

Addendum to Planning Justification Report

154 & 574 Northcliffe Avenue, Hamilton, ON – Columbia International College (Columbia Northcliffe Campus Inc.)

Niagara Escarpment Plan Amendment Application for
Proposed Private Secondary School



Prepared for Columbia International College (Columbia Northcliffe Campus Inc.)
by IBI Group
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1 Introduction

On behalf of Columbia Northcliffe Campus Inc. (“Columbia International College”, “CIC” or “Owner”), IBI Group submitted a Niagara Escarpment Plan Amendment (“NEPA”) application in February 2020 in support of the proposed adaptive re-use of the existing Sisters of St. Joseph Convent Building (“Motherhouse”, “Building B”, or “SSOJ”) for conversion to a proposed private secondary school campus with a proposed gymnasium building addition located at 154 and 574 Northcliffe Avenue, Hamilton (referred to as the “subject lands”). References to “existing buildings” include the Motherhouse and long-term care addition wing, plus any existing accessory buildings.

In July 2020, initial comments received from staff at the Niagara Escarpment Commission (“NEC”) identified requested additional analysis to the Planning Justification Report (“PJR”) pertaining to the new Provincial Policy Statement 2020, as well as partial servicing, First Nations consultation policies, and inclusion of the Sisters of Precious Blood Monastery. Herein, references to the “subject lands and existing buildings” now also include the Sisters of Precious Blood Monastery building located at 154 Northcliffe Avenue. With respect to the proposed NEPA, this is an existing use which is already permitted and no changes to that status are contemplated.

Additionally, comments were received in late 2020 from various agencies and the public on the initial planning application submission, pertaining to technical information within submitted supporting studies, overall servicing design, traffic and natural heritage features. As a result, various supporting studies and materials have been updated and are being resubmitted alongside this report, including the: Conceptual Site Plan, Archaeological Report, Hydrogeological Report, Slope Stability Assessment (new report), Tertiary Treatment System Design Report, Functional Servicing Report, Transportation Impact Study, Tree Protection Plan, and Environmental Impact Assessment. A Comment Response Matrix has also been prepared, providing a response to agency and public concerns, and is submitted separate to this PJR.

IBI Group was retained by CIC to provide an independent professional opinion on the proposed development, through a Planning Justification Addendum Report (“PJAR”), reinforcing and expanding on the PJR that was submitted alongside the initial application in February 2020. Specifically, this PJAR summarizes the findings of the updated support studies and addresses the requested amendments by the NEC.

2 Updated Supporting Studies, Reports and Materials

Various supporting studies and materials have been updated and/or prepared in response to comments received on the proposed NEPA. Specifically, this section of the PJAR will summarize the findings of the Archaeological Report, Hydrogeological Report, Slope Stability Assessment, Tertiary Treatment System Design Report, Functional Servicing Report, Transportation Impact Study and Environmental Impact Assessment.

2.1 Stage 1 & 2 Archaeological Report

As an Archaeological Report was not identified as part of the City of Hamilton’s Formal Consultation notes, the report was not included as part of the initial planning application submission in February 2020. During the commenting period, the NEC expressed concern on the lack of the Archeological Report and as a result, the Stage 1 & 2 Archaeological Report, prepared

by Parslow Heritage Consultancy Ltd. (“PHC Inc.”) in August 2020 is included as part of the resubmission. The main conclusions of the reports are that the study areas do not retain any cultural heritage value or interest and a Stage 3 Site Specific Assessment is not required. However, if a change in the development planning for the site does occur, the new areas that would be impacted should undergo a Stage 2 property survey.

It is requested that the Stage 1 & 2 Archaeological Report be entered into the Ontario Public Register of Archeological Reports, as provided for in Section 65.1 of the Ontario Heritage Act. At the time of writing this PJAR, this may have already occurred.

2.2 Hydrogeological Investigation Report

A Hydrogeological Investigation Report was submitted by MTE in support of the initial NEPA application, dated September 2019. During the commenting period, comments were received respecting the Sisters of Precious Blood Monastery, expansion of the existing septic system and groundwater concentrations. As a result, MTE has revised their report to address these comments. The overall conclusions of the report is that the cumulative impact of the three Disposal Beds are predicted to not adversely impact Long Pond and based on the results, MTE predicts no adverse impacts, to the down gradient Long Pond surface water feature and environmental features surrounding Long Pond (e.g. The Cootes Paradise Provincially Significant Wetland Complex), as a result of the current and proposed wastewater systems and subsurface disposal beds at the Site.

Key recommendations from the report include:

- Effluent discharged from the proposed on-site wastewater treatment system located in the southern portion of the Site, servicing the Sisters of St. Joseph Convent, is treated to a target concentration of 10mg/L for Total Nitrogen with a Limit of 20mg/L of Total Nitrogen;
- Effluent concentrations from the northern portion of the Site (The Precious Blood Monastery) were estimated based on the maximum concentrations of the POI’s within typical residential wastewater outlined in Table 22-2 of Chapter 22 of the MECP document Design Guidelines for Sewage Works since actual effluent concentrations were not available. It is therefore recommended that an effluent sample be collected from the wastewater system in the north portion of the Site and analyzed for the POI’s to ensure the concentrations used and findings of this report are accurate;
- The use of shallow buried trench disposal beds is recommended in order to minimize the footprint of the disposal beds for the proposed disposal bed expansions in the south portion of the Site;
- Based on a review of the historical sampling results, monitoring and treatment of E. Coli is not recommended for the current and proposed wastewater treatment systems and subsurface disposal beds at the Site; and,
- Monitoring wells located at the Site should be maintained in accordance with Ontario Regulation 903 (as amended), and upon decommissioning, should be decommissioned in accordance with Ontario Regulation 903 (as amended).

2.3 Slope Stability Assessment

As a Slope Stability Assessment was not identified as part of the City of Hamilton’s Formal Consultation requirements, the report was not included as part of the initial planning application submission in February 2020. During the commenting period, Conservation Halton expressed that a Geotechnical Slope Stability Assessment would be required to determine the location of the Stable Top of Bank and as a result, a Slope Stability Assessment was completed in August 2021. The purpose of the Slope Stability Assessment was to analyze the stability of the ravine slopes as

they pertain to the proposed development, located between two ravines. The main conclusion is that the proposed development is located outside of the development setback limit and is provided with suitable site access.

Key design and construction recommendations include:

- Following construction of roof drains, stormwater should not be allowed to drain over the face of the slope. The water should either be directed away from the slope or contained in storm sewers and outletted at the toe of the slope; and,
- No additional fill should be placed at the crest or face of the slope. No excavation work should be conducted at the bottom of slope. All excavation work should be minimized, as much as possible, and grading of the redevelopment should adhere to existing grades where it is feasible. No infiltration should be placed within the slope setback areas.

2.4 Tertiary Treatment System Design Report

A Tertiary Treatment System Design Report was submitted by MTE in support of the initial NEPA application submission, dated September 2019. During the commenting period, comments were received respecting the sewage expansion beds and the Sisters of Precious Blood Monastery. As a result, MTE revised their Tertiary Treatment System Design Report to address these comments. Key conclusions from the report include:

- A Tertiary Treatment System complete with shallow buried trench disposal beds is the most suitable wastewater disposal system for the SSOJ Convent Building and a conventional absorption trench disposal bed is the most suitable for the Monastery Building;
- The current wastewater treatment system servicing the SSOJ Convent Building should be upgraded to accommodate the increase in design flow and to meet the effluent objectives and limits. The current wastewater system servicing the Monastery Building should remain in its current configuration;
- The proposed raised shallow buried trench disposal beds and treatment system for the Convent building be located more than 30 m away from the dripline of any trees; and,
- The existing raised shallow buried trench beds servicing the SSOJ Convent building are in good condition and suitable for continued use.

Key recommendations from the report include:

- For the on-site wastewater system servicing the SSOJ Convent Building
 - The existing treatment system be upgraded to accommodate a design flow of 65,000 L/d from the proposed secondary school. The current treatment system was sized based on design flow of 30,000 L/d.
 - The final surface of the shallow buried trench leaching bed be graded to shed water and to direct surface drainage around the leaching bed area and the completed leaching bed area be top-soiled and seeded or sodded immediately to protect against erosion.
- For the on-site wastewater system servicing the Monastery Building
 - The existing building will continue to be serviced by the existing in ground absorption trench disposal bed. The existing system was found to be in good operating condition during the investigation.

2.5 Functional Servicing Report

A Functional Servicing Report (“FSR”) was submitted by IBI Group in support of the initial NEPA application submission, dated October 2019. During the commenting period, comments were received respecting groundwater, wastewater and stormwater management. As a result, IBI Group has revised their FSR to address these comments. The overall conclusion of the FSR is that the proposed development is currently serviceable, according to all design standards.

Key conclusions from the report include:

- The proposed grading will maintain positive drainage away from the proposed gymnasium, into a proposed swale, which will then convey the drainage to an existing drainage swale at the rear of the property;
- Wastewater will be handled with a private septic system;
- The maximum anticipated fire flow and peak domestic flow is less than theoretical hydrant flow obtained from Jackson Waterworks. As such, the development can be adequately supplied with fire flow protection for a ground hydrant;
- Based on the preliminary modelling, it is anticipated that approximately 275 m³ of storage will be required to attenuate the post-development condition to pre-development rates. At this time, a stormwater management dry pond with approximately 275 m³ of storage has been proposed;
- The site’s overland flow route will largely remain as existing. Overland flow from the immediate vicinity of the proposed gymnasium will be directed to an existing drainage ditch behind the existing building.

2.6 Transportation Impact Study

A Transportation Impact Study (“TIS”) was submitted by IBI Group in support of the initial NEPA application submission, dated January 2020. During the commenting period, comments were received respecting the roundabout for the west ramp terminal and westbound left lane storage review for York Road/ Newman Road. As a result, IBI Group has revised the TIS to address these comments. The overall conclusion of the TIS is that traffic generated by the proposed development can be adequately accommodated by the road network. Key conclusions and recommendations include:

- Implement traffic signals at the York Road and Old Guelph Road intersection to address existing deficiencies;
- Introduce a roundabout at the York Road and Highway 6 West Ramp Terminal intersection to address existing deficiencies;
- Existing safety deficiencies at the York Road and Newman Road intersection should be addressed from a nominal safety perspective, however as school buses are already observed to operate with minimal collision history, the introduction of additional school buses will not necessarily increase collisions;
- Construct a westbound left-turn auxiliary lane with 25 metres of storage at the York Road and Newman Road intersection; and,
- By 2029, implement semi-actuated traffic signals at the Old York Road and Plains Road West Intersection

2.7 Environmental Impact Assessment Addendum

An Environmental Impact Assessment (“EIA”) was submitted by Natural Resource Solutions Inc. (“NRSI”), in support of the initial NEPA application submission dated October 2019. During the commenting period, comments were received respecting the new use as well as impacts from lights and compost. As a result, NRSI has revised their EIA to address these comments. The overall conclusion was that the proposed development does not encroach into the adjacent natural features and is confined to the existing Convent Facility and adjacent manicured areas.

Impacts relating to the proposal are limited to:

- Landscape tree removals;
- Potential for temporary construction intrusion into minimal outer portions of the recommended natural feature buffers; and,
- Potential unauthorized use of the adjacent natural features by students and/or faculty associated with the change in land use into a secondary school.

The following mitigation measures are recommended to reduce and/or eliminate the identified potential impacts:

- Any vegetation and tree removal should adhere to the applicable MBCA breeding bird time window to prevent the destruction of nesting birds;
- Construction footprints for the septic bed expansions are recommended to be located away from the adjacent treed natural features and their buffers to the extent possible/ technically feasible;
- Water quality and quantity (i.e. water balance) impacts to identified wetland features, if any, of proposed septic system design match or improve the existing conditions;
- A detailed Erosion and Sediment Control (“ESC”) plan is recommended to be prepared during the detailed design phase and implemented prior to Site Plan. The ESC Plan should require that disturbed areas be kept to a minimum and re-vegetated in a reasonable timeframe in order to minimize dust, and that maintenance of the installed protection measures occur throughout the duration of construction, to ensure function as originally intended;
- To suppress dust, areas of bare soil are recommended to be moistened with water during construction;
- Topsoil stockpile locations, if any, should be in areas of lesser wind exposure and separated from natural features to the greatest extent possible. Topsoil stockpiles should be seeded with an appropriate cover crop such as Annual Ryegrass if stockpiling occurs for an extended period of time;
- Lighting units should be compatible with the scale of on-site buildings and generally should not exceed 4.5 metres in height. It is recommended that only International Dark Sky approved fixtures should be used; and,
- Restricted access to the sensitive habitats, including areas with steep slopes is recommended

3 Current Planning Status

The subject lands are subject to various overlapping and connected planning legislative and policy documents. This creates a complex picture with respect to establishing permitted land uses and development permissions. This section of the addendum report provides a thorough review of the new Provincial Policy Statement 2020, including partial servicing and First Nations consultation policies, as well as updated local documents for the Pleasant View Areas, including the Interim Control By-law and the Niagara Escarpment Development Control Regulation.

3.1 Provincial Policy Statement 2020

The Provincial Policy Statement 2020 (“PPS”) provides policy direction on matters of provincial interest regarding land use planning and sets the foundation for land use planning and development regulations. The main considerations of this document pertain to protecting resources of provincial interest, the built and natural environment and public health and safety. The PPS focuses growth within Settlement Areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. It recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

On February 28, 2019, the Provincial Government issued a new Provincial Policy Statement 2020. It replaced the Provincial Policy Statement issued April 30, 2014. The PPS was issued under Section 3 of the Planning Act and came into effect on May 1, 2020. In this regard, Section 3 of the Planning Act requires that land use planning decisions be consistent with the PPS. The PPS provides direction for municipal planning documents and to individual site-specific developments. Municipal Official Plans are to be consistent with the PPS. The PPS applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after this date. Therefore, the proposed Official Plan and Zoning By-law Amendment is subject to and is assessed against the applicable policies of the PPS.

For the purposes of this report, the version of the PPS available online at <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf> was used.

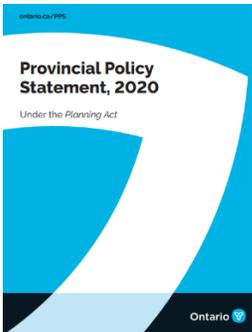
The PPS is to be read in its entirety. With respect to the specific policies in the PPS 2020 document, several are applicable to the subject lands in general, and to the proposed development, and Niagara Escarpment Plan Amendment specifically.

3.1.1 Section 1 Building Strong, Healthy Communities

Section 1 of the PPS focuses on building strong, healthy Communities. **Sub-Section 1.1** provides direction for managing and directing land use to achieve efficient and resilient development and land use patterns.

Policy 1.1.1 Healthy, liveable and safe communities are sustained by:

- a. *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b. *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*



- c. *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d. *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e. *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- g. *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h. *promoting development and land use patterns that conserve biodiversity; and*

Planning Comment: The proposed NEPA to permit the use of a private secondary school within the Motherhouse and gymnasium addition implements a cost-effective development pattern that will make efficient use of existing buildings and structures, allowing adaptive and continued use of an institutional building that is of historical significance, while minimizing additional land consumption. Further, the proposal makes efficient use of existing municipal water services and will be serviced by appropriate private sewage works designed to efficiently handle projected capacity loads and which will meet engineering standards (i.e. implemented through ECA, site plan and permit approvals).

The current physical development pattern and the proposed gymnasium addition preserves and protects environmental features located on the eastern and western boundaries of the subject lands, as well as their functions and associated biodiversity. The use of building and lands for a private secondary school campus also adds to the mix of educational and institutional uses within the City of Hamilton and provides a level of employment in the form of teachers and support staff.

Policy 1.1.2 *Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.*

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

Nothing in policy 1.1.2 limits the planning for infrastructure, public service facilities and employment areas beyond a 25-year time horizon.

Planning Comment: Due to the declining number of nuns living in the SSOJ convent, the timing is appropriate to consider an evolution of the use and adaptive re-development of the institutional building to an alternative institutionally-related use. The existing development and open-space campus setting make the subject lands ideally suited to accommodate a private secondary school campus. While the subject lands are not within a Settlement Area, the size of the property, location and nature of existing buildings, location and extent of parking areas, access arrangements, servicing options, and protection of natural features all support the proposed development and the NEPA.

Subsection 1.1.4 provides policies in relation to Rural Areas in Municipalities.

Policy 1.1.4.1 *Healthy, integrated and viable rural areas should be supported by:*

- a. *building upon rural character, and leveraging rural amenities and assets;*

- b. *promoting regeneration, including the redevelopment of brownfield sites;*
- c. *accommodating and appropriate range and mix of housing in rural settlement areas;*
- d. *encouraging the conservation and redevelopment of existing rural housing stock on rural lands;*
- e. *using rural infrastructure and public service facilities efficiently;*
- f. *promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management of resources;*
- h. *conserving biodiversity and considering the ecological benefits provided by nature; and*

In relation to the above, we note the following definitions:

Rural areas:

means a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.

Rural lands:

means lands which are located outside settlement areas and which are outside prime agricultural areas.

Planning Comment: Based on applied definitions, the subject lands are within a rural area and are considered rural lands, being those not considered and designated as prime agricultural in the Growth Plan, Town of Dundas Official Plan, and City of Hamilton Rural Official Plan. The proposed development will leverage the institutional history of the site by building from the previous approvals for the subject lands, which permit institutionally-related uses within an institutional building. It promotes the regeneration and vitality of the site through the adaptive reuse of this important institutional building that has historical significance. Supporting technical analysis in the EIS, Hydrogeological Study, and the servicing assessment and designs in the updated application submission identify that there are no negative impacts to natural features, and that there will be efficient use of existing rural servicing infrastructure.

Policy 1.1.4.2 *In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.*

Policy 1.1.4.4 *Growth and development may be directed to rural lands in accordance with policy 1.1.5, including where a municipality does not have a settlement area.*

Planning Comment: The proposed private secondary school use and gymnasium addition does not represent a significant instance of growth and development and will not impact any established rural settlement areas. Though the proposed NEPA is required to permit the school use, such use will be contained mainly within the existing buildings. Policies in 1.1.5 are reviewed below.

Subsection 1.1.5 provides policies relating to Rural Lands in Municipalities.

Policy 1.1.5.1 *When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.*

Planning Comment: This addendum to the original PJR provides the required analysis under these sections of the PPS 2020, confirming that the proposed NEPA is consistent with the applicable policies.

Policy 1.1.5.2 On rural lands located in municipalities, permitted uses are:

- a. *the management or use of resources;*

- b. *resource-based recreational uses (including recreational dwellings);*
- c. *residential development, including lot creation, that is locally appropriate;*
- d. *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
- e. *home occupations and home industries;*
- f. *cemeteries; and*
- g. *other rural land uses*

Planning Comment: The subject lands have an established history of institutional and institutionally-related uses, including religious, dormitory residential, long-term care, educational, and administrative components, as demonstrated in the Planning Justification Report submitted in February 2020. The proposed NEPA to permit a private secondary school for up to 1000 students within the Motherhouse alongside the addition of a gymnasium is related to and not substantially different from the historic use of the subject lands and essentially represents an evolution of permitted institutionally-related uses, which existed previously through the 2011 Minor Variance/OMB Approval, and which also predate the 2020 PPS. Notwithstanding this, the proposed uses are consistent with the policies above, regarding other rural land uses, as it will be a private secondary school operating within the open-space setting of the existing campus, containing a low density of built form in relation to open-space and natural heritage areas.

Policy 1.1.5.3 *Recreational, tourism and other economic opportunities should be promoted.*

Policy 1.1.5.4 *Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.*

Policy 1.1.5.5 *Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.*

Policy 1.1.5.6 *Opportunities should be retained to locate new or expanding land uses that require separation from other uses.*

Policy 1.1.5.7 *Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.*

Policy 1.1.5.8 *New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae*

Planning Comment: The proposed development promotes the efficient use of an underutilized building of historic and architectural significance, allowing it to be used for a private secondary school campus that will also provide employment for a total of approximately 85 teachers and support staff, adding to the mix of educational and institutional opportunities in the City which also provides a level of employment. The school will operate in within the open-space campus-like setting which is already established and which forms a part of the character of the neighborhood area. The use is well buffered from adjacent lands via the location of the existing buildings in a southerly and central portion of the site. The technical analysis with respect to servicing provided in the submitted reports by MTE and IBI confirm the adequacy of municipal water services and the appropriateness of the proposed private sewage system design for handling expected water and sanitary servicing demands

Subsection 1.2 provides policies pertaining to Coordination.

Policy 1.2.1 *A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:*

- a. *managing and/or promoting growth and development that is integrated with infrastructure planning;*
- c. *managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;*
- d. *infrastructure, multimodal transportation systems, public service facilities and waste management systems;*
- f. *natural and human-made hazards;*

Planning Comment: Current planning documents and historical policy applicable to the subject lands and overarching legislation across several orders of government and agencies presents a complex regime which requires the need for a coordinated, integrated and comprehensive approach to ensure continued use of the site for institutionally-related purposes. The proposed NEPA modifies existing use permissions to permit the proposed private secondary school use within the existing Motherhouse and the gymnasium addition, which relates specifically to previous and legally permitted land uses which were established through previous planning processes coordinated amongst various parties.

Furthermore, the existing and proposed development pattern will effectively manage and protect the natural heritage features on the eastern and western boundaries of the subject lands, identified and in coordination with the Niagara Escarpment Plan and Halton Conservation Authority mapping.

The subject lands are serviced by both piped municipal water services and on-site private wastewater services. The updated FSR prepared by IBI Group confirms that the existing water supply provides capacity to service the proposed use. The on-site private sewage system has been assessed as to whether the current capacity could accommodate the proposed uses and development and the assessment concluded that an expansion to the buried trench disposal beds and alterations to the septic tank are required, are physically possible, and can be designed to meet applicable engineering standards. The implementation of a proposed private sewage system expansion will require an Environmental Compliance Approval (“ECA”) from the Ministry of Environment, Conservation and Parks (“MECP”). Technical comments received by the MECP through this or any other process can be addressed if required.

Policy 1.2.2 *Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.*

Planning Comment: The NEPA application submission did not include a public or stakeholder consultation strategy. It is understood that this policy pertains directly to the Duty to Consult and places the engagement requirement on “planning authorities”. It is our expectation that public consultation process will ensure that Indigenous communities are engaged to coordinate on land use planning matters and on the proposed development, as required by legislation and best practices, and that notification of the application has or will occur to Indigenous communities and further that application materials will be provided for review. In addition to this, we commit support to Indigenous community engagement, and are prepared to work with NEC staff on specific engagement opportunities, should these be requested by NEC staff and/or an Indigenous community.

Subsection 1.3 provides policies relating to Employment.

Policy 1.3.1 *Planning authorities shall promote economic development and competitiveness by:*

- a. *providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- e. *ensuring the necessary infrastructure is provided to support current and projected needs.*

Planning Comment: The proposed adaptive re-use of the existing Motherhouse to a private prestige secondary school for 1000 students will also require the employment of approximately

85 support staff, including licensed teachers. With the declining number of nuns living in the SSOJ convent, an adaptive re-development of the property is appropriate. The proposed conversion of the subject lands to the Columbia Northcliffe Campus is necessary to meet the long term needs of Columbia International College.

The submitted updated FSR prepared by IBI Group provides the technical basis to state that the on-site municipal water system provides the water servicing capacity to service the proposed use, while the updated reports prepared by MTE indicate that the proposed expansion and modifications to the private sewage system will support current and projected needs.

Subsection 1.6.6 provides policies relating to Sewage, Water and Stormwater.

Policy 1.6.6.1 *Planning for sewage and water services shall:*

- a. *accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:*
 1. *municipal sewage services and municipal water services; and*
 2. *private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;*
- b. *ensure that these systems are provided in a manner that:*
 1. *can be sustained by the water resources upon which such services rely;*
 2. *prepares for the impacts of a changing climate;*
 3. *is feasible and financially viable over their lifecycle; and*
 4. *protects human health and safety, and the natural environment;*
- d. *integrate servicing and land use considerations at all stages of the planning process; and*

Policy 1.6.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

Policy 1.6.6.3 *Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.*

Policy 1.6.6.4 *Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.*

At the time of the official plan review or update, planning authorities should assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the character of rural settlement areas. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the desired character of rural settlement areas and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.

Policy 1.6.6.5 *Partial services shall only be permitted in the following circumstances:*

- a. *where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or*
- b. *within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.*

Where partial services have been provided to address failed services in accordance with subsection (a), infilling on existing lots of record in rural areas in municipalities may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In accordance with subsection (a), the extension of partial services into rural areas is only permitted to address failed individual on-site sewage and individual on-site water services for existing development.

Planning Comment: The subject lands are partially serviced by both piped municipal water services and on-site private wastewater services. This is a historical condition which predates the current PPS.

For municipal water service, the lands are serviced by a 200mm watermain on Northcliffe Avenue and an existing private 100mm watermain and a 200mm fire line servicing the subject lands and the existing building. There are two hydrants located on the subject lands, one north of the principal building and the second south of the building. The updated FSR prepared by IBI Group confirms that the existing municipal water supply provides capacity to service the proposed use and is in accordance with all design standards. For private sanitary services, the on-site private sewage servicing consists of a treatment system south of the convent building that discharges to a pumping chamber feeding two large scale shallow buried trench disposal beds. The updated technical design assessment prepared by MTE concluded that an expansion to the buried trench disposal beds and alterations to the septic tank are required to accommodate the anticipated capacity and are physically possible. This work has been coordinated with the EIS and TPP to ensure minimal to no impacts to existing features and functions.

In our opinion, the current servicing scenario is not addressed by any of the above-noted servicing policies. We are not aware of any previous failures regarding water supply, and understand that the partial servicing arrangement for these rural lands reflects decisions made well before current PPS implementation. We note that the existing private sewage system requires and has an ECA, and that the proposed expansion would require this ECA to be modified accordingly. Given this, and that the proposed development looks to continue use of the lands for institutionally-related use in the form of a private secondary school, in our opinion the key component with respect to these policies is verification that site conditions are suitable for partial servicing to continue, and confirmation and that there will be no negative impacts to natural features and/or public health and safety. In this regard, the technical reports provide this basis, and matters related to technical review and compliance will be handled through the ECA process, which is designed to ensure public health and safety and no negative impacts to the environment.

3.1.2 Section 2 Wise Use and Management of Resources

Subsection 2.1 provides policies in relation to the protection of Natural Heritage.

Policy 2.1.1 *Natural features and areas shall be protected for the long term.*

Policy 2.1.5 *Development and site alteration shall not be permitted in*

- b. *significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;*
- c. *significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;*

Planning Comment: Significant woodlands and associated valleylands are located along the eastern boundary of the subject lands, while a stream and corresponding valleylands are located along the western boundary. The western portion of the subject lands is covered by Provincial Natural Heritage Mapping. There is no development proposed in the significant woodland or valleyland features.

Subsection 2.6 provides policies relating to the protection of Cultural Heritage and Archaeology.

Policy 2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

Policy 2.6.3 *Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

Planning Comment: The Sisters of St. Joseph Motherhouse is listed on the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest but is not currently designated under the Ontario Heritage Act. A key component of the proposed development is the ability of the proposed private secondary school to utilize the heritage building without requiring external modifications, thereby conserving the significant heritage attributes of the Motherhouse. In addition, the proposed gymnasium addition will not negatively impact the subject lands' cultural heritage attributes, as the design will be compatible with the existing material of the historically significant Motherhouse.

Policy 2.6.5 *Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.*

Planning Comment: We re-iterate that it is our expectation that public consultation process will ensure that Indigenous communities are engaged to coordinate on land use planning matters and on the proposed development, as required by legislation and best practices, and that notification of the application has or will occur to Indigenous communities and further that application materials will be provided for review. In addition to this, we commit support to Indigenous community engagement, and are prepared to work with NEC staff on specific engagement opportunities, should these be requested by NEC staff and/or an Indigenous community.

Provincial Policy Statement 2020 Conclusion: The proposed NEPA to permit the private secondary school use within the existing buildings and proposed gymnasium building addition is consistent with the policies within the PPS 2020, as it;

- Promotes an efficient form of development, without necessitating additional land consumption, through adaptively re-using existing buildings and structures;
- Avoids environmental and safety concerns by limiting new development to cleared tableland areas within the Escarpment Rural designation, and away from the natural heritage and valleylands and features along the western and eastern boundaries;
- Builds upon the existing character of site, which has an institutional history and open-space campus setting;
- Allows the evolution and expansion of existing land uses, which are currently permitted in accordance with uses permitted on rural lands in rural areas;
- Proposes upgrades to the existing on-site private sewage system to accommodate forecasted growth; and,
- Supports engagement with Indigenous communities to coordinate on land use planning matters to assist with the identification and protection of interests.

3.2 Niagara Escarpment Plan 2017

The subject lands are within the geographic area to which the Niagara Escarpment Plan 2017 (“NEP”) applies. **Figure 2-1** provides a mapping excerpt with the approximate location of the subject lands identified. This mapping confirms that the subject lands are covered by the following designations: Escarpment Rural Area and Escarpment Natural Area.



Figure 3-1 - NECP Map 2 - City of Hamilton – Excerpt

3.2.1 Part 2: Development Criteria

Subsection 2.1.2 Infrastructure

Policy 2.1.2.7 *Municipal water and wastewater systems and private communal water and wastewater systems shall not be located in or extended into Escarpment Natural Area, Escarpment Protection Area, Escarpment Rural Area, or Mineral Resource Extraction Area, unless such servicing is required to address failed individual on-site sewage or water services, or to ensure the protection of public health where it has been determined by a medical officer of health (or health authority) that there is a public health concern associated with the existing services. The capacity of services provided in these circumstances will be restricted to that required to service the affected area and shall not allow for growth or development beyond what is permitted in this Plan*

Policy 2.1.2.8 *Notwithstanding Part 2.12.7 above, where municipal water and wastewater systems already exist in Escarpment Natural Area, Escarpment Protection Area, Escarpment Rural Area or Mineral Resource Extraction Area, existing development within an approved service area boundary may be connected to these systems.*

Planning Comment: The subject lands are serviced by both a piped municipal water system and a private on-site wastewater system. We re-iterate that we are not aware of any previous failures regarding water supply. We again state that the existing private sewage system requires and has an ECA, and that the proposed expansion would require this ECA to be modified accordingly. Our position remains that given this, and that the proposed development looks to continue use of the lands for institutionally-related use in the form of a private secondary school, and in our opinion the key component with respect to these policies is verification that site conditions are suitable for partial servicing to continue, and confirmation and that there will be no negative impacts to natural features and/or public health and safety. The proposed NEPA seeks to modify the Plan to allow

only the proposed private secondary school use with 1000 students and 85 staff. This proposal is supported by the updated FSR and servicing strategy which proposes an expansion of the wastewater system to only permit the proposed capacity. This is a minor servicing expansion in the context the previous development and use permissions for the site, and in the context of the Pleasant View Survey Lands.

Niagara Escarpment Plan Conclusion: The proposed development conforms to the servicing policies contained within the Niagara Escarpment Plan, as it is demonstrated that the existing water supply and proposed expansion to the private wastewater system will be sufficient in accommodating the proposed use.

3.3 Interim Control By-law – Pleasant View Area and Development Control Regulation

In September 2020, the City of Hamilton Council passed a motion to enact an Interim Control By-law (“ICBL”) for the Pleasant View Area, which includes the subject lands to restrict the use of lands for a period of one year, pending the completion of planning studies in respect of land use policies and Zoning by-law regulations. The intent of the ICBL was to place a hiatus on developments within the Pleasant View Area until the City of Hamilton and Niagara Escarpment Commission reached a conclusion on whether the area would be subject to the Town of Dundas Zoning By-law, the City of Hamilton Zoning By-law 05-200 or the Niagara Escarpment Development Control.

On September 9th, 2020, Ontario Regulated 826 under the Niagara Escarpment Planning and Development Act was amended to now include the Pleasant View Survey lands, including the subject lands within the Area of Development Control. Therefore, all new development in the Pleasant View Survey Area will now require a Development Permit from the NEC, instead of a Zoning By-law Application.

4 Conclusion

Columbia International College is proposing the adaptive reuse of the existing Sisters of St. Joseph Convent Motherhouse Building for conversion to a proposed prestige secondary school campus for 1000 students, which also requires the employment of approximately 85 support staff, including licensed teachers. To permit the proposed development, an NEPA was submitted in February 2020 to allow a private secondary school within the list of established institutional and institutionally-related uses in Special Provision 21.

The addendum to the submitted Planning Justification Report has provided a response to the comments provided by the Niagara Escarpment Commission, by:

- Providing summaries of updated technical reports
- Addressing the new Provincial Policy Statement 2020
- Including relevant servicing policies within the Niagara Escarpment Plan 2017
- Providing an update on local planning documents for the Pleasant View Area, including the Interim Control By-law and subsequent, inclusion within the Niagara Escarpment Development Control Area

We trust that the addendum is sufficient in addressing the comments by the Niagara Escarpment Commission. However, should you have any questions or require further information, please do not hesitate to contact us.

Respectfully submitted this 19th day of September 2021.



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Planner