To: Chair and Members  
Economic Development & Planning Committee  
Outstanding Business- Item No. Q, Economic Development and Planning Committee Report 07-066, as amended. PED07118(a)

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Date: April 20, 2007

Re: Auchmar Estates, 88 Fennell Avenue West, Hamilton (PED07118(a)  
(Ward 8)

Council Direction:

At its meeting of April 3, 2007, Item 7.1 of the Economic Development and Planning Committee Report 07-066, respecting Auchmar Estates, 88 Fennell Avenue West, be tabled to the Economic Development and Planning Committee of May 8, 2007 with direction to staff to engage in discussions with Heritage Watch Hamilton (Mr. Grant Head) and Settlement and Integration Services Organization (SISO); and that staff Report PED07118 be forwarded to the Municipal Heritage Committee for information; and that the Economic Development and Planning Committee be offered a tour of Auchmar prior to the matter coming back to Committee on May 8, 2007. In addition to the above direction, staff was requested to prepare chronology of events relating to the acquisition of Auchmar and report back on all matters.

Information:

Staff had been in contact with Mr. Grant Head and representatives of the SISO organization to discuss the information that had been presented at the April 3, 2007 Committee meeting. Further to these discussions, both parties will be making deputation at the April 26, 2007 Hamilton LACAC (Municipal Heritage Committee).
One of the concerns raised by Mr. G. Head at the Committee, as noted in the minutes, with specific reference to the Ontario Heritage Trust (OHT) was that the Trust would not approve the changes being proposed. In this regard, the following email has been provided to Committee members outlining OHT’s position:

“The Trust sent a letter to the City on November 22, 2006, with our initial comments regarding the Adaptive Reuse and Design Concepts report (prepared August 2006). They are summarized below.

The Trust fully supports the four guiding principles used to in the study by the City of Hamilton:

1. The existing open space setting of the estate is to be protected, conserved and appropriately enhanced.

2. Any substantial construction activity to accommodate new uses is to be limited to the area or footprint of the 1960’s chapels and two-storey dormitory.

3. New uses and resultant construction activity should have minimal adverse effects upon designated built heritage elements.

4. All options for adaptive reuse should be sustainable as well as financially viable.

Here is a summary of the Trust’s response:

- While there are positive attributes associated with all four concepts, the Trust is not prepared to approve any of the four options in the current study.

- The Trust’s prefers a hybrid option which we would call Concept 5, demolish chapel dormitory, adaptively re-use the Manor to accommodate a conference centre or other single user (i.e. Single residence, educational / institutional, hospitality industry) and adapt the Carriage House for residential. New residential development could be built in a manner generally similar to Concept 3 or 4. The large parking area, as described in Concept 1, would not be acceptable to the Trust.

- The Trust is not prepared to entertain any development that is substantially larger or extends substantially beyond the footprint of the current 1960’s building.

At the suggestion of the Trust, a subsequent meeting was held (March 15, 2007) with a representative from the Ontario Heritage Trust together with Real Estate and Heritage staff. There was discussion about the requirements for parking associated with some of the uses and resulting issues of the “large parking area”; suitable solutions were discussed at that time.
An email was sent in follow-up to the OHT and City staff meeting on March 15, 2007, to further clarify the parameters of the redevelopment of the site. The Trust provided the following comments:

1. *That any new development is restricted to the footprint of the current 1960’s building.*

2. *That any new development does not exceed the current height of the manor house.*

OHT staff further advised that they “would like to clarify that we have not issued any approval for any proposed development at Auchmar, nor are we prepared to approve any of the 4 Conceptual options outlined in the adaptive re-use and design concepts study (August 2006)”.

The other issue raised by Mr. G. Head was related to the terminology of “restoration” or “maintenance”, as it was stated that the OHT could, at any time, order the City to perform any of its obligations to the “restoration” of the Estate under the terms and conditions of the agreement. Clarification has since been provided by OHT stating that the “restoration of Auchmar is not required by the Trust nor can it be required. The only positive obligation under the easement is that the owner is required to “maintain the buildings so that no deterioration of the present condition and appearance heritage elements shall take place”. The conservation terminology, with respect to the Estate and obligations under the Heritage Easement, should have referred to the “repair” of the estate, as opposed to complete “restoration of the heritage attributes”. Further, in January 2002, a Baseline Documentation Report was prepared by the OHT and signed-off on by the City as a condition of the easement agreement. The Baseline Documentation Report sets the parameters of the City’s obligations under the terms of the easement. The OHT issues compliance orders to ensure that the continued maintenance and repairs are undertaken in accordance with the Baseline Report to protect the long-term preservation of the property. In this respect, as part of the ongoing maintenance of the property by the City, a Building Condition Review was undertaken in May 2006 and Heritage and Culture staff prioritized the repairs that were described in this Condition Review and these repairs will now be completed with available funds. This was reported to Committee in an Information Report PED05216(a)/ECS07015 on March 20, 2007.

At its meeting of March 22, 2007, the Hamilton LACAC (Municipal Heritage Committee) also discussed a number of matters regarding the Auchmar Estate. A motion was made at that time as follows:

*(Bratina/Stark)*

That Real Estate staff consider Requests for Interest and Requests for Applications regarding Auchmar in addition to the Requests for Proposals.

*CARRIED*
Accordingly, staff will consider this specific direction further and, subsequently, advise Committee on how this may be co-ordinated, if required, with any call for Requests for Proposals.

With respect to the chronology of events relating to the acquisition of the estate, copies of various staff reports and Council resolutions are attached as Appendices A - H for the Committee’s information.

Direction was also received that the Committee be offered a tour of Auchmar prior to the matter coming back to Committee on May 8, 2007. In this respect, a tour had been scheduled for Committee members on April 24, 2007.

Lee Ann Coveyduck
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:WF/DC
Attachs. (8)
Appendix A  Information Report to Planning and Economic Development Committee PED05216(a) / ECS07015  March 28, 2007  Funding of Structural Repairs to the Main House

Appendix B  Report to Committee of the Whole (CS02060) / (PD99098(f))  October 23, 2002  Declaring Auchmar Estates surplus, requesting an RFP and setting out guiding principles

Appendix C  Committee of the Whole Agenda – Item 10.1 – verbal update and Committee of the Whole Report 01-003, Item 25  January 31, 2001  Giving staff direction to prepare the Terms of Reference (RFP) for the Call for Proposal

Appendix D  Council Resolution Item 11 of Report 14-00 of the Planning and Development Committee  September 26, 2000  Proposed Agreement for the Auchmar Buchanan Estate (PDC99098(E)) – extending the closing date

Appendix E  Council Resolution Item C-09  July 4, 2000  Proposed Public/Private Agreement for the Auchmar Buchanan Estate (PDC99098C) - extending closing date

Appendix F  Council Resolution Item 10 Report 11-00 of the Planning and Development Committee  May 30, 2000  Proposed Public/Private Agreement for the Buchanan Estate – authorizing staff to enter in negotiations, based on the Principles set out in Appendix F of Report PDC99098B

Appendix G  Council Resolution Section 14 of the Seventeenth Report of the Planning and Development  September 28, 1999  Acquisition of Auchmar Land in Exchange for City’s Albion Mills Estate Property (PDC99098)

Appendix H  Council Resolution Section 25 of the Fifteenth Report of the Planning and Development  August 11, 1999  Property Exchange – Auchmar for Albion Mills Draft Plan of Subdivision (Mt. Albion Road and Mudd Street) – Agreement of Purchase and Sale