitering in the area.

In response to the Notice of Study Commencement, 170 members of the public which includes approximately 120 individuals that signed a petition, as well as government agencies, submitted comments to the City of Hamilton. In summary, the following general comments and concerns were received:

- Nuisance, including litter, noise, and parking issues will continue if the northern end of Grays Road remains open to vehicular traffic.
- Recreational access to the water is important for enjoyment of Lake Ontario including birding and other such activities. Current access to the water should be improved.
- The land should be sold to the residents of the community to ensure the space maintains its public use.
- City access should be maintained so that they can repair storm sewers.

Proposed solutions advocated by the public:

- Removal of vehicular traffic at the northern end of Grays Road
- Removal of the chain-link fence
- Insertion of park benches as a means of identifying this area as public space

All comments received from the Notice of Study Commencement were fully reviewed by the City of Hamilton Project Team and were considered when determining the final alternative.

**ANALYSIS OF ALTERNATIVES:**

Four (4) alternatives have been considered for the closure of the subject portion of Grays Road.

Option 1: Do nothing. Grays Road to be maintained as status quo.

This option would not be advantageous to most residents as public consultation indicated there is a strong demand for the existing chain-link fence to be removed. This option would not address current issues as there would likely be continued behaviour that is of nuisance.

Option 2: Keep the road open to vehicular traffic and improve public access to the waterfront.

This option would please the general community as public consultation indicated there is a strong demand for improved access to the water. Secondly, it is important for the City of Hamilton to retain the land as the City requires access to the infrastructure located at this section of Grays Road. However, this will not appease the applicants as there will be no change in vehicular traffic.
Option 3: Keep road allowance open, but closed to vehicular traffic and used for pedestrian access only.

This option would be beneficial to the applicants and other residents that experience the aforementioned nuisances. The reduction of vehicular traffic will likely reduce the amount of disruption felt by the applicants and those sharing their views. This option would be preferable to most community residents as most wish to keep the road open. However, access to the water would still remain limited due to the lands to the east and west of Grays Road fronting onto the lake are under private ownership. Access to the waters edge can be maintained to provide views, however direct access to the beach has to be limited due to potential trespassing on private property.

Option 4: Sell the subject lands to the adjacent land owners who requested the original road closure.

This option would be optimal for the applicants as they feel the road closure would significantly reduce the nuisance experienced by keeping the road allowance as is. However this option would not provide for public access to the waterfront, which many members of the community vehemently oppose.

**Technically Preferred Solution**

Based on the results of the evaluation of alternatives, Alternative 3 was selected as the technically preferred solution. This alternative provides a balance between the safe and efficient movement of people while minimizing the impacts occurring in the community.

As a result of the great public interest and the desire for access to the waterfront the City has committed to do an Open Space Design which will look at various options such as:

- Pedestrian access while maintaining access for maintenance vehicles
- Safety
- Access to the existing stormwater outfall
- Fencing
- Limiting trespassers onto adjacent properties

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - Sufficient funds for implementation of the preferred design are proposed within the 2006 Capital Budget for Public Works (Project ID No. 4030610655).

Staffing - N/A

Legal - N/A

**POLICIES AFFECTING PROPOSAL:**

N/A

**CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:**

As required under the Municipal Class EA, affected public agencies were consulted throughout the planning process. In addition to various City of Hamilton Departments
(Public Works, Traffic and Engineering Operations Section, Hamilton Emergency Services, Hamilton Police Department, Finance Department and the Planning and Economic Development Department the following agencies were circulated:

Bell Canada
Cogeco Cable Inc.
Hamilton Conservation Authority
Ministry of Environment
Ministry of Natural Resources
Union Gas
Hamilton Utilities Corp.
Hamilton Hydro Inc.

Comments were received from the Ministry of Environment and the Hamilton Conservation Authority (HCA). Both of these agencies expressed that they had no concerns. Comments were also received from the Hamilton Police Department advising that there should be access provided for emergency vehicles. This issue can be addressed and accommodated for during the design process.

**CITY STRATEGIC COMMITMENT:**

The Grays Road Road Closure proposes changes to the roadway that are in line with the Strategic directions of Vision 2020 by encouraging:

Improving the quality of water resources by making Lake Ontario waterfront accessible, safe and attractive for recreation.

The proposed solution is consistent with the City’s Mission, Vision, Values and Goals. In particular, Goal 1f) Public Safety for the Community, with the Community, states that “Council will work for and with the community to improve the safety of residents”.
