Planning Justification Report

# 154 and 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
February 25, 2020

# Table of Contents

**1 Introduction ..... 1**
1.1 Summary Planning Opinion ..... 1

**2 Site Description and Context ..... 2**
2.1 Site Location and Details ..... 2
2.2 Existing Uses and Development Pattern ..... 4
2.3 Context ..... 9

**3 Selected Development and Planning Application History ..... 10**
3.1 Pleasant View Survey ..... 10
3.2 SSOJ Motherhouse History ..... 10
3.3 2011 Minor Variance and OMB Approval ..... 11
3.4 Niagara Escarpment Amendment 179 ..... 13
3.5 Temporary Use and Holding Zone Application ..... 13

**4 Proposed Development ..... 14**

**5 Proposed Niagara Escarpment Plan Amendment ..... 21**
5.1 Niagara Escarpment Plan Amendment Guidelines ..... 21
5.1.1 Tests for Justification ..... 21

**6 Supporting Studies and Analysis ..... 22**
6.1 Cultural Heritage Impact Assessment ..... 22
6.2 Environmental Impact Assessment ..... 23
6.3 Visual Impact Assessment ..... 24
6.4 Traffic Impact Assessment ..... 24
6.5 Transportation Demand Management Options Memo ..... 25
6.6 Functional Servicing Report ..... 25
6.7 Geotechnical Report ..... 26
6.8 Private Wastewater Assessment and Design ..... 26
6.8.1 Preliminary Wastewater Treatment and Disposal System Capacity Review ..... 26
6.8.2 Tertiary Treatment System Design Report ..... 26

# Table of Contents (continued)

6.9 Hydrogeological Investigation and Assessment ..... 27

**7 Applicable Planning Legislation and Policy ..... 27**

7.1 Niagara Escarpment Planning and Development Act ..... 27
7.2 Niagara Escarpment Plan 2017 ..... 31
7.3 Ontario Planning Act ..... 45
7.4 Provincial Policy Statement 2014 ..... 48
7.5 Parkway Belt West Plan ..... 51
7.6 Greenbelt Plan 2017 ..... 54
7.7 Growth Plan for the Greater Golden Horseshoe 2019 ..... 55
7.8 Rural Hamilton Official Plan ..... 56
7.8.1 Volume 3 – Chapter A – Special Policy Areas ..... 56
7.9 Region of Hamilton-Wentworth Official Plan ..... 57
7.10 Town of Dundas Official Plan ..... 57
7.10.1 OPA No. 13 ..... 58
7.10.2 OPA No. 23 ..... 59
7.10.3 Main Text of Town of Dundas Official Plan ..... 61
7.11 Zoning By-law of the Former Municipality of Dundas ..... 62
7.11.1 RU/S-58 63
7.11.2 U/S-57 63
7.11.3 OS 63
7.11.4 PPS/S -56 & 56a ..... 64
7.12 Halton Conservation Authority Regulated Area ..... 64

**8 Planning Analysis ..... 65**

8.1 Land Use ..... 65
8.1.1 Scale and Intensity ..... 66
8.2 Open Space Character ..... 66
8.3 Traffic ..... 66
8.4 Servicing ..... 67
8.4.1 Municipal Piped Water Supply ..... 67
8.4.2 On-Site Private Sewage Servicing ..... 67

# Table of Contents (continued)

8.5 Natural Heritage ..... 67
8.6 Cultural Heritage ..... 68
8.7 Public Interest ..... 68

**9 Conclusions and Recommendations ..... 68**

# Table of Figures

**Figure 2-1** - Approximate Location of Subjection Lands in Regional Landscape Context..... 2
**Figure 2-2** - Approximate Location of Subject Lands in Zoomed Landscape Context ..... 3
**Figure 2-3** - Approximate Location of Subject Lands in Landscape and Transportation Connection Context..... 3
**Figure 2-4** - Subject Lands and Development Pattern Context ..... 4
**Figure 2-5** - Google Earth Image of Existing Building and Gymnasium Addition Area - Looking East ..... 5
**Figure 2-6** - Google Earth Image of Existing Building and Gymnasium Addition Area - Looking South ..... 5
**Figure 2-7** - Google Earth Image of Existing Building and Gymnasium Addition Area - Looking West ..... 6
**Figure 2-8** - Google Earth Image of Existing Building and Gymnasium Addition Area - Looking North..... 6
**Figure 2-9** - Motherhouse front facade with driveway and landscaped areas ..... 7
**Figure 2-10** – Portion of front facade of Motherhouse ..... 7
**Figure 2-11** - View of Portion of Rear Motherhouse Facade ..... 8
**Figure 2-12** - Portion of Rear Facade of Motherhouse ..... 9
**Figure 4-1** - Overall Site Plan for Proposed Development and Building Addition..... 16
**Figure 4-2** - Excerpt of Site Plan for Proposed Gymnasium Addition..... 17
**Figure 4-3** - Excerpt of Proposed Gymnasium Addition with Ground Floor Plan ..... 18
**Figure 4-4** - Excerpts of Proposed Gymnasium Addition Floor Plans ..... 19
**Figure 4-5** - Proposed Gymnasium Addition Cross-Section..... 20
**Figure 7-1** - NECP Map 2 - City of Hamilton – Excerpt ..... 32
**Figure 7-2** - PWBWP Mapping Excerpt ..... 52
**Figure 7-3** - Greenbelt Plan Detailed Map 104 Excerpt..... 54
**Figure 7-4:** Volume 3 - Map A: Special Policy Area, Retrieved from the Rural Hamilton Official Plan..... 56
**Figure 7-5** - Town of Dundas OP - Schedule A - Land Use Excerpt – 2010 Office Consolidation ..... 58
**Figure 7-6** - OPA No 23 - Schedule B – Excerpt ..... 60
**Figure 7-7 -** OPA No. 23 - Schedule B-1 Excerpt..... 61
**Figure 7-8** - City of Hamilton Online Zoning Map with 2017 Air Photo - Approximate Size and Extent of Subject Lands..... 63
**Figure 7-9** - City of Hamilton Online Conservation Authority Map – Approximate Extent of Regulated Area ..... 65

# 1 Introduction

IBI Group ("IBI") has been retained by Columbia Northcliffe Campus Inc. ("Columbia International College", "CIC" or "Owner") to provide independent professional planning services and opinion with respect to 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 (Note: reference in this report to "existing buildings" includes the Motherhouse and long-term care addition wing inclusive, plus any existing accessory buildings and structures. Reference to Motherhouse includes the main building and also implies the inclusion of the long-term care wing addition, unless specifically stated otherwise, for instance with respect to cultural heritage attributes). This proposal builds from the recently approved Temporary Use By-law approval for conversion of the Motherhouse to a residence for student accommodation. While that approval confers no permanent additional use permissions, it must be seen as an interim measure for CIC while the ultimate goal of conversion to a secondary school campus is sought. A critical step to that goal is the submission and approval of a Niagara Escarpment Plan Amendment ("NEPA") application to allow the proposed private secondary school use. This report provides the planning analysis and justification for the proposed use and the proposed NEPA, with detailed discussion throughout. It should be noted at this stage that while the subject lands contain both the Motherhouse building (known municipally as 574 Northcliffe) and the Sisters of Precious Blood buildings (known municipally as 154 Northcliffe), the focus of the proposed secondary school campus with proposed gymnasium building addition is the Motherhouse, and thus much of the report and analysis deals with the proposed conversion and building addition with respect to that facility. Where appropriate, site-wide discussion and analysis will occur.

## 1.1 Summary Planning Opinion

It is our professional opinion that the proposed NEPA must be looked at in the context of the history of the subject lands, including previous uses and planning approvals, while simultaneously looking ahead with regards to facilitating the adaptive reuse of the Motherhouse which is experiencing a declining convent. Looked at in this context, the proposed NEPA seeks permission for the institutionally-related use of the existing institutional building (i.e. Motherhouse) as a private secondary school with a maximum of 1000 students and approximately 80 staff, and includes allowance for a proposed gymnasium building addition.

With respect to the history of the site, the proposal builds from the established use history and previous planning approvals which includes institutional and institutionally-related uses, such as the granting of permission for a student dormitory use and classrooms with a fixed capacity in conjunction to a commercial school. In that regard, the proposed amendment modifies the existing institutional building and institutionally-related use permissions in the Niagara Escarpment Plan ("NEP"), which does not result in a substantial change of land use or the introduction of urban uses. Rather, it facilitates the adaptive re-use of an institutional building that is of historical significance, in order to maintain the vitality of the building for continued institutionally-related use.

As the proposed secondary school use will be contained mainly within the Motherhouse, it does not require substantial external modifications, thus respecting the cultural heritage attributes of the main building. Further, the proposal generally maintains the open space landscape character of the site, as the proposed gymnasium addition is to be confined to the cleared tableland area adjacent to the Motherhouse. The site contains identified and mapped natural heritage features, which have been assessed through an Environmental Impact Study ("EIS"). The existing site pattern does not adversely impact natural heritage features and the proposal maintains these relationships.

It is our opinion that the vision of the site for use as a secondary school campus maintains neighbourhood compatibility; preserves cultural heritage and aesthetic considerations of the building; preserves the open space landscape character of the site; preserves and protects natural heritage; and represents good planning. As such, the proposed NEPA should be approved and the proposed development should continue towards implementation through subsequent planning processes, such as local planning applications and required permits.

# 2 Site Description and Context

The following subsections outline key parameters of the subject site and context. The information is supported by air photos and other visual information.

## 2.1 Site Location and Details

The subject lands are legally described as Part of Lots 28 & 29, Concession 2, in the former geographic township of West Flamborough. Municipally, the lands are known as 154 and 574 Northcliffe Ave. The lands are located within the geographic area of the City of Hamilton, formerly within the area of the Town of Dundas. **Figures 2-1 to 2-3** provide current Google Earth air photos of the subject lands and context at different scales and vantage points. As shown, the lands are situated at the southerly end of Northcliffe Avenue, on the west side of Highway 6, north of Highway 403. This location is effectively at the easterly border of the City of Hamilton, adjacent to the City of Burlington, and within the City's rural area.


**Figure 2-1** - Approximate Location of Subjection Lands in Regional Landscape Context


**Figure 2-2** - Approximate Location of Subject Lands in Zoomed Landscape Context


**Figure 2-3** - Approximate Location of Subject Lands in Landscape and Transportation Connection Context

The site is approximately 19.4 ha in area, with a total site perimeter of approximately 1,853 m, and frontage on Northcliffe Ave of approximately 140 m (refer to Figure 7-6, the submitted survey and the submitted site plan**).** The lands generally consist of areas of cleared tablelands with sloping topography in a north-to-south direction, punctuated by hedgerows and bordered by adjacent natural and open space areas, including woodlands and valleylands to the east and west. Connections to the transportation system exist via Northcliffe Ave to York Rd, which provides

access points for vehicles to HWY 6 and, via that connection, HWY 403. As such, the location provides good connectivity in main compass directions for travel at the local and regional scales.

## 2.2 Existing Uses and Development Pattern

The subject lands contain existing development in the form of the Sisters of Precious Blood Convent on the northerly portion, the main SSOJ Motherhouse building and accessory buildings on the southerly portion, main access road and vehicular driveways, surface parking with approximately 129 standard spaces and 9 loading spaces, open fields, and manicured landscape garden areas. The development pattern and built form of the Motherhouse is illustrated in Google Earth 3-D air photos in **Figures 2-4 to 2-8**. In addition, several photos of the motherhouse building and adjacent site areas taken by IBI staff are provided in **Figures 2-9 to 2-12**.

In terms of built form and development pattern, the motherhouse building and surrounding area present the appearance of an aesthetically pleasing and significant institutional building in a campus-like open space landscape setting. The original purpose of the building was to provide space for the functions of religious and educational activities in conjunction with living arrangements in a dormitory setting. The massing, height, rooflines and materials project this image of a significant institutional building sited and designed to fit with the context established by the open space landscape setting. Thus, in our opinion the current physical development pattern and open space landscape setting exist in a harmonious combination consistent with the historic development of the site. With respect to services, the building is connected to municipal water but provides an on-site private wastewater treatment system.


**Figure 2-4** - Subject Lands and Development Pattern Context

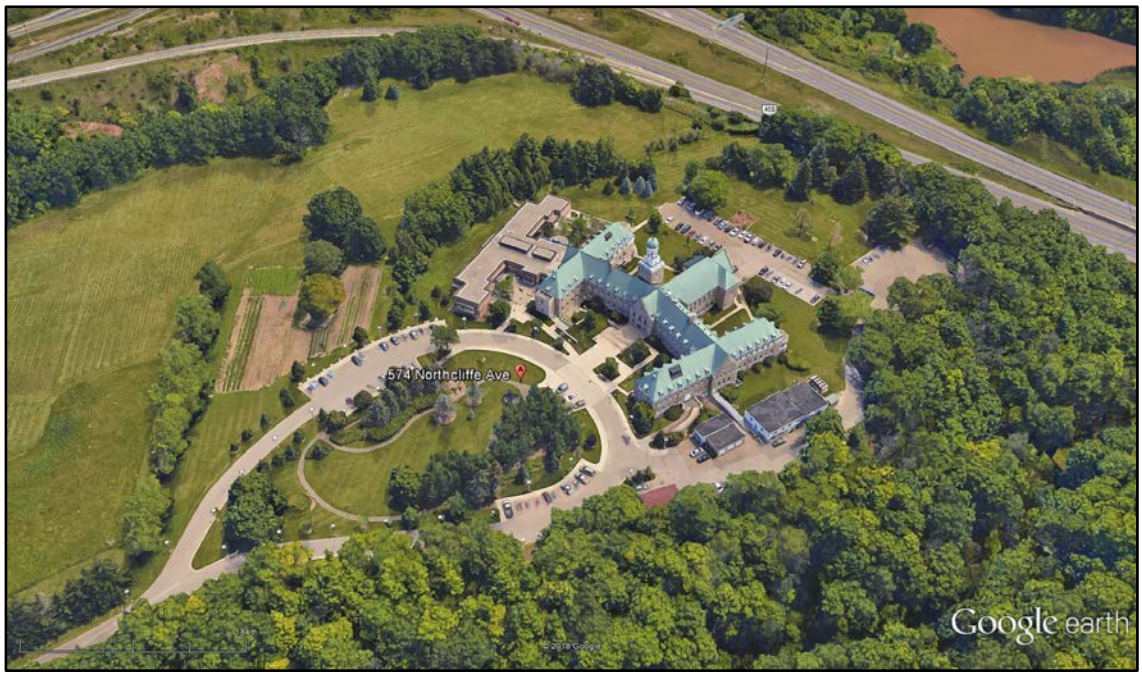


**Figure 2-5** - Google Earth Image of Existing Building and Gymnasium Addition Area - Looking East


**Figure 2-6** - Google Earth Image of Existing Building and Gymnasium Addition Area - Looking South


**Figure 2-7** - Google Earth Image of Existing Building and Gymnasium Addition Area - Looking West


**Figure 2-8** - Google Earth Image of Existing Building and Gymnasium Addition Area - Looking North

**Figure 2-9** - Motherhouse front facade with driveway and landscaped areas

**Figure 2-10** – Portion of front facade of Motherhouse

**Figure 2-11** - View of Portion of Rear Motherhouse Facade

**Figure 2-12** - Portion of Rear Facade of Motherhouse

## 2.3 Context

Adjacent and proximate land uses include:

- North: Sisters of Precious Blood Convent (on same lands); low-density/rural residential; rail line
- East: Open space/valleylands; HWY6/HWY 403; Bridgeview Community of Burlington
- South: HWY 403; Royal Botanical Gardens
- West: Open space/valleylands; rail line

As shown in the various photos, the lands and the Motherhouse building are well-separated from adjacent uses and developments, creating the contextual impression of a significant institutional building in an open space landscape setting. However, the site is also well-connected to existing transportation routes and in proximity to other uses and established urban areas, which include residential and public and private open space areas, which provide important functional connections.

# 3 Selected Development and Planning Application History

The following subsections outline several key milestones and events in the development and use history of the subject lands. These form important components of the context for the proposed NEPA. It should be noted that some of the information in this section is sourced from material provided through City of Hamilton staff reports on previous planning applications, and is combined with additional publicly available information.

## 3.1 Pleasant View Survey

The subject lands are located within an area known as the Pleasant View Survey, which was originally laid out in 1914. Between 1914 and 1962, five additional surveys were laid out in the surrounding area, many of which are to be only partially implemented. These surveys enabled some residential development, prior to modern system of planning approvals. While the Pleasant View survey was formally deregistered in the 1970's, various clusters of residential neighbourhoods, city-owned road allowances, and existing and legal non-conforming uses remain.

From 1973 to 1978, the Province enacted a Minister's Zoning Order ("MZO") to freeze development in the Pleasant View Survey area so that background studies could be completed and the Parkway Belt West Plan ("PBWP") finalized and implemented. Since that time, Pleasant View, including the subject lands, have been subject to the PBWP. To conform to the provisions within the PBWP, OPA 13 to the Dundas Official Plan, creating a special policy area for Pleasant View, was adopted in 1986.

In 1988, the Region of Hamilton Wentworth extended piped water to the existing dwellings within the Pleasant View Survey, which created the existing of partial municipal services for the subject lands. In 1994, a new Official Plan Amendment (OPA 23) and implementing Zoning By-law amendments were adopted to the Dundas Official Plan for the Pleasant View survey neighbourhood. The amendments were appealed to the Ontario Municipal Board (OMB), which resulted in modifications to the amendment in 1995. The Dundas Zoning By-Law 4066-93 was amended to ensure conformity with the resultant modifications from the OMB Decision. Since the OMB decision, minimal development has occurred in Pleasant View.

## 3.2 SSOJ Motherhouse History

The subject lands are included in the City's Register of Properties of Cultural Heritage Value or Interest. The lands were added to the Register via Council decision on March 28, 2018, following recommendation reports by Planning Committee (March 20, 2018) and Hamilton Municipal Heritage Committee (March 15, 2018). Information associated with these recommendations were provided by City staff on December 5, 2018. This information included a "Historical Perspective" document that appears to be authored by Sister Anne Karges, General Superior for SSOJ, dated April 13, 2011. This letter provides the following key facts:

- The subject lands were chosen as the site of the motherhouse in 1948
- Construction of the existing motherhouse began in 1949
- The motherhouse has existed at this location since 1951, and was originally built to accommodate approximately 100 members of the Congregation in dormitory style living arrangements
- Renovations occurred in the 1980's to modify rooms in the west wing to convert rooms to single occupancy with enhanced washroom facilities

- The additional wing (i.e. long-term care wing) was added in 2004, providing 17 beds for long-term care for elderly sisters of the congregation
- The use of the building and the lands has included spiritual and educational classes for the congregation; retreats for young persons and programs for spiritual growth and human development; and retreat days, prayer days and educational sessions for groups compatible with the SSOJ mission

Based on this brief history, it is clear that the Motherhouse has an important place in the institutional, educational, and religious history for the area and surrounding community, and that the buildings (and uses within) have existed as part of the landscape and neighbourhood setting for decades. The Motherhouse has been used as a residence for nuns (including long-term assisted living for elderly and sick nuns), space for meetings and seminars, community events, educational sessions, as well as congregation administrative offices (in addition, see subsequent sections regarding student dormitory and classroom use). While not designated under the Ontario Heritage Act, the inclusion of the lands in the City's Register is tied to this development and use history and the significance of the building.

With respect to the main Motherhouse building, some building statistic information is also included in the heritage information, which includes the following:

- The total area of the Motherhouse is 8,712 square metres, consisting of
    - Basement: 2, 913 square metres
    - First Floor: 3, 280 square metres
    - Second Floor: 1, 359 square metres
    - Third Floor: 1, 159 square metres

## 3.3 2011 Minor Variance and OMB Approval

Approval for use of a portion of the Motherhouse (i.e. "Building B") as a dormitory together with teaching facilities was granted under application No. DN/A-11:08 by the City of Hamilton's Committee of Adjustment. The wording for the variance approval was as follows:

> …to permit the existing Building B which is occupied by a religious organization (Sisters of St. Joseph Convent) **to also be used for a dormitory together with teaching facilities for a commercial school (Columbia International College of Canada)** notwithstanding that:
>
> 1. **A portion of Building B shall also be used for a dormitory together with teaching facilities for a commercial school (Columbia International College of Canada)** notwithstanding that the site-specific "PPS/S-56" zone only permits those uses existing at the date of the passing of the by-law (February 15, 1993) and those determined by the Committee of Adjustment to be similar to the purpose for which the land, building or structure was used on the day the by-law was passed; and
> 2. An existing driveway located on lands zoned "PPS/S-56" and "U/S-57" shall be used to access all uses (both existing and proposed) in both Buildings A and B notwithstanding that a religious organization (Sisters of St. Joseph Covent and Sisters of Precious Blood Convent) and a dormitory together with teaching facilities for a commercial school (Columbia International College of Canada) are not permitted in both zones **(emphasis added)**

This variance decision implemented the proposed dormitory residence in conjunction with teaching facilities for a commercial school. There were no conditions attached to the decision,

nor any caps on the number of student residents, dormitory rooms used for student accommodations, or floor area restrictions for the dormitory or commercial school components of the use.

This decision of the Committee was appealed to the Ontario Municipal Board ("OMB" or "Board") by both a local resident and the City of Hamilton. In a decision issued by the Board under File PL110256, dated July 21, 2011, the appeals were dismissed based on a proposed settlement reached between the applicant and the City. The settlement and the decision by the Board was based in part on affidavit evidence confirming that the proposal did not offend and was in conformity with:

1. The 2005 Provincial Policy Statement
2. The Growth Plan for the Greater Golden Horseshoe
3. The Parkway Belt West Plan
4. The Town of Dundas Official Plan
5. Town of Dundas Zoning By-law

Notably, the Board Order authorized the proposed variances, but included parameters and several conditions, as proposed by the settlement, being:

> The Board Orders that the Minor Variance Application No.A-08/11 for relief from the provisions of the Zoning By-law No. 3581-6, as amended, under Section 45 of the Planning Act, R.S.P. 1990, c.P. 13 so as to permit the existing Building B which is occupied by a religious organization (Sisters of St. Joseph Convent) **to also be used for a dormitory and accessory uses together with temporary teaching facilities for a commercial school (Columbia International College of Canada)** is authorized subject to the following conditions:
>
> a. A portion of Building "B", as shown on the Concept Plan attached hereto as Attachment "A" **shall be used for a dormitory together with temporary teaching facilities for a commercial school (Columbia International College of Canada)**;
>
> b. The existing driveway located on the lands zoned PPS/S-56 and U/S-57 shall be used to access all uses (both existing and proposed) in both Buildings A and B as shown on Attachment "A";
>
> c. The dormitory and accessory uses to be permitted in Building B as shown on Exhibit "A" shall be limited to only 36 students **in conjunction with a commercial school (Columbia International School);** and
>
> d. **A maximum of three classrooms shall be permitted** until December 31, 2011, **in conjunction with a commercial school (Columbia International College)** within the existing Building "B" as shown on Attachment "A" attached hereto **(emphasis added)**

Following this decision, the provision for a dormitory and accessory uses limited to a maximum of 36 students was included as a site-specific provision for the existing institutional building (Sisters of St. Joseph) within the Special Provisions for the Pleasant View Survey Lands within the NEP. The inclusion of the uses to the Special Provision and the implementation of the uses provides the basis that existing and permitted uses of the subject lands includes institutional (religious organization, school with classrooms) and institutionally-related (dormitory and accessory uses), in conjunction with an private educational establishment (commercial school).

## 3.4 Niagara Escarpment Amendment 179

In April 2011, the Pleasant View neighbourhood was proposed to be included within the NEP area through the first draft of Amendment 179, which proposed to designate various lands as Escarpment Rural, Escarpment Natural and Escarpment Protection. Amendment 179 included a special policy area for the Pleasant View Survey, reflecting the planning framework from the 1995 OMB decision and the local planning framework. At that time, the 2011 Minor Variance was in the process of an OMB appeal.

In February 2013, the second iteration of Amendment 179 proposed uses for the subject lands including a Place of Worship, Children's Day Nursery, **Educational Establishment, A School and School Lodging (with no limit on number of students),** Hospital, and a Residential Care Facility. However, the City of Hamilton objected to the inclusion of additional uses, as staff deemed that it was contrary to the 2011 OMB decision, which only allowed institutionally-related uses such as dormitory and accessory uses for 38 students and **a small commercial school, in conjunction with an educational establishment (Columbia International College)**. The next iteration of Amendment 179 changed the proposed permitted uses to reflect the exact wording from the City of Hamilton staff report, with a slight change to the number of students (36). Amendment 179 was approved by the Minister on October 28, 2013 and is in effect through the current iteration of the NEP (emphasis in above added).

## 3.5 Temporary Use and Holding Zone Application

A Temporary Use By-Law ("TUB") to permit a dormitory for 96 students, with an additional 42 students subject to servicing upgrades for a total of 138 students, as a temporary use within "Building B" for a maximum period of three years was approved under application No. ZAR-19-013 by the City's Planning Committee on July 12th, 2019. A Holding Symbol was placed on the subject lands for "Building B" to limit the temporary dormitory to a maximum of 96 students subject to servicing upgrades. The Holding Symbol may be removed by a By-law amendment when it has been demonstrated that adequate sanitary services are provided in order to increase the capacity to the maximum permitted 138 students.

The wording for the Temporary Use By-Law was as follows:

1. .. is hereby further amended by adding the Public and Private Service "H-PPS/S-56a" Zone, Modified to the lands

2. …S-56a

    i. As permitted under the temporary use provisions of Section 39 of the Planning Act for a maximum three year period…the following use shall be permitted

        a. Within the existing building known as 574 Northcliffe Avenue (Builiding 'B'), a dormitory having a maximum capacity of 138 occupants shall be permitted temporarily and only within the building existing….

        b. A Holding Symbol (H)… is applied to the PPS Zone Category as it applies to 574 Northcliffe Avenue (Building 'B'). The permitted use in clause a) shall be limited to a maximum capacity of 96 occupants for such a time as the Holding Symbol (H) is applicable ….

        c. Condition for Holding Provision Removal

            i. The applicant/proponent shall demonstrate and have attained all of the necessary approvals to provide adequate services to increase the capacity beyond 96 students to accommodate a dormitory having a

maximum capacity of 138 occupants to the satisfaction of the Niagara Escarpment Commission

d. Notwithstanding Clause 7.3.1 – ACCESS of SECTION 7 – OFF STREET PARKING AND LOADING an existing driveway located on lands zoned PPS-S-56 and U/S- 57 shall be permitted to be used for access to 574 Northcliffe Avenue (Building 'B')

This TUB implemented the use of a temporary dormitory residence in conjunction to an educational establishment (CIC), which is similar to the previous variance approvals. The TUB does not permanently add supplementary use permissions to the subject lands, and must be seen as an interim measure for CIC, pending the proposed conversion to a secondary school campus as discussed throughout this report.

# 4 Proposed Development

The purpose of the NEPA application is to permit use of the Motherhouse as a private secondary school campus for CIC. Details of the private secondary school campus with respect to the number of students and staffing is provided below. This proposal includes internal modifications to the Motherhouse building in order to provide classroom and administration space, the extent of which is still to be determined. It does not *require* external modifications to the Motherhouse, preserving the heritage and cultural value of the main Motherhouse building. The proposed building addition for a gymnasium is to provide space for recreation and school events, and is conceptually designed to be partially submerged under grade. The details of proposal are included in this application and outlined in **Figures 4-1 to 4-5 below**.

**Students:**

Total: 1000 students (Note: day use only. No overnight accommodations once conversion from dormitory occurs)

**Staffing:**

- Teachers: 45
- Support staff: 35 Consisting of:

  1 Information Technology, 2 housekeeping, 2 maintenance, 2 security, 10 cafeteria, 4 management, 2 medical, 4 university placement, 3 student development, 2 student service officers, and 3 liaison staff

**Total: 80 Staff** (teachers and support)

**School Schedule:**

For the August and January semesters, hours of classes proposed as follows:

- Homeroom – 8:45-9:00 am
- Period 1 – 9:00-10:20 am
- Period 2 – 10:25-11:45 am
- Period 3 – 11:50-1:10 pm
- Period 4 – 1:15-2:35 pm
- Period 5 – 2:40-4:00 pm

The peak travel times to and from campus for students and staff are expected to be between 7:45 – 8:40 am, and 4:15 pm – 5:15 pm. However, CIC notes clearly that these travel times may be adjusted for student arrival flexibility, which could avoid peak am and pm travel time periods. Further, there is expected shuttle bus operation to accommodate students participating in clubs and sports, and these may depart as late as 9:00 pm during normal school operating season.

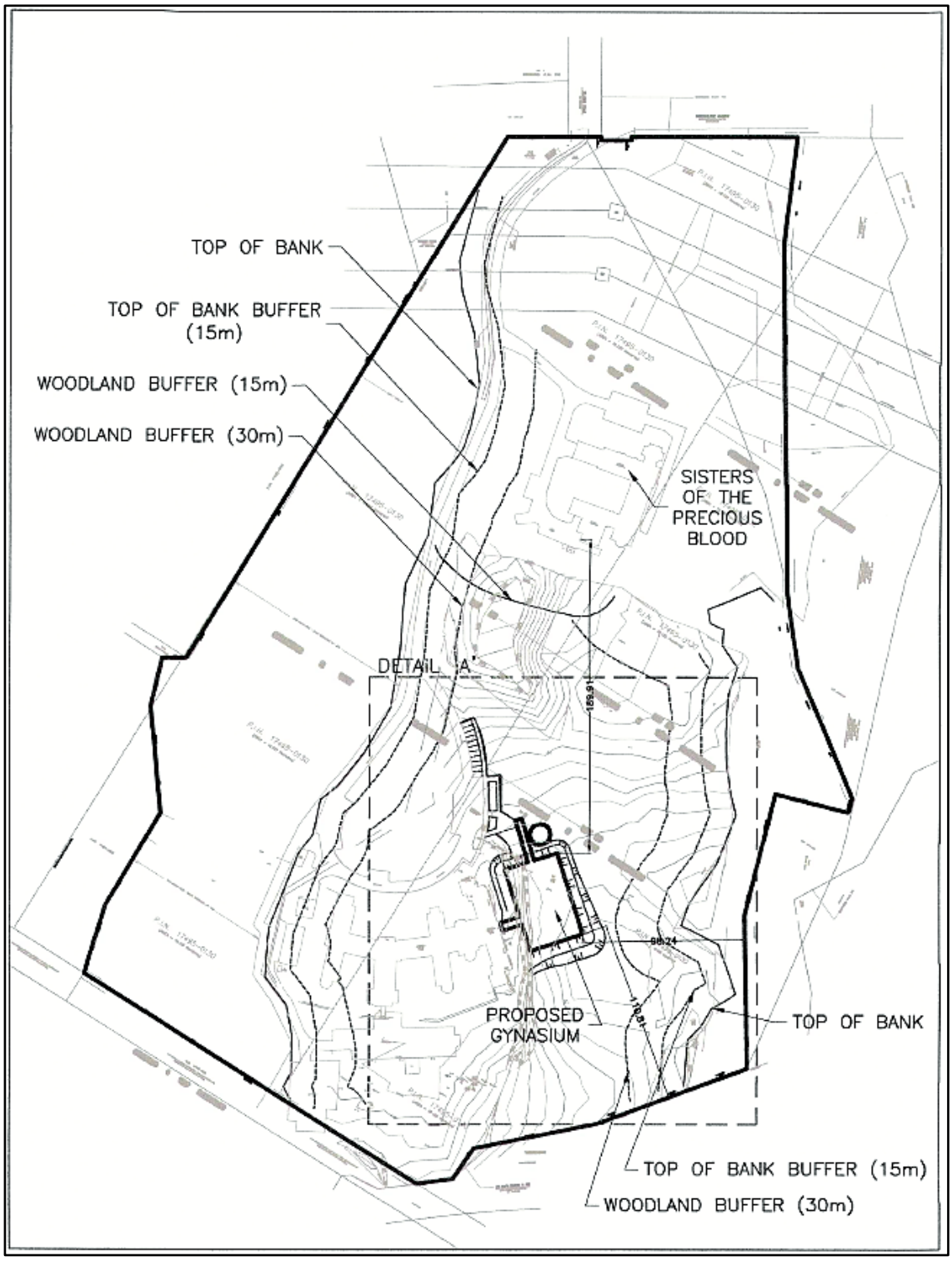


**Figure 4-1** - Overall Site Plan for Proposed Development and Building Addition

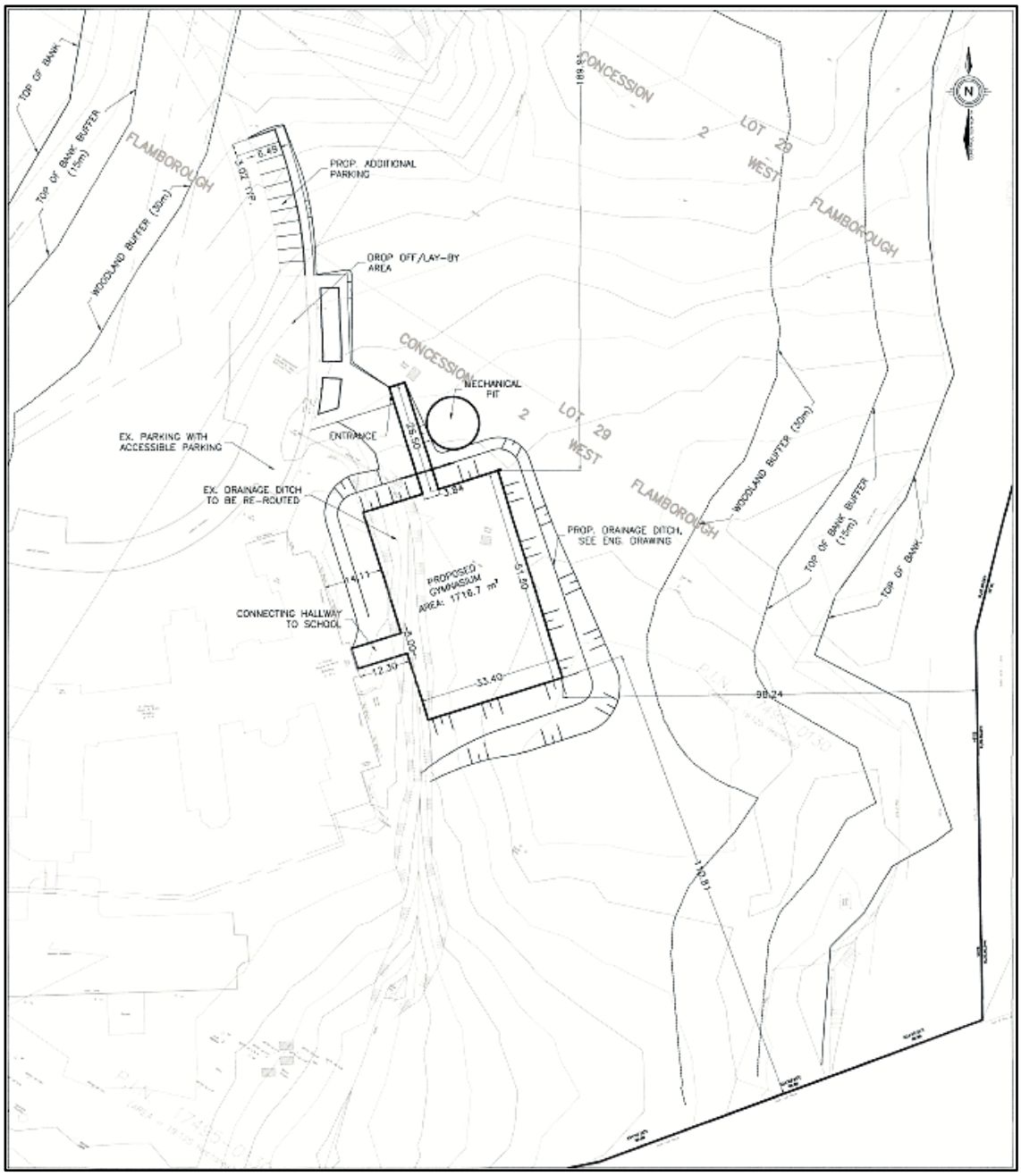


**Figure 4-2** - Excerpt of Site Plan for Proposed Gymnasium Addition

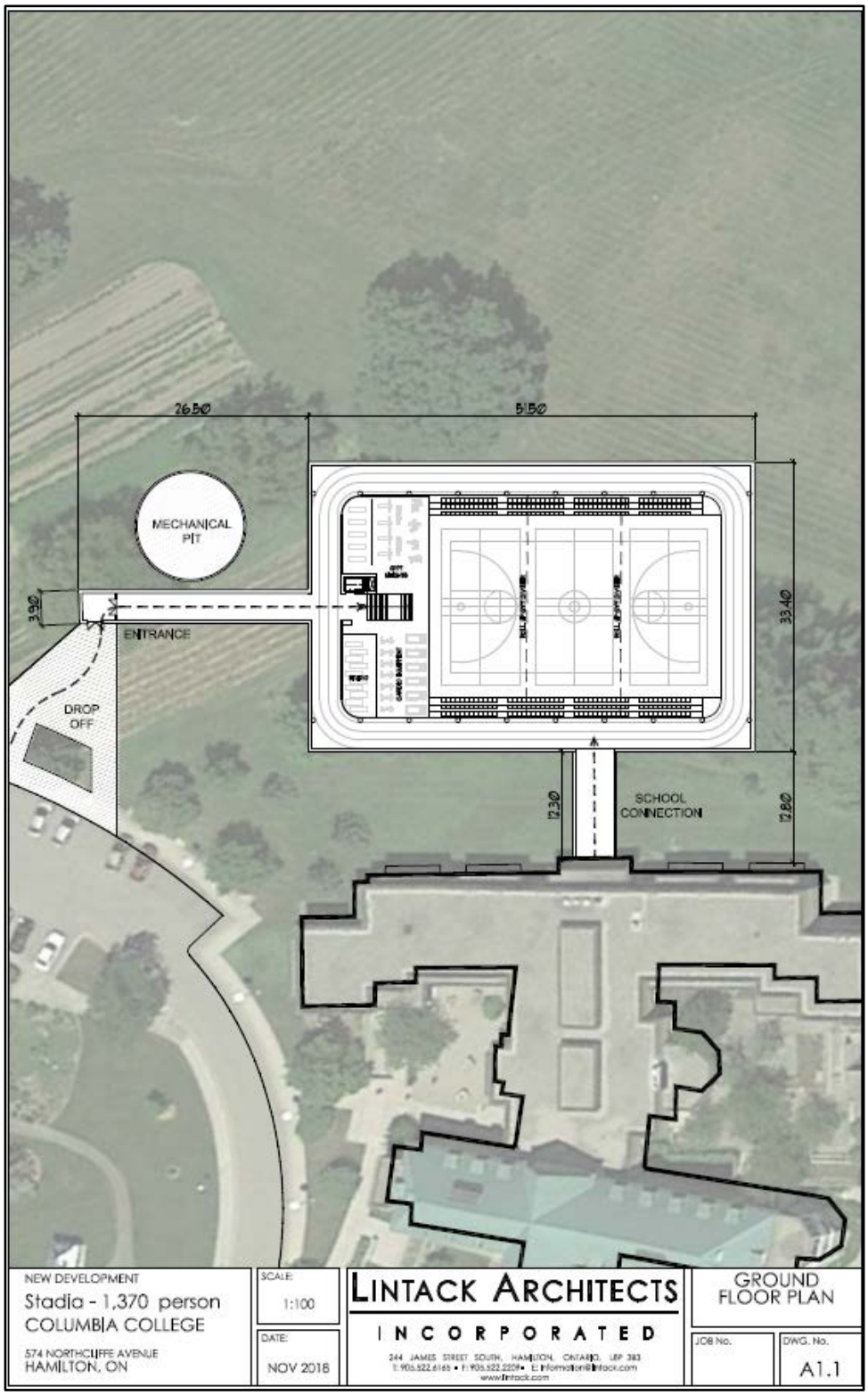


**Figure 4-3** - Excerpt of Proposed Gymnasium Addition with Ground Floor Plan

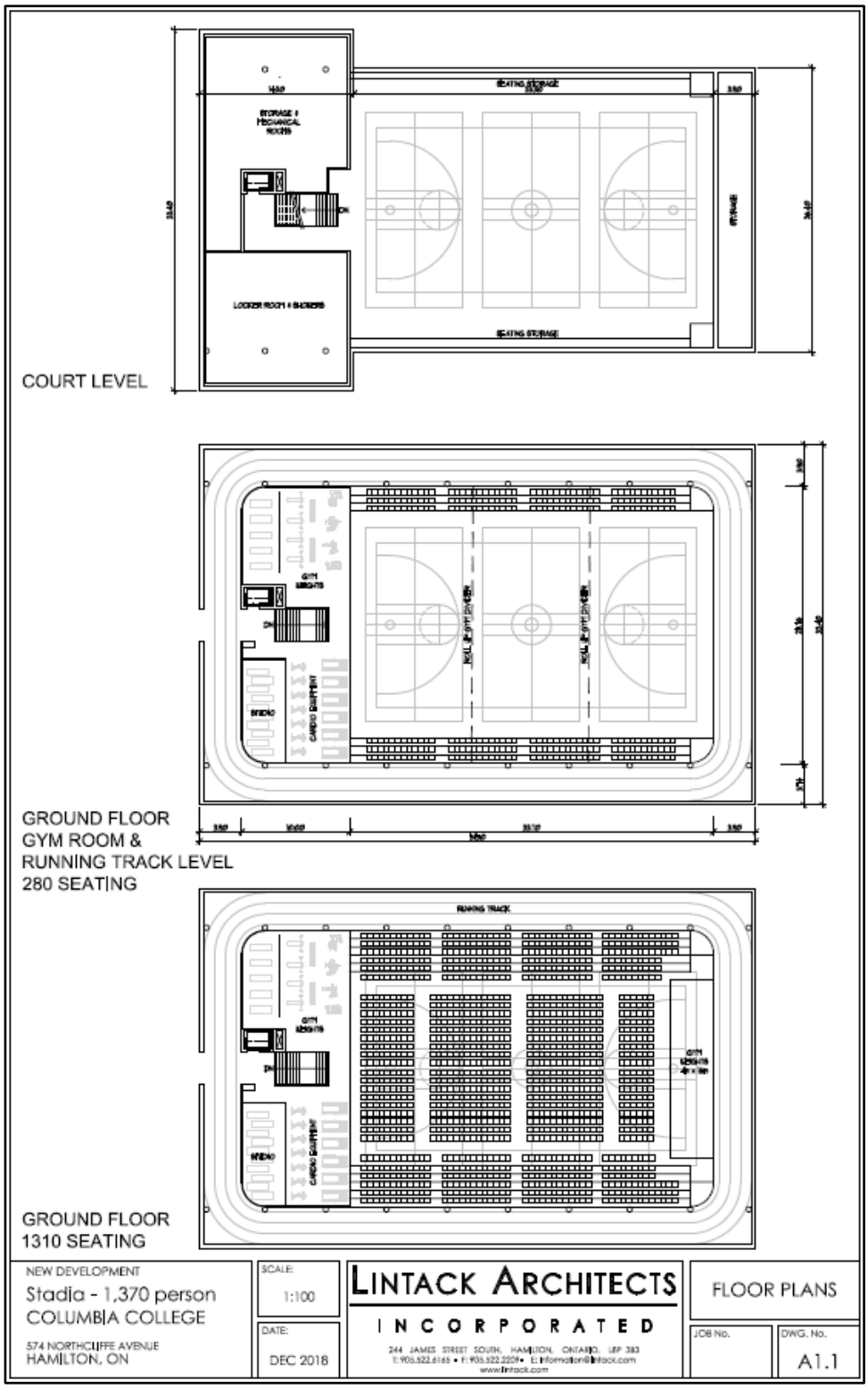


**Figure 4-4** - Excerpts of Proposed Gymnasium Addition Floor Plans

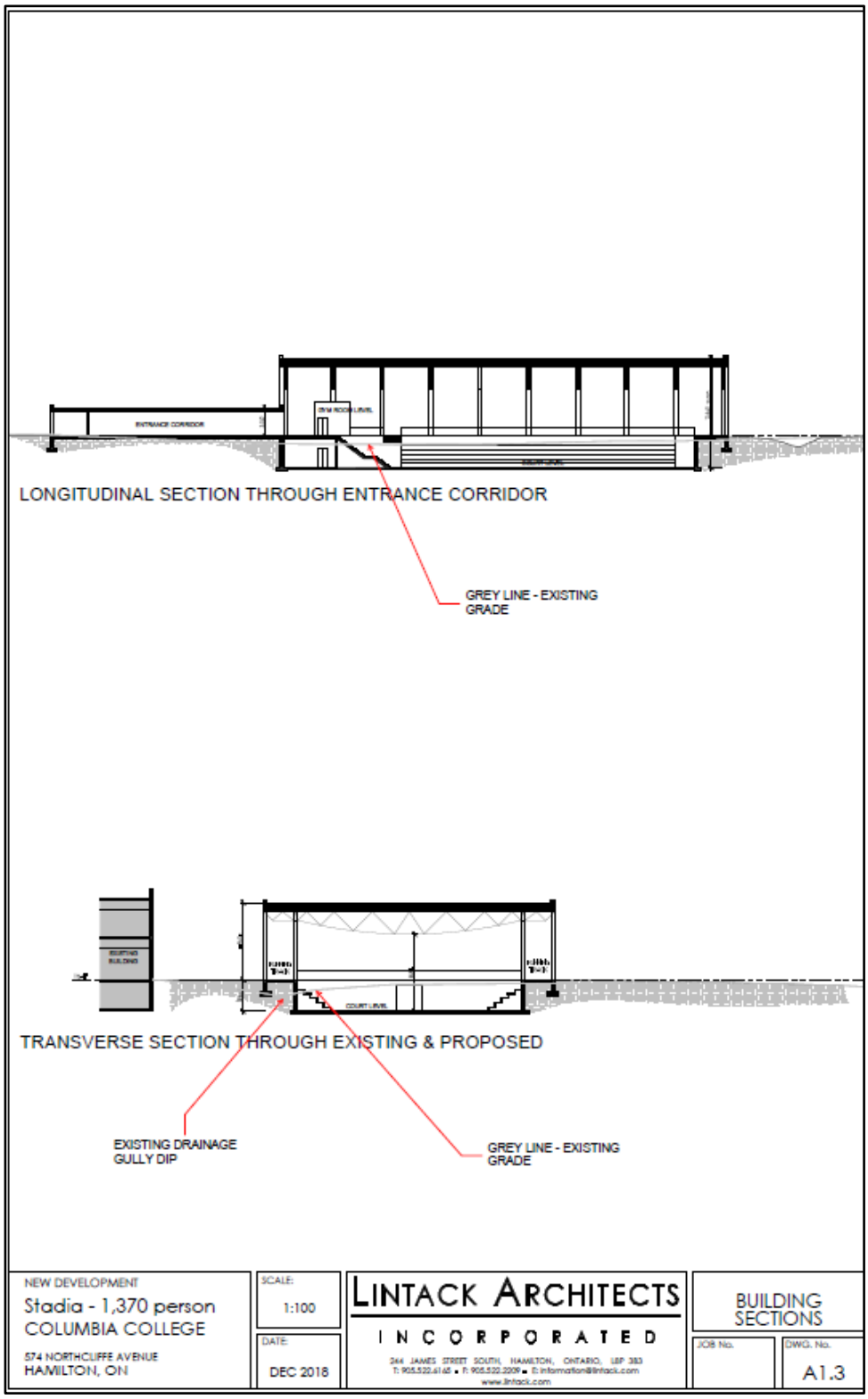


**Figure 4-5** - Proposed Gymnasium Addition Cross-Section

# 5 Proposed Niagara Escarpment Plan Amendment

As outlined in detail in **Section 7**, the proposed private secondary school campus with a gymnasium addition meets and conforms to the objectives and development criteria of the NEP, including the Escarpment Rural designation within which the proposed development is located. However, the subject lands are within the area known as Pleasant View, which is subject to Special Provision 21 resulting from NEPA 179. This special provision provides a specific land use permission for the subject lands matched to each municipal address, with policy 21 f) of Part 2 – Development Criteria, stating the following for 574 Northcliffe Ave:

> f) the existing **institutional building** on lands located at No. 574 Northcliffe Avenue (Sisters of St. Joseph) **may be used for the following institutionally related uses** provided the uses are contained within the existing building only:
>
> i. a Place of Worship;
>
> ii. a Convent;
>
> iii. a residential care facility for a maximum of 35 residents; and
>
> iv. **a dormitory with a maximum of 36 students and accessory uses for an educational establishment** provided it is located in conjunction with the convent of the Sisters of St. Joseph **(emphasis added)**

It is our interpretation this list of uses supersedes the use permissions of the Escarpment Rural designation for this site, such that the only uses permitted on the subject lands within the Escarpment Rural Area component are those outlined in the special policies for 154 and 574 Northcliffe respectively, in addition to those outlined in 21 g) of Part 2. Accordingly, the submitted NEPA proposes to amend this special policy to permit the proposed private secondary school use specifically for the land use permissions pertaining to 574 Northcliffe Ave.

Following the approval of the NEPA, applications to amend the applicable Official Plan (Rural Hamilton Official Plan and Town of Dundas Official Plan), Zoning By-Law (Town of Dundas) and for site plan approval will be submitted.

## 5.1 Niagara Escarpment Plan Amendment Guidelines

The NEC has prepared the Niagara Escarpment Plan Amendment Guidelines ("Guidelines"), which are consistent with the tests for justification in both the NEPDA and the NEP itself. The guidelines are intended to assist applicants in understanding the general scope of information and analysis required to support a particular plan amendment.

### 5.1.1 Tests for Justification

As noted in the Guidelines, all plan amendments are subject to the following justification tests:

1. Consistency with the purpose and objectives of the Niagara Escarpment Planning and Development Act and Plan
2. Consistency with the objectives of the designation and designation criteria of the plan
3. Proposed amendment is in the public interest and there is a need to accommodate the proposed use within the Plan area given the availability of alternatives both within and outside the NEP and the market area, where the proposed use may be located
4. Compliance with the development criteria of this plan (e.g. cumulative impact, open landscape character, natural heritage protection, etc.)

5. Consistency with the provisions of the Provincial Policy Statement (PPS) and other provincial policies or plans
6. Regard to agency and municipal official planning policies

With respect to amendments initiated by application, the onus is on the applicant to provide justification in support of the amendment. This report is intended to full the justification requirement by providing a fulsome description of the proposal and the supporting studies completed; a thorough analysis of applicable policies; and relevant justification for the proposed amendment. The justification is provided at various stages of the report under numerous planning comments, which are provided as direct responses to identified policies. Further, the report contains a summary planning analysis section, where key items are reviewed and further discussed, including a discussion of the public interest.

# 6 Supporting Studies and Analysis

In accordance with good planning practice; to provide detailed technical analysis and information supporting the proposal; and to address complete application submission requirements, a range of supporting technical studies and reports have been prepared to address key subject and functional matters concerning the proposal. Generally, these studies deal with the proposed land use, proposed gymnasium building addition, and other proposed modifications such as private servicing installations. Considered together, the supporting technical materials comprehensively address matters relevant to the NEPA and the future development of the site, including matters of cultural and built heritage; environmental and natural heritage features and functions; traffic and transportation demand management; servicing capacity and design; soil and groundwater conditions; and visual impact. The contents of the materials and the conclusions and recommendations made therein support the planning analysis provided in this report.

## 6.1 Cultural Heritage Impact Assessment

A Cultural Heritage Impact Assessment (“CHIA”) was prepared by Archaeological Services Inc. (“ASI”). The full version of the report is included in the complete NEPA application, and should be reviewed in detail as part of the application review. The purpose of the report is to document and provide evidence of the historical attributes of the property; to review and assess the cultural heritage value; to evaluate the proposed development to determine impacts to the property’s cultural heritage attributes; and to make recommendations.

The report provides the following purpose:

> This report is intended to address a proposed gymnasium addition to the Sisters of St. Joseph Motherhouse. The original Sisters of St. Joseph Motherhouse will be conserved in its entirety with the proposed development consisting of a new addition to an addition completed in 2004. The addition is intended to be used to support the operations of Columbia International College, a tenant of the building.
>
> 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 Parts IV or V of the Ontario Heritage Act**. As part of this Cultural Heritage Impact Assessment, **the entire property has been evaluated using the criteria in Ontario Regulation 9/06 and the City of Hamilton Framework for Cultural Heritage Evaluation** to determine the cultural heritage value of the property. This evaluation determined that **the property meets the criteria for designation under Part IV of the Ontario Heritage Act** and according to the City of Hamilton Framework for Cultural Heritage Evaluation.

> Based on the evaluations under Ontario Regulation 9/06 and the City of Hamilton Framework for Cultural Heritage Evaluation along with the development of a proposed Statement of Significance for the property, **the proposed development was evaluated to determine its impact on the property's cultural heritage attributes**. This analysis **determined that the proposed development will not have any significant impacts on any proposed cultural heritage attributes**. **(emphasis added)**

The report provides the following recommendations:

1. The property at 574 Northcliffe Avenue meets the requirements for designation under Part IV of the Ontario Heritage Act based on the criteria contained in Ontario Regulation 9/06 and the City of Hamilton's Evaluation Criteria and should be considered for designation by the municipality.
2. As per guideline 11 of the Standards and Guidelines for the Conservation of Historic Places in Canada, the design and materials of the proposed addition should be physically and visually compatible with, subordinate to and distinguishable from the Sisters of St. Joseph Motherhouse. The proposed addition should not use stone as its primary material and no attributes that contribute to French Chateau aesthetic of the Motherhouse should be mimicked on the exterior of the proposed addition. See Section 6.3 above for more information.
3. A landscape strategy should be developed to ensure that the proposed development and its surroundings are consistent with the character of the landscaping that surrounds the Sisters of St. Joseph's Motherhouse.
4. Given the change in use, the Sisters of St. Joseph and Columbia International College should consider developing an interpretation strategy that reflects the history of the property as a means of educating students about the original use of the Motherhouse and the Sisters of St. Joseph's role in the early history of the city.
5. This report should be submitted to Development Planning, Heritage and Design staff at the City of Hamilton for review, and upon approval, filed and archived with the Hamilton Public Library (Special Collections) and the Dundas Museum and Archives.

These recommendations and the general findings of the report are connected to applicable policies with appropriate planning comments in later sections of this report.

## 6.2 Environmental Impact Assessment

Natural Resource Solutions Inc. ("NRSI") prepared an EIS to address impacts from the construction of the proposed gymnasium addition, parking modifications, and additional septic system components. The scope of work to prepare the EIS included a review of pertinent background information (i.e. natural heritage information centre, etc.); scoping and confirmation of the Terms of Reference ("TOR") with agencies; completion and documentation of field surveys; natural environmental classification; impact assessment; and finally the production of the report with findings and recommendations.

The study provides analysis and discussion of natural heritage matters, and provides recommendations respecting mitigation measures and buffers from identified features. This is summarized in the conclusion, which states:

> Field survey data was assessed against applicable municipal and provincial policy and guidance documents for the determination of significant features and functions. Several significant species and functions were identified within the scope of this study. **Buffer recommendations were provided for the protection**

> **of natural features during and post-construction. 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, generally speaking, limited to landscape tree removals, temporary construction intrusion into 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. Mitigation measures are provided to reduce or eliminate the identified potential impacts. If the recommended mitigations are implemented, adverse impacts arising from the proposed development are not anticipated (emphasis added)**

As provided in this report and the proposed development plans, the proposed physical development is located outside of the recommended buffers (generally 30 m and 15 m respectively). Minor encroachments during the construction phase (i.e. septic installation encroachment into 30 m woodland buffer) can be dealt with during subsequent implementation stages (i.e. site plan approval), including implementation of mitigation measures, without causing any negative impacts to features and/or functions.

## 6.3 Visual Impact Assessment

A Visual Impact Assessment ("VIA") was prepared by IBI Group. The report was prepared based on correspondence with NEC staff to scope the terms of reference for report methods and content, and to confirm locations for analysis, including taking photos at key viewpoints. The full version of the report is included in the complete NEPA application, and should be reviewed in detail as part of the application review. The report assessed the potential visual impact of the proposed gymnasium addition. For the purposes of this report, the VIA provided the following conclusion:

> Based on our review of the ten (10) viewpoints within the two (2) visibility zones identified for study, the proposed gymnasium addition will not be visible and therefore will not impact the quality of views within the study area. The iconic copper (green) roof and Georgian clock tower will continue to be visible but the lower roof of the proposed development will be screened by existing vegetation, topography and urban development.
>
> We recommend no further study of the visual impact the development will have on the escarpment landscape.

The key assessment and finding of the VIA relates to the proposed gymnasium addition. From the outset, options for keeping the overall height of this addition below the existing roofline and for minimizing the visual impact of the structure were explored. This resulted in the proposal to sink the elevation of the gymnasium floor below grade. The VIA validates this approach, and connections to applicable policies are provided in later sections of this report.

## 6.4 Traffic Impact Assessment

A Traffic Impact Study ("TIS") was prepared by IBI Group. The objectives of the assessment were to:

1. Determine the impact of the subject site (i.e. proposed development) on the study area road network;
2. If necessary, recommend appropriate measures and strategies to ensure that the study area road network can accommodate the traffic generated by the subject site

In addition to the above, the TIS included a Safety Review, incorporated as an Appendix and discussed within the body of the report, which assessed collision trends, operating speeds, existing field conditions, sightlines, and future road improvements along the proposed school bus route.

The report provides a full analysis of existing and future traffic conditions, including modelling and assessment of queueing of busses at key points for high-volume traffic periods. Ultimately, the report finds no significant impacts resulting from the proposal. The report also provides the following conclusions:

- Implement traffic signs at the York Road & Old Guelph Road and York Road and Highway 6 West Ramp Terminal intersections to address existing deficiencies
- Existing safety deficiencies at the York Road & 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.
- By 2024, construct an eastbound right turn lane with 15 metres of storage
- By 2029, implement semi-actuated traffic signals at the Old York Road and Plains Road West intersection

With respect to the specific issue of road safety, the report the report notes that there are existing York Road features at the intersection of Newman Road that should be addressed from a nominal safety perspective. It is noted, however, that based on the review and the geometric review and site visits, combined with the minimal collision history and the fact that school buses are already observed to operate at the intersection the introduction is additional school buses would not lead to an increase in collisions. Despite this, the report makes recommendations to improve safety generally, which are:

- Install a flashing overhead beacon at the York Road & Newman Road intersection, which would flash amber for York Road and red from Newman Road;
- Trim foliage along the south side shoulder of York Road to improve sightlines and intersection visibility;
- Increased speed enforcement; and
- Re-profiling the west leg of the York Road / Newman Road intersection to remove the dip in the road.

The report concludes that the traffic generated by the proposed 574 Northcliffe Avenue development can be adequately accommodated on the adjacent road network with consideration of the recommendations. The report should be read in full to understand methods, discussion and conclusions.

## 6.5 Transportation Demand Management Options Memo

A Transportation Demand Management Options Memo (“TDMOM”) was prepared by IBI Group. The full version of the memo is included with the completed NEPA application, and should be reviewed in detail as part of the application review. It provides recommendations for implementing TDM measures consistent with City of Hamilton standards. These measures are intended to supplement the TIS, and to provide travel options for staff and students once the proposed school is in operation.

## 6.6 Functional Servicing Report

IBI Group was retained to prepare a Functional Servicing Report (“FSR”) to review expected servicing loads and confirm the engineering approach to provide adequate services to the

proposed development. This report reviewed and is coordinated with the private wastewater system design prepared by MTE (see sections below). As noted in the report, the site is currently serviced by an existing 200 mm watermain located within the Northcliffe ROW, with a 100 mm waterline and 200 mm fire line servicing the existing building. There are no storm sewers. The existing private servicing system is fully document in the MTE material. The FSR concludes that the proposed development is serviceable to all current design standards. The report should be read in full to understand methods, discussion and conclusions.

## 6.7 Geotechnical Report

MTE Consultants Inc. ("MTE") completed a geotechnical investigation of the subject site in relation to the proposed gymnasium addition, additional parking area, and servicing design requirements. The scope of assessment considered the proposed building footprint location and extent, parking areas, and potential wastewater servicing design component locations. The intent was to inform continued design of site elements, including site grading, site servicing, building foundations, wastewater systems, and parking areas and to verify that soil conditions would be suitable for physical development. The report makes recommendations respecting foundation design and construction, site servicing design (including the private wastewater system upgrades), pavement structure for parking areas, and other construction-related matters. The report confirms that the proposed development can be constructed on the subject lands generally as proposed. The report should be read in full to understand methods, discussion and conclusions.

## 6.8 Private Wastewater Assessment and Design

The proposed secondary school campus use, including the proposed gymnasium addition, have been assessed by MTE for requirements for private wastewater servicing. This includes a review of the capacity and approval for the existing system servicing the Motherhouse as well as a design capacity requirement. This information formed the basis for a preliminary design for a proposed expansion to the existing system to accommodate the conversion and addition. A copy of the full reports and analysis prepared by MTE is provided with the complete NEPA application submission.

### 6.8.1 Preliminary Wastewater Treatment and Disposal System Capacity Review

MTE Consultants Inc. ("MTE") completed a preliminary wastewater treatment and disposal system capacity review report. The report provides the following conclusions:

- The site currently has an existing wastewater treatment and disposal system, which will require an expansion including the construction of two shallow buried trench disposal beds and alterations to the existing septic tank
- There is sufficient space available on site to accommodate an expanded wastewater treatment and disposal system capable of servicing proposed development

### 6.8.2 Tertiary Treatment System Design Report

MTE also completed a tertiary treatment system design report. The report provides the following conclusions:

- The underlying native soil has a T-time greater than 50 min/cm
- A tertiary treatment system complete with shallow buried trench disposal beds is the most suitable wastewater disposal system for this property
- The design flow for the wastewater disposal system is 65,000 L/d based on the Site's projected use

- The current wastewater treatment system be upgraded to accommodate the increase in design flow and to meet the amended effluent objectives and limits
- The proposed raised shallow buried trench disposal beds and treatment system are to be located more than 30 m away from the dripline
- The existing raised shallow buried trench beds are in good condition and suitable for continued use. Due to the time required to acquire the necessary permits, each run shall be tested prior to installation of the proposed cells
- It is practical to construct the proposed works in a single construction season.
- Additional investigation into the design and existing condition of the onsite wastewater system serving the monastery be conducted (i.e. Precious Blood system)

Further recommendations are contained within the full report, which discuss more detailed design and review parameters. In addition, preliminary servicing design plans are provided, which illustrate that the proposed location and extent of the required private servicing measures can be implemented in the cleared tableland areas, respecting the recommended buffers outlined in the EIS. The report should be read in full to understand methods, discussion and conclusions.

## 6.9 Hydrogeological Investigation and Assessment

MTE also completed a hydrogeological investigation of the site, dated to inform the resultant groundwater flow and wastewater impact assessment from the proposed development.

The report provides the following conclusions:

- The shallow ground water direction is interpreted to be in the south to the south-easterly direction towards the downgradient Long Pond
- Expansions to the existing works will be required to meet the anticipated increase in daily sewage demand from the proposed secondary school
- The existing North and South bed footprints will need to be expanded to be approximately 6100 square meters and 2700 square metres in size, respectively
- The use of shallow buried trench disposal beds is recommended to minimize the footprint of the disposal beds

The report concludes there will be no adverse impacts to the downgradient Long Pond surface water feature and surrounding environmental features as a result of the proposed wastewater system and subsurface disposal bed expansions required as part of the proposed development. The report should be read in full to understand methods, discussion and conclusions.

# 7 Applicable Planning Legislation and Policy

The site is 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 report provides a thorough review of applicable planning documents, providing planning analysis and justification comments where appropriate.

## 7.1 Niagara Escarpment Planning and Development Act

The subject lands, proposed NEPA and proposed development are subject to the Niagara Escarpment Planning and Development Act (“NEPDA”). As such, the proposed development and

a decision on the proposed NEPA must comply with the provisions of the NEPDA. In addition, the NEPDA provides key components for analysis, including the purpose and objectives of the Act.

**Purpose of Act**

2 The purpose of this Act is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment

**Planning Comment:** It is noted that the term "development" includes changes in land use, buildings and/or structures. The proposed development to utilize the existing Motherhouse building as a private secondary school campus for CIC represents a change in land use which is an evolution of existing and established land use permissions. The documented previous uses of the Motherhouse, the history of planning approvals (i.e. 2011 minor variance) for a limited number of classrooms and dormitory rooms in conjunction with an educational establishment, and the inclusion institutional and institutionally-related uses within special provisions for the Pleasant View Survey within the NEP provide the subject lands with legal and existing institutional and institutionally-related land use permissions. The proposed development for a secondary school use is a logical evolution of existing and previous uses, as it will expand the range of permitted institutionally-related uses. It does not result in changes to the external façade of the existing Motherhouse building, and maintains the continuous landscape of the Escarpment. It is compatible with the natural environment, as the proposed development is confined to existing buildings and cleared areas. The proposed gymnasium addition will be partially submerged under established grades, blending with the open space landscape setting as confirmed by the analysis within the VIA.

**Amendments to Plan**

Definition

6.1 (1) In this section, "public body" means a municipality, local board, ministry, department, board, commission, agency or official of a provincial or federal government or a First Nation. 2005, c. 1, s. 25 (1).

**Amendments to Plan**

6.1 (2) An amendment to the Niagara Escarpment Plan may be initiated by the Minister or by the Commission, and application may be made to the Commission by any person or public body requesting an amendment to the Plan. 2005, c. 1, s. 25 (1); 2009, c. 12, Sched. L, ss. 7, 9 (1).

**Material to accompany application**

6.1 (2.1) An application to the Commission by a person or public body requesting an amendment to the Plan shall include a statement of the justification for the amendment and shall be accompanied by research material, reports, plans and the like that were used in the preparation of the amendment. 2005, c. 1, s. 25 (1); 2009, c. 12, Sched. L, s. 9 (1).

**Restriction re: applications or requests to amend the Plan**

6.1 (2.2) No person or public body shall make an application or request to amend the Niagara Escarpment Plan if the application or request relates to land that is within the land use designation of Escarpment Natural Area, Escarpment Protection Area, Mineral Resource Extraction Area or Escarpment Rural Area of the Niagara Escarpment Plan and the application or request seeks to,

(a) redesignate the land to the land use designation of Minor Urban Centre, Urban Area or Escarpment Recreation Area of the Niagara Escarpment Plan; or

(b) make any other amendment to permit urban uses. 2005, c. 1, s. 25 (1); 2009, c. 12, Sched. L, s. 9 (2).

**Exception**

6.1 (2.3) Despite subsection (2.2), an application, request or proposal to redesignate land in the Niagara Escarpment Plan to the land use designation of Minor Urban Centre, Urban Area or Escarpment Recreation Area of the Niagara Escarpment Plan or to amend the Niagara Escarpment Plan to permit urban uses may be made during the review set out in subsection 17 (1) and in order for any such application, request or proposal to be considered during the review it must be included in the terms of reference established for the review under subsection 17 (2). 2005, c. 1, s. 25 (1); 2009, c. 12, Sched. L, s. 9 (2).

**Rejection of certain applications**

6.1 (3) Where, in the opinion of the Commission, an application for an amendment does not disclose a planning justification for the amendment, is not in the public interest, is without merit, is frivolous or vexatious or is made only for the purpose of delay, the Commission shall inform the Minister of its opinion and, where the Minister concurs in that opinion, the Minister shall inform the applicant in writing of his or her opinion and notify the applicant that unless the applicant makes written representations thereon to the Minister within such time as the Minister specifies in the notice, not being less than 15 days from the time the notice is given, the provisions of this Act in respect of the consideration of the amendment shall not apply, and approval of the amendment shall be deemed to be refused. 1999, c. 12, Sched. N, s. 4 (3).

**Planning Comment:** The initial step in obtaining planning approvals for the proposed development is the current application to amend the NEP, allowing the proposed use.

The Niagara Escarpment Commission (NEC) in the absence of a Ministers Regulation defining urban uses, adopted a policy on June 16, 2005 in order to determine what constitutes as an urban uses:

> As defined, urban uses include the following: commercial and industrial, institutional, and multiple residential….

Subsequent comments from the NEC include that:

> urban types of uses already permitted under the Plan will continue to be processed through Development permits, such as small scale industrial and commercial uses, and **small scale institutional uses … (in the designations of the Plan where these are permitted)**

Noted below in the Niagara Escarpment Plan subsection, institutional uses are permitted within the Escarpment Rural Designation, which is the underlying designation for the subject lands.

> Furthermore, where amendments are processed **… in designations outside of such areas where new urban uses are not being proposed, these are still subject to meeting the tests normally applied to all amendments** (**emphasis added)**

The subject lands are located in the Pleasant View Survey area. Listed in the site-specific permissions for the Pleasant View Survey are uses including a convent, place of worship and a dormitory with a maximum of 36 students and accessory uses for an educational establishment, provided it is located in conjunction with the convent of the Sisters of St. Joseph. Existing use of the subject lands for a convent was established prior to the existence of the NEP. Subsequently, through the 2011 Minor Variance and OMB decision approving a dormitory, accessory uses, and classrooms in conjunction with a commercial school, these uses were established in the NEP

through Amendment 179. As these institutionally-related uses are permitted, it is our opinion that this approval establishes that a proposed private secondary school is not deemed as an urban use on the subject lands, as it is a logical evolution of existing institutional and institutionally-related uses previously established and already permitted in the NEP. Therefore, the proposed NEPA is to modify the permissions for existing institutionally-related uses. In our opinion, a similar approach was taken in the Grey Roots application (Amendment 157), which involved the expansion of a use which was originally established under a previous planning application. In this case, the Commission was satisfied that the Plan Amendment did not involve an urban use. Similarly, the proposed NEPA to allow the use of a private secondary school campus does not result in allowing an urban use on the subject lands. Therefore, the proposed NEPA does not seek to re-designate the Escarpment Rural Area designation to the land use designations of Minor Urban Centre, Urban Area or Escarpment Recreation Area.

**Objectives**

8 The objectives of the Niagara Escarpment Plan are, and the objectives to be sought in the consideration of amendments to the Plan shall be, in the Niagara Escarpment Planning Area,

(a) to protect unique ecologic and historic areas;

(b) to maintain and enhance the quality and character of natural streams and water supplies;

(c) to provide adequate opportunities for outdoor recreation;

(d) to maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery;

(e) to ensure that all new development is compatible with the purpose of this Act as expressed in section 2;

(f) to provide for adequate public access to the Niagara Escarpment; and

(g) to support municipalities within the Niagara Escarpment Planning Area in their exercise of the planning functions conferred upon them by the Planning Act. R.S.O. 1990, c. N.2, s. 8; 1999, c. 12, Sched. N, s. 4 (5); 2009, c. 12, Sched. L, ss. 7, 10.

**Planning Comment:** The subject lands are included in the City's Register of Properties of Cultural Heritage Value or Interest. The main Motherhouse building (i.e. not including the long-term care wing) is listed on the City registry but is not currently designated under the Ontario Heritage Act. The proposed development is an adaptive re-use, utilizing the Motherhouse for a private secondary school which proposes a gymnasium addition but otherwise does not require modifications to the external façade. The existing building and open landscape character form part of the historical rural and landscape context for this area. As indicated within the CHIA, the design and material of the proposed gymnasium addition should be compatible with the existing main Motherhouse building, and that such approach will be compatible with the historic nature of the subject lands.

With respect to visual impact, the portion of the building which is visible from adjacent lands and streets forms a key visual element within the wider landscape context. Confirmed by the VIA, the proposed gymnasium addition will be screened by existing vegetation and topography, and it will not impact the quality of views to the existing building elements, such as the copper roof and bell tower. Further, our review indicates that the open space landscape setting of the subject lands has existed roughly in the current manner for decades. The proposed use of the Motherhouse as a private secondary school with a gymnasium addition will be contained within the existing cleared

and developed areas, thereby maintaining the natural features and open spaces on the subject lands.

**Amendment of Plan**

10 (1) During the course of the consideration of amendments to the Niagara Escarpment Plan, the Commission shall,

(a) furnish each municipality within or partly within the Niagara Escarpment Planning Area with a copy of the proposed amendments and invite it to make comments thereon within such period of time, not being more than 60 days from the time the amendments are furnished to it, as is specified;

(b) publish a notice in such newspapers having general circulation in any area that is within the Niagara Escarpment Planning Area as the Commission considers appropriate, notifying the public of the proposed amendments, indicating where a copy of the amendments, together with the material used in the preparation thereof mentioned in subsection (6), can be examined and inviting the submission of comments thereon within such period of time, not being more than 60 days from the time the notice is first published, as is specified; and

(c) furnish copies of the proposed amendments to the advisory committees appointed under section 4 and invite the committees to make comments thereon within such period of time, not being more than 60 days from the time the amendments are furnished to them, as is specified. 1999, c. 12, Sched. N, s. 4 (6); 2002, c. 17, Sched. F, Table; 2009, c. 12, Sched. L, s. 7.

**Planning Comment:** The application to amend the NEP will be processed with proper notice given to interested parties including the public, in accordance with the policies above.

**Niagara Escarpment Planning and Development Act Conclusion:** The proposed NEPA to permit the private secondary school use within the Motherhouse and the proposed gymnasium building addition complies with the NEPDA, as the proposal:

- Adheres to the purpose of the Act, as it maintains the natural landscape setting by limiting the proposed secondary school use to the existing Motherhouse and the proposed gymnasium addition;
- Does not result in the re-designation of the Escarpment Rural Area designation on the subject lands to the Minor Urban Centre or Urban Area, because the proposed NEPA will only amend the specific land use permissions pertaining to the site within Special Provision 21 of the NEP;
- Modifies an existing institutional building and use and does not introduce an urban use on to the subject lands, as Special Provision 21 recognizes the existing uses of the Motherhouse as a convent, place of worship, and dormitory and accessory uses for an educational establishment as institutionally-related uses in an institutional building
- Complies with the objectives of the NEP, as it continues the protection and vitality of the significant Motherhouse building

## 7.2 Niagara Escarpment Plan 2017

The subject lands are within the geographic area to which the Niagara Escarpment Plan 2017 (“NEP”) applies. **Figure 7-1** 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
- Escarpment Natural Area

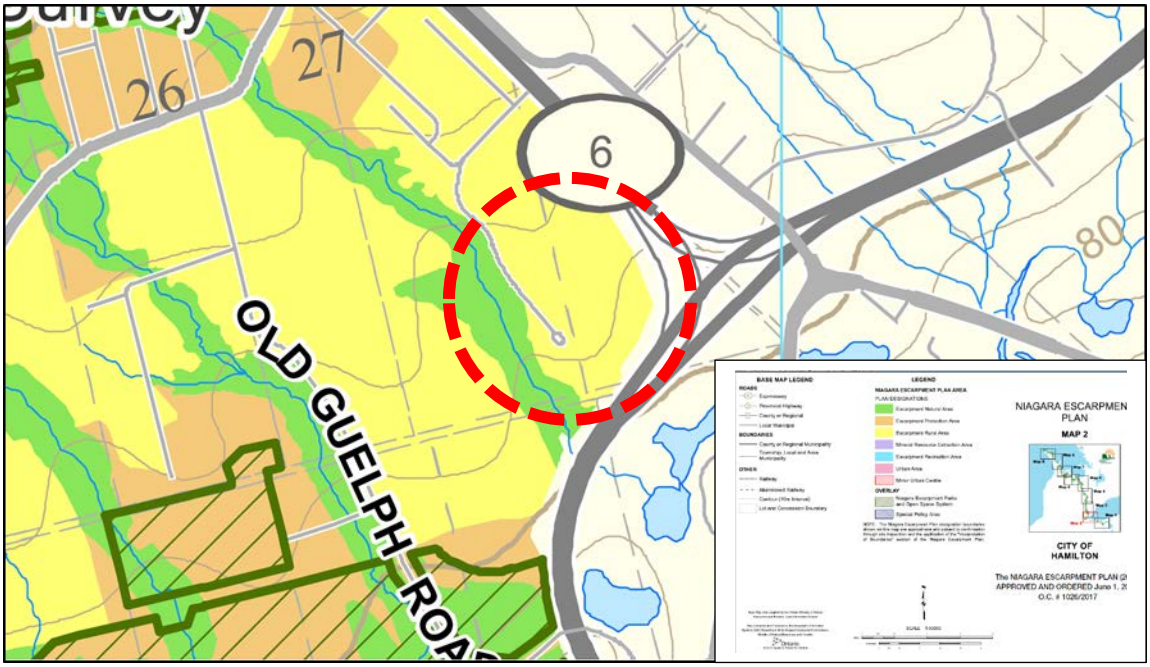


**Figure 7-1** - NECP Map 2 - City of Hamilton – Excerpt

The NEP contains the following wording:

> The Niagara Escarpment Plan builds upon the policy foundation provided by the Provincial Policy Statement and provides additional land use planning policies for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment and to ensure that only such development occurs as is compatible with that natural environment. The Niagara Escarpment Plan is to be read in conjunction with the Provincial Policy Statement but shall take precedence over the policies of the Provincial Policy Statement to the extent of any conflict. Where the Niagara Escarpment Plan is silent on policies contained within the Provincial Policy Statement, the policies of the Provincial Policy Statement continue to apply, where relevant.
>
> Provincial plans should also be read in conjunction with other provincial plans, as defined in the Planning Act that may apply within the same geography. Within the Niagara Escarpment Plan Area, these include the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan and the Parkway Belt West Plan. Other plans, including source protection plans under the Clean Water Act, 2006, may also apply within the Niagara Escarpment Plan Area. Each of these plans applies to certain defined parts of the Niagara Escarpment Plan Area and provides specific policy on certain matters.

**Planning Comment: S**ubsequent subsections will provide justification that the proposed NEPA is consistent with the Provincial Policy Statement and conforms to applicable provincial plans, such as the Parkway Belt West Plan, Greenbelt Plan, and Growth Plan for the Greater Golden Horseshoe.

**Purpose**

The purpose of this Plan is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.

**Objectives**

The objectives of the Niagara Escarpment Plan are:

1. To protect unique ecologic and historic areas;
2. To maintain and enhance the quality and character of natural streams and water supplies;
3. To provide adequate opportunities for outdoor recreation;
4. To maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery;
5. To ensure that all new development is compatible with the purpose of the Plan;
6. To provide for adequate public access to the Niagara Escarpment; and
7. To support municipalities within the Niagara Escarpment Plan Area in their exercise of the planning functions conferred upon them by the Planning Act.

**Planning Comment:** As stated in the previous section, the main Motherhouse is not a designated heritage building, but included within the Register of Properties of Cultural Heritage Value or Interest. The proposed adaptive re-use of the Motherhouse as a private secondary school does not result in modifications to the external façade, and maintains the existing building in a manner that respects its unique cultural heritage attributes. The design and material of the proposed gymnasium addition should be physically and aesthetically compatible with the motherhouse, and such can be implemented through subsequent planning applications (i.e. site plan approval). The portion of the Motherhouse which is visible from adjacent lands and streets forms a key visual element within the wider landscape context. The proposed gymnasium addition will be screened by existing vegetation and topography by being partially below grade, and therefore it will not impact the quality of views in and out of the site, as indicated within the VIA. The existing, campus-like and open space landscape character of the site forms part of the historical rural and landscape context for the surrounding area, which also lends to the suitability of continued institutional and institutionally-related uses, such as the proposed private secondary school. Further, by limiting a proposed secondary school use within the existing buildings and the proposed gymnasium addition, the natural scenery and landscape will be protected and preserved. The technical analysis submitted with respect to hydrogeology, servicing design and installation, and environmental impact confirm that the development proposal can be accommodated on the subject lands without negatively impacting natural heritage features.

**Part 1 Land Use Policies**

**1.1.2 Special Policies**

Special policies (site specific amendments) have been incorporated into this Plan in the form in which they were originally approved. They should be interpreted having regard for the policies of the Plan in effect when they were approved and given effect according to the original intent.

**Planning Comment:** The subject lands are covered by specific special policy provisions for the Pleasant View Survey Lands. These will be discussed in detail in later paragraphs, but this policy has been used to interpret and apply those policies.

### 1.2 Land Use Designations

The area of the Niagara Escarpment Plan has been allocated among the following seven land use designations:

- Escarpment Natural Area
- Escarpment Protection Area
- Escarpment Rural Area
- Minor Urban Centre
- Urban Area
- Escarpment Recreation Area
- Mineral Resource Extraction Area

**Planning Comment:** As seen in **Figure 7-1**, the subject lands are covered by the Escarpment Rural Area and Escarpment Natural Area designations. The majority of the subject lands, including the Motherhouse, is within the Escarpment Rural Area designation.

#### 1.2.1 Plan Amendments

Changes in policy or land use designation require an amendment to the text and/or Appendices and Maps of this Plan. The process is outlined in **Sections 6.1, 7, 8 and 10** of the Niagara Escarpment Planning and Development Act.

The following provisions apply to applications to amend the Niagara Escarpment Plan:

- Planning policies and land use designations may be changed as long as the Purpose and Objectives of the Niagara Escarpment Planning and Development Act and the Niagara Escarpment Plan are met. The Purpose Statement and Objectives in the Introduction of the Plan shall not be changed outside of the context of a full review of this Plan.
- Sections 6.1(2.1) and 10(6) of the Niagara Escarpment Planning and Development Act require that amendments to the Niagara Escarpment Plan be justified. The justification for a proposed amendment to the Niagara Escarpment Plan means the rationale for the amendment, as well as reasons, arguments or evidence in support of the change to this Plan proposed through the amendment.
- It must be demonstrated that the proposed amendment and the expected impacts resulting from the proposed amendment do not adversely affect the purpose and objectives of the Niagara Escarpment Planning and Development Act. The proposed amendment must be consistent with the purpose and objectives of the Niagara Escarpment Planning and Development Act and the Niagara Escarpment Plan and shall be consistent with other relevant Provincial policies.
- Development Criteria set out in Part 2 of the Niagara Escarpment Plan will be considered in the assessment of any amendment to the Niagara Escarpment Plan.

**Planning Comment:** The previous section confirms that the proposed NEPA to permit the proposed private secondary school use in the Motherhouse with the proposed gymnasium addition is consistent with the purpose and objectives of the NEPDA.

### 1.3 Escarpment Natural Area

Escarpment features that are in a relatively natural state and associated valleylands, wetlands and woodlands that are relatively undisturbed are included within this designation. These areas may contain important cultural heritage resources, in addition to wildlife habitat, geological features and natural features that provide essential ecosystem services, including water storage, water and air filtration, biodiversity, support of pollinators, carbon storage and resilience to climate change. These are the most sensitive natural and scenic resources of the Escarpment. The policies aim to protect and enhance these natural areas.

**1.3.1 Objectives**

1. To recognize, protect and where possible enhance the natural heritage and hydrological systems associated with the Niagara Escarpment Plan area.
2. To protect the most natural Escarpment features, valleylands, wetlands and related significant natural areas.
3. To conserve cultural heritage resources, including features and areas of interest to First Nations and Métis communities.
4. To encourage compatible recreation, conservation and educational activities.
5. To maintain and enhance the scenic resources and open landscape character of the Escarpment.

**Planning Comment:** The valleylands portions of the subject lands are covered by the mapped Natural Heritage System of the Growth Plan as well as the City's Rural Official Plan, and are designated as Escarpment Natural in the NEP. The established site pattern, consisting of the Motherhouse with driveway and parking areas, and open space and campus-like setting respects the existing valleylands located on the eastern and western boundaries of the subject lands. The proposed gymnasium addition is situated to the east of the Motherhouse, adjacent to the parking lot, well-separated from the adjacent valleylands and natural heritage features. The proposed NEPA to permit the private secondary school use within the Motherhouse and the gymnasium addition will amend the special use permissions pertaining to the existing institutional building within the special policy provisions for the Pleasant View Survey Lands only, and there are no proposed amendments to the Escarpment Natural Area policies.

**1.3.3 Permitted Uses**

Subject to Part 2, Development Criteria, the following uses may be permitted (…)

**Planning Comment:** No uses or development are proposed in this designation.

**1.5 Escarpment Rural Area**

Escarpment Rural Areas are an essential component of the Escarpment corridor, including portions of the Escarpment and lands in its vicinity. They provide a buffer to the more ecologically sensitive areas of the Escarpment.

**1.5.1 Objectives**

1. To maintain the scenic resources of lands in the vicinity of the Escarpment and the open landscape character of the Escarpment.
2. To conserve cultural heritage resources, including features of interest to First Nation and Métis communities.
3. To encourage forest management and recreation.
4. To provide for compatible rural land uses.

5. To encourage agriculture, and protect agricultural lands and prime agricultural areas.
6. To provide a buffer for ecologically sensitive areas of the Escarpment.
7. To provide for the consideration of new Mineral Resource Extraction Areas which can be accommodated by an amendment to this Plan.

**1.5.2 Criteria for Designation**

1. Minor Escarpment slopes and Escarpment Related Landforms.
2. Lands in the vicinity of the Escarpment necessary to provide an open landscape character.
3. Lands in the vicinity of the Escarpment which are of ecological importance to the Escarpment environment.
4. Lands that have potential for enhanced ecological values through natural succession processes or due to their proximity to other ecologically sensitive lands, areas or features.

**Planning Comment:** The majority of the subject lands are located within the Escarpment Rural Area designation. The subject lands are not designated prime agricultural, and therefore there are no impacts to agricultural resources. Rather, the existing development patterns, use history, and current permissions provide the basis for continued use in the form of institutional and institutionally-related uses, such as the proposed private secondary school. The location and campus-like setting are ideally suited for such.

The open landscape character and the portion of the motherhouse visible from adjacent lands and streets (i.e. the iconic green copper roof and Georgian clock tower) form a key visual element in relation to the Escarpment in this area. Confirmed by the VIA, the proposed gymnasium development will not impact the quality of scenic views in the study area, as it will be partially submerged under grade and screened by existing vegetation, topography, and urban development.

Further, the motherhouse is included within the City's Register of Properties of Cultural Heritage Value or Interest. The proposed development adaptively and appropriate re-uses and maintains the existing main Motherhouse building in a manner that respects and conserves architectural and historical interest, as the proposed conversion to a proposed secondary school use does not include alterations to the existing façade.

**1.5.3 Permitted Uses**

Subject to Part 2, Development Criteria, the following uses may be permitted:

3. Existing uses.
7. Recreational uses, outside of prime agricultural areas.
11. Accessory uses (e.g., a garage, swimming pools, tennis courts, ponds, or signs).
12. Institutional uses, outside of prime agricultural areas.
31. Those uses as set out in the Special Provisions for the Pleasant View Survey Lands as set out in Part 2.2.21 of this Plan.

**Planning Comment:** Even though it is our interpretation that the list of uses within the Special Provisions for the Pleasant View Survey in Part 2.2.21 of this Plan supersedes the use permissions of the Escarpment Rural Designation, the proposed development still maintains the intent of and conforms to the Escarpment Rural Designation, which, in our opinion, is an important

consideration. The history of use and planning approvals pertaining to the subject lands are described in further detail in **Section 3** of this Report. With respect to use, the Motherhouse has historically been used for spiritual and educational purposes. The 2011 minor variance and OMB decision ruled that the Motherhouse was permitted to be used for a limited number of dormitory rooms (38 students) and teaching facilities for a school (i.e. CIC). It is our understanding that these uses were deemed to be existing and legal non-conforming, and thus, added to the site specific provisions for 574 Northcliffe Avenue through NEPA 179. Therefore, in our view this amendment provides the base case for establishing that the Motherhouse has existing institutional and institutionally-related use permissions, which also historically included a small commercial school. The proposed NEPA is thus considered an evolution and modification of existing uses, existing NEP permissions, and historical uses.

We note that institutional uses are defined by the Niagara Escarpment Plan as the:

> **use of land, building or structure for some public or social purpose that may include** governmental, religious, **education**, charitable, philanthropic, hospital, or other similar uses including cemeteries to serve the immediate community **(emphasis added)**

Regarding this definition, it must be stated that CIC is registered and accredited by the Ontario Ministry of Education, under School #880183. It is Canada's largest private secondary school and has a current total enrolment of over 2000 students. Even though the proposed secondary school use on the subject lands will be private, it provides students with secondary school education and experience consistent with standards established in Ontario. As such, it operates in much the same manner as a typical secondary school of comparable size, whether public or private, whose main purpose is to provide educational services. Therefore, the proposed NEPA to permit a private secondary school within the Motherhouse and the gymnasium building addition is appropriate for the subject lands, because it seeks to permit an institutionally-related use in accordance with the established site-specific provisions applicable to the subject lands.

**Part 2 Development Criteria**

**2.2 General Development Criteria**

1. The Escarpment environment shall be protected, restored and where possible enhanced for the long term having regard to single, multiple or successive development that have occurred or are likely to occur.
2. The site shall not be prone to natural hazards, and the development will not impact the control of these natural hazards including flooding hazards, erosion hazards, or other water-related hazards and hazard events associated with unstable soil or unstable bedrock.
3. Development is permitted only on an existing lot of record.
5. Where a lot is located in more than one designation, development shall be located on that portion of the lot located in the least restrictive designation, except where the impact of development on the Escarpment environment would be reduced by locating the development on a portion of the lot located in a more restrictive designation.
6. Any development permitted should be designed and located in such a manner as to promote design and orientation that:
    a) maximizes energy efficiency and conservation and considers the mitigating effects of vegetation;
    b) maximizes opportunities for the use of renewable energy systems and alternative energy systems; and

c) reduces greenhouse gas emissions so that the development is contributing to the goal of low-carbon communities and net-zero communities in Minor Urban Centres, Urban Areas, and Escarpment Recreation Areas.

8. Development permitted should be designed and located in such a manner as to provide for or protect access to the Niagara Escarpment, including the Bruce Trail corridor.

**Planning Comment:** The subject lands are an existing lot of record, which includes both Sisters of Precious Blood Monastery and the Sisters of St. Joseph motherhouse and the combined access driveway from Northcliffe Avenue. The current physical development pattern of the site respects the Escarpment features and functions, particularly those found along the eastern and western boundaries. The proposed gymnasium addition is situated to the east of the Motherhouse, and there is no development impacting natural heritage features or hazards. While the lands are covered by multiple NEP designations, the proposed physical development is located entirely in the least restrictive designation, being the Escarpment Rural designation. There is no proposal for land division.

**Institutional uses**

9. The gross floor area of buildings and related structures used for institutional uses shall not exceed 500 square metres, unless a larger size can be demonstrated to be compatible with the site and the surrounding landscape.

**Planning Comment:** As outlined earlier in this report, existing building statistic information states that the main Motherhouse building alone has an approximately 8,712 $m^2$ GFA, which is greater than the 500 $m^2$ referenced above. The proposed gymnasium addition is approximately 1700 $m^2$. The Motherhouse has historically been utilized for institutional and institutionally-related purposes, and is deemed as an existing institutional building within the site-specific NEC policies. However, it is demonstrated through the use history, the supporting studies, and the planning analysis in this PJR that even if the compatibility test for a larger size is applied, the proposal can be accommodated on the subject lands without negative impacts, and would be fully compatible with the existing and proposed site development patterns and neighbourhood context. Thus, the larger size of the facility still complies with the above-noted policy, which states that consideration of a larger size may be permitted if deemed appropriate and compatible.

**Special Provisions for the Pleasant View Survey Lands (Amendment 179)**

21. The Pleasant View Survey Lands consisting of Part of Lots 23, 24, 25,26, 27 and 28, Concession 2 and Part of Lots 22, 23, 24, 25, 26, 27, 28and 29, Concession 2, City of Hamilton (former Town of Dundas), as identified on Schedule A of Amendment 179 to this Plan, are subject to the following additional special provisions:

    a) notwithstanding the permitted uses, and the definitions for lot, existing lot of record and existing use in this Plan, the following apply:

        i. only uses, except for single dwellings, that existed on or before February 16, 1993 shall be permitted; and

        ii. only single dwellings that existed on or before August 14, 1998 shall be permitted.

    b) notwithstanding the provisions set out in a) i) and ii) above, uses accessory to an existing use or to an existing single dwelling (e.g., garage, accessory building, swimming pool) may be permitted in accordance with the Development Criteria of this Plan. The replacement of an existing

single dwelling may also be permitted in accordance with the Development Criteria of this Plan.

c) notwithstanding the provision set out in a) ii) above, a single dwelling may be permitted on a lot with a minimum size of 10hectares in accordance with the Development Criteria of this Plan.

e) the existing institutional building on lands located at No. 154Northcliffe Avenue (Sisters of the Precious Blood) may be used for the following institutionally related uses provided the uses are contained within the existing building only:

i. a Place of Worship; and

ii. a Convent

**f) the existing institutional building on lands located at No. 574 Northcliffe Avenue (Sisters of St. Joseph) may be used for the following institutionally related uses provided the uses are contained within the existing building only:**

**i. a Place of Worship;**

**ii. a Convent;**

**iii. a residential care facility for a maximum of 35 residents; and**

**iv. a dormitory with a maximum of 36 students and accessory uses for an educational establishment provided it is located in conjunction with the convent of the Sisters of St. Joseph (emphasis added)**

g) nothing in the Special Provisions for the Pleasant View Survey Lands, as set out in this Section, is intended to prevent the following uses of land:

i. forest, wildlife and fisheries management; archaeological activities; public park and open space uses; trails (including the Bruce Trail); nature preserves and non-intensive recreational activities, and essential transportation and utility facilities, provided such uses meet the Objectives of the applicable designation and Development Criteria of this Plan.

**Planning Comment:** The proposed NEPA will amend the special provisions within Section 21, Part (f): (permitted uses of the existing institutional building (Sisters of St. Joseph) at 574 Northcliffe Avenue). It will revise the permitted uses to allow the institutionally-related use of a private secondary school with a maximum of capacity of 1,000 students, including an accessory gymnasium addition attached to the Motherhouse building.

**2.3 Existing Uses**

The **objective is generally not to disrupt existing uses and to provide for changes to such uses in conformity with the Purpose and Objectives of this Plan**, **the objectives of the applicable land use designation and the relevant Development Criteria, including compatibility with the Escarpment environment and the surrounding land uses**.

1. **An existing use may change to a similar use, or a more compatible use only if it can be sufficiently demonstrated that the objectives of the applicable designation of this Plan are met**.

2. Where an existing use has a substantial negative impact on the Escarpment environment, the property owner shall be encouraged to bring the use into

closer conformity with the objectives of the applicable designation of this Plan (e.g., erect a fence around a wrecking yard or install manure storage facilities).

3. An existing use, or a building, structure or facility associated with an existing use, may expand or be replaced on the property where it is located, when it can be sufficiently demonstrated that the objectives of the applicable designation of this Plan are met.

4. An expansion or enlargement of a building, structure or facility associated with an existing use shall be minor in proportion to the size and scale of the use, building or structure, including its related buildings and structures at the time it became an existing use as defined by this Plan. An expansion or enlargement of a building, structure or facility associated with an existing use will be considered minor where the expansion or enlargement is no more than 25 per cent of the original development footprint, unless it can be demonstrated that a greater expansion or enlargement is compatible with the site and the surrounding landscape **(emphasis added)**

**Planning Comment:** The use, physical development, and history of planning approvals for the subject lands have established permitted use status for an institutional building and institutionally-related uses, which includes classrooms and dormitory rooms in conjunction with an educational establishment. The proposed inclusion of a private secondary school use within the Motherhouse and the proposed gymnasium addition is a change of use in the sense that the school will be a larger use with increased intensity, such that it occupies all of the existing buildings and makes use of most of the subject lands (but this does not include the Precious Blood facility). In our opinion it must be seen as an evolution of existing and permitted uses, related to and not substantially different from the historic uses of the building, which included educational events, classes, and a student dormitory. Further, the proposal maintains the existing site development pattern consisting of the Motherhouse, long-term care wing, and parking and driveway areas, and modifies it slightly through the addition of the proposed gymnasium and private sewage works. This site development pattern is compatible with the context and will ensure protection and maintenance of the Escarpment and natural heritage features, as evidenced by the conclusions of the supporting studies, including traffic, EIS and site servicing. Further, Even though it is our interpretation that the list of uses within the Special Provisions for the Pleasant View Survey in Part 2.2.21 of this Plan supersedes the use permissions of the Escarpment Rural Designation, the proposed development still meets the objectives of the Escarpment Rural Designation, which permits existing and institutional uses. As outlined in the EIS, the proposal will not negatively impact the natural environment, and no development is proposed within the Escarpment Natural designation.

**2.5 Development Affecting Steep Slopes and Ravines**

The objective is to ensure that development affecting steep slopes (e.g., Escarpment slopes, rock faces, talus slopes) and ravines is compatible with the Escarpment environment and does not result in unsafe conditions.

1. The crest or brow and toe of the slope or ravine shall be established by means of a site inspection by the implementing authority, and these lines will be plotted on proposed development plans.

2. The implementing authority will establish a minimum development setback from the brow or crest and toe of a slope or ravine, and no disturbance of grades or vegetation below the crest or brow and above the toe shall occur.

3. Where this setback cannot be achieved on an existing lot of record on a steep slope or ravine, the setback may be varied or eliminated to the satisfaction of the implementing authority.

4. Development shall not be permitted on slopes in excess of 25 percent (1:4 slope) or if the stability of the slope or ravine is in question, unless an engineering report has been prepared by the applicant that demonstrates the future stability of the slope would not be affected.

5. During development, a screen of appropriate fencing material (e.g. snow fencing) should be established approximately three (3) metres from the crest of the slope in order to prevent any dumping.

6. Development (e.g., ski facilities) should be designed in such a way as to minimize the disturbance and ensure the stability of Escarpment and ravine slopes.

**Planning Comment:** The existing development pattern consists of a physical and functional division between developed and undeveloped (i.e. restricted) areas. This occurs through fencing and the siting of physical structures away from the location of natural features, which occur generally at the periphery of the site. As the change to the current physical development pattern of the site is limited to the cleared tableland area adjacent to the parking area, driveway and existing buildings, it maintains established and appropriate setbacks from adjacent valleyland and natural features. Further, an assessment and staking of the physical top of bank has occurred via site visit, and this information was transferred to the site survey and development plans with buffers applied to the feature of greatest extent (woodland). The proposed gymnasium addition does not encroach within the EIS recommended 15 m buffer from the staked physical top of bank and is also outside of the 30 m buffer as applied to the staked woodland dripline. The EIS provides analysis that this larger 30 m setback is sufficient to ensure no negative impacts to any of the identified features.

**2.6 Development Affecting Water Resources**

The objective is to ensure that hydrologic features and functions including the quality, quantity and character of groundwater and surface water, at the local and watershed level, are protected and where possible enhanced.

1. The following are key hydrologic features within the meaning of this Plan:
   - permanent and intermittent streams;
   - lakes (and their littoral zones);
   - seepage areas and springs; and
   - wetlands.

2. Development is not permitted in key hydrologic features with the exception of the following, which may be permitted subject to compliance with all other relevant policies of this Plan:
   a) accessory facilities to a single dwelling outside of a wetland on an existing lot of record, provided that the disturbance is minimal and where possible temporary;
   b) forest, fisheries and wildlife management to maintain or enhance the feature;
   c) conservation and flood or erosion control projects, after all alternatives have been considered;
   d) the Bruce Trail, and other trails, boardwalks and docks on parks and open space lands that are part of the Niagara Escarpment Parks and Open Space System; or

e) infrastructure, where the project has been deemed necessary to the public interest after all other alternatives have been considered.

3. If, in the opinion of the implementing authority, a proposal for development within 120 metres of a key hydrologic feature has the potential to result in a negative impact on the feature and/or its functions, a hydrologic evaluation will be required that:

   a) demonstrates that the development, including any alteration of the natural grade or drainage, will protect:

      i. the key hydrologic feature or the hydrologic functions of that feature,

      ii. the quality and quantity of groundwater and surface water

      iii. natural streams or drainage patterns; and

      iv. the overall water budget for the watershed, including existing and planned municipal drinking water systems.

   b) identifies planning, design and construction practices that will minimize erosion, sedimentation and the introduction of nutrients or pollutants and protect, and where possible, enhance or restore the health, diversity and size of the key hydrologic feature, including:

      i. natural features should be preserved;

      ii. temporary vegetation and/or mulching should be used to protect critical areas exposed during development;

      iii. topsoil should not be removed from the site, but rather, should be stored and redistributed as a suitable base for seeding and planting;

      iv. sediment control devices should be installed to remove sediment from run-off due to changed soil surface conditions during and after construction; and

      v. construction in or across a watercourse or wetland should be appropriately timed to minimize impacts on fish and wildlife habitat.

   c) determines the minimum vegetation protection zone required to protect and where possible enhance the key hydrologic feature and its functions.

4. A vegetation protection zone shall:

   a) be of sufficient width to protect the key hydrologic feature and its functions from the impacts of the proposed change and associated activities that may occur before, during, and after construction, and where possible, restore or enhance the feature and/or its function; and

   b) be established to achieve, and be maintained as natural self-sustaining vegetation.

5. In the case of permanent and intermittent streams and seepage areas and springs, the determination of the vegetation protection zone shall include, without limitation, an analysis of land use, soil type and slope class.

6. New buildings and structures for agricultural uses are not required to establish a condition of natural self-sustaining vegetation within a vegetation protection

zone if the land is, and will continue to be, used for agricultural purposes. Despite this exemption, agricultural uses should pursue best management practices to protect and/or restore key hydrologic features and functions.

7. Where permitted, the construction and expansion of ponds shall be designed and located to avoid Escarpment slopes, key hydrologic features and key natural heritage features, and ponds shall be designed to be offline.

**Sewage Systems**

8. No sewage system shall be allowed closer than 30 metres from a key hydrologic feature. Where the setback cannot be achieved on an existing lot of record, the distance may be varied depending upon the sensitivity of the feature, to the satisfaction of the implementing authority.

**Planning Comment:** Generally, the existing site development pattern is being maintained. The proposed site alterations include the proposed gymnasium addition attached to the existing long-term care wing, the addition of a small amount of surface parking spaces adjacent to the existing driveway, and the expansion of the existing private servicing system through new shallow buried trench beds. The proposed gymnasium addition and the proposed parking areas are located beyond the 15 m physical top of bank buffer and the 30 m woodland feature buffer as recommended in the EIS and measured from features staked and surveyed on site. Further, the proposed private sewage design as outlined in the On-Site Wastewater Treatment Plan prepared by MTE shows that the proposed trench beds can be located beyond the 30 m buffer to the southerly limit of the woodland feature to the north (note that the existing northerly bed area is currently located within the 30 m buffer, and the proposed new area is shown to be off-set to maintain the buffer currently required). These locations have been assessed through the EIS prepared by NRSI, and found to be acceptable subject to mitigation measures for appropriate grading and construction control. The Hydrogeological Study completed by MTE interprets that the shallow groundwater flow direction is to the south-easterly direction towards Long Pond and confirms that there are no adverse impacts to this surface water feature and surrounding environmental features, as a result of the proposed wastewater systems and subsurface disposal bed expansion required for the proposed development.

**Water Quality and Quantity**

9. Development shall protect the quality and quantity of ground water and surface water.

10. Changes to the natural drainage should be avoided.

11. Water taking must be accessory to the principal use except in the case of municipal water supply facilities. Increasing the capacity of existing water taking as a principal use shall not be permitted except for municipal water supply facilities.

12. The implementing authority shall consider source protection plans developed under the Clean Water Act.

**Planning Comment:** The subject lands are currently serviced by municipal piped water supply and private on-site sewage disposal systems. The provision of municipal water supply will continue. The proposed private septic bed expansion is discussed above. The technical information provided through the Hydrogeological Study, septic system design, and EIS confirms no significant impacts, and further that continued detailed design and implementation of mitigation measures during construction and implementation will protect and preserve existing features.

**2.10 Cultural Heritage**

The objective is to conserve the Escarpment's cultural heritage resources, including significant built heritage resources, cultural heritage landscapes, and archaeological resources.

1. Development shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources are conserved.
2. Where proposed development is likely to impact cultural heritage resources or areas of archaeological potential, the proponent shall undertake a heritage impact assessment and/or archaeological assessment. The proponent must demonstrate that heritage attributes will be conserved through implementation of proposed mitigative measures and/or alternative development approaches.
3. Reconstruction, alterations and consideration of a second dwelling under Part 2.2.7 should be compatible with the area's community character.
4. Where the implementing authority has approved the construction of a second single dwelling on an existing lot where the existing dwelling has heritage attributes and is subject to a heritage conservation easement agreement, the property and details regarding its size and location shall be recorded and listed in Appendix 3.
5. Removal of the property from the list on Appendix 3 shall require an amendment to the Niagara Escarpment Plan.

**Planning Comment:** The CHIA submitted with the application indicates that main Motherhouse building is listed on the City's Register of Properties of Cultural Heritage Value or Interest. The analysis within the CHIA determined that the proposed development of the private secondary school use does not have any significant impacts on any proposed cultural heritage attributes, as the secondary school use is to be mainly contained within the existing Motherhouse, resulting in only internal modifications to the building. The proposed gymnasium addition should be constructed to ensure compatibility with the existing motherhouse in a manner that respects built heritage and existing site development patterns, which would be addressed through the site plan application phase. Further, it must be noted that the proposed development will allow for the full adaptive re-use of this architecturally significant institutional building to ensure it remains in active use and repair, as opposed to remaining mainly vacant and struggling to be properly maintained. In that sense, the proposed secondary school use would invigorate and revitalize this important built heritage resource. Given the size and nature of the existing buildings, there are limitations on the uses which could realistically locate and make use of this facility, but the proposed secondary school use is certainly the appropriate scale and nature to successfully transition through adaptive reuse.

**Niagara Escarpment Plan 2017 Conclusion:** The proposed NEPA to permit the private secondary school use within the Motherhouse and the proposed gymnasium building addition conforms to the objectives and provisions contained within the NEP, as it:

- Meets the objectives of the NEP by protecting and revitalizing the cultural heritage attributes of the Motherhouse through adaptive re-use, maintaining the open-space landscape setting, and protecting and preserving natural heritage by limiting development to the Escarpment Rural designation area of the site, outside of identified buffers;
- Conforms to the objectives of the Escarpment Natural designation, by protecting the valleylands and stream located within the Escarpment Natural Designation by way of generally maintaining the existing development pattern and locating new development outside of identified buffers;
- Meets the intent of the permitted uses of the Escarpment Rural Designation, as it is modification of an existing institutional building and uses that are institutionally-related;
- Modifies the existing site-specific use permissions consistent with the established permissions, expanding existing institutionally-related use permissions;
- Preserves and does not negatively impact natural features on the subject lands and surrounding area by limiting physical development to appropriate locations based on existing site development patterns

The proposed NEPA will permit the secondary school use within the existing buildings and proposed gymnasium building addition, by:

- Amending Special Provision 21 (f), which currently allows dormitory and accessory uses in conjunction to an educational establishment to a maximum of 36 students
- Allowing the institutionally-related use of a private secondary school with a maximum of 1,000 students, within the existing institutional including an accessory gymnasium building addition

## 7.3 Ontario Planning Act

The Planning Act, R.S.O. 1990 (“Act”) deals with land use planning in Ontario and outlines how land is controlled and the roles of various levels of government and the public in regards to land use matters. The last date of consolidation was June 6, 2019.

**Section 2** of the Act identifies matters of provincial interest with which regard must be had. Notwithstanding that the Act applies to

**Section 2 - Provincial Interest**

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

(a) the protection of ecological systems, including natural areas, features and functions;

(b) the protection of the agricultural resources of the Province;

(c) the conservation and management of natural resources and the mineral resource base;

**Planning Comment:** Depicted in **Figure 7-4**, the existing development pattern, consisting of the existing buildings, parking areas and corresponding driveway from Northcliffe Avenue, exists alongside the valleylands and woodlands situated along the eastern and western boundaries of the subject lands. As outlined in the site survey and the submitted development plans, portions of existing development features appear to occur within buffers applied from the physical top of bank and the woodland dripline as staked and surveyed on site, but this happens mainly along the westerly development limit where development is long-established no new works or site modifications are proposed. As such, the established relationships between physical development and features for most of the site will be maintained. The proposed gymnasium addition will be situated on the east side of the long term care wing, adjacent to the existing driveway and parking area. This location is beyond the 30 m woodland dripline buffer and 15 m physical top of bank buffer recommended in the EIS. Currently, the existing private onsite sewage disposal trench beds are located within 30 m of woodland features along the central portion and eastern boundary of the subject lands. Both sewage disposal systems require an expansion to accommodate the proposed use. However, the expansions are proposed to be located further away than the existing septic bed locations, and can be located outside of the recommended buffers. These items were all addressed through the submitted EIS, which concluded that there were no negative impacts to features or functions as a result of the proposed development, subject to the recommended mitigation measures at subsequent stages.

(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

**Planning Comment:** The Motherhouse is not a designated heritage building, but is included within the City's Register of Properties of Cultural Heritage Value or Interest. The proposed development will adaptively re-use the Motherhouse building, requiring internal modifications to the building and long-term care wing in order to provide classrooms and administrative space. It does not specifically require external modifications, thereby protecting the significant architectural and historical interest of the building. The minor gymnasium addition should be designed to be compatible with the character of the motherhouse, which can be implemented at the site plan application stage.

(e) the supply, efficient use and conservation of energy and water;

(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

**Planning Comment:** The building is currently connected to municipal water infrastructure, and provides on-site private wastewater treatment systems. An expansion to both the existing north and south septic beds is required to accommodate the proposed private secondary school use for 1000 students. The private septic system design will meet applicable engineering standards, including those required to obtain an update to the existing Environmental Compliance Approval ("ECA") for the sewage works, as well as applicable engineering standards implemented through subsequent site plan and building permit approvals.

(h) the orderly development of safe and healthy communities;

**Planning Comment:** The Motherhouse was originally built to accommodate approximately 100 members of the SSOJ Congregation in dormitory style. The long-term care addition was later added to allow sisters to age-in-place with appropriate care. However, the number of nuns who were living at the convent has been steadily decreasing. Therefore, the building was listed on the market in an effort to attract a new user who would make better use of the facility. These facts, combined with the open-space campus setting, creates a long-term potential to utilize the building for a private secondary school use. The history of development, land use, and planning approvals for the site includes educational purposes and uses. The proposed adaptive reuse of the underutilized institutional building of historical significance is logical, as it ensures the regeneration

and continued vitality of the facility. Further, the proposal can be accommodated mainly within the existing site development patterns without negative impacts to the Escarpment and/or natural heritage features.

(i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;

(k) the adequate provision of employment opportunities

**Planning Comment:** The proposed development will add to the provision of a mix of educational and institutional facilities within the City, as it provides educational facilities for up to 1000 students attending CIC. The proposed scale of the school will also necessitate the employment of a total of approximately 80 teachers and support staff. The proposed gymnasium addition will provide the students with a recreational facility and a gathering space for school events. In effect, the proposed NEPA can be seen as allowing the conversion of the existing development to provide purely educational services to the community, in place of the current and previously provided mix of religious and educational services.

(m) the co-ordination of planning activities of public bodies;

(o) the protection of public health and safety;

(p) the appropriate location of growth and development;

**Planning Comment:** Due to the historical policy and legislative complexity applicable to the subject lands, the current proposal requires the need for coordination between different public entities created by the governance framework. As noted previously, the underutilized Motherhouse is the appropriate facility and location for the proposed private secondary school campus, as the existing and proposed physical development pattern is compatible with the context, and appropriate in both aesthetic and functional considerations. It leverages the institutional nature and use history of the Motherhouse to permit operation of an educational establishment. This is viewed as an evolution and expansion of the existing institutional building and institutionally related uses permitted by applicable policy. There are no public health or safety concerns arising from incompatible land uses and/or natural or man-made hazards, as all new development is beyond recommended buffers from physical features identified and surveyed on site. Further, the proposal can be adequately serviced by a combination of public and private means, ensuring public health and safety is protected.

**Planning Act Conclusion:** The proposed NEPA to permit the private secondary school use within the Motherhouse and proposed gymnasium building addition has regard with the provisions contained within the Planning Act, as it:

- Protects natural resources and ecological systems through maintaining the development pattern of cleared and developed areas and locating new physical development beyond recommended buffers applied to identified on-site features;
- Protects, preserves and enhances a cultural heritage resource through proposed adaptive re-use of an institutional building of architectural and historical value, without necessitating external modifications (except the minor gymnasium addition, which can be compatibly integrated);
- Facilitates orderly development by ensuring the vitality and regeneration of the Motherhouse, currently suffering from a declining convent population, and builds from existing use permissions for institutional and institutionally-related uses which are established in applicable policies;
- Adds to the mix of educational facilities in the community by providing a private secondary school use for up to 1000 students

## 7.4 Provincial Policy Statement 2014

The Provincial Policy Statement 2014 ("PPS") provides policy direction on matters of provincial interest regarding land use planning and sets the foundation for land use planning and development regulations. Main considerations of this document pertain to protecting resources of provincial interest, the built and natural environmental, 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.

The PPS was issued under Section 3 of the Planning Act and came into effect on April 30, 2014. 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 NEPA 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 https://www.ontario.ca/document/provincial-policy-statement-2014 was used.

**1.0 Building Strong Healthy Communities**

**1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

*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 range and mix of residential (including second units, 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 cost-effective development patterns and standards to minimize land consumption and servicing costs;

**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. Further, the proposal makes efficient use of existing municipal water services, and will be serviced by appropriate private sewage works designed to efficiently handle expected 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 site, as well as their functions. 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, and provides a level of employment.

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 20 years. 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.

**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 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. 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.

### 1.1.4 Rural Areas in Municipalities

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 lands are within a rural area and are considered rural lands, being those not considered and designated as prime agricultural in the Growth Plan and City 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 confirms no negative impacts to natural features.

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.

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 not will 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.

**1.1.5 Rural Lands in Municipalities**

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 planning report provides the required analysis under these sections of the PPS, confirming that the proposed NEPA is consistent with the applicable policies.

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) limited residential development;

d) home occupations and home industries;

e) cemeteries; and

f) 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. 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 2014 PPS. Notwithstanding this, the proposed uses are consistent with the policies above, regarding other rural land uses.

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

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

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.

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

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.

1.1.5.8 Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices should be promoted and protected in accordance with provincial standards.

1.1.5.9 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 80 teachers and support staff, adding to the mix of educational and institutional opportunities in the City which also provide a level of employment. 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.

**1.2 Coordination**

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;

c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;

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. As noted before, the proposed NEPA modifies existing use permissions to permit the proposed private secondary school use, which relates specifically to previous and legally permitted land uses which were established through previous planning processes coordinated amongst various parties.

**Provincial Policy Statement 2014 Conclusion:** The proposed NEPA to permit the private secondary school use within the Motherhouse and proposed gymnasium building addition is consistent with the policies within the PPS, 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 tablelands areas within the Escarpment Rural designation, and away from the valleylands and natural features along the western and eastern boundaries;
- Builds upon the existing use and character of site, which has an institutional history and provides an open space campus-like setting;
- Allows the evolution of existing land uses, which are currently permitted and in accordance with uses permitted on rural lands in rural areas

## 7.5 Parkway Belt West Plan

The subject lands are within the geographic boundary to which the Parkway Belt West Plan – 1978 ("PBWP") applies. For the purposes of this report, the version utilized was the June 2008 office consolidation, previously provided by Ministry of Municipal Affairs and Housing staff. Further, a mapping excerpt was provided by City of Hamilton staff on December 14, 2018. **Figure 7-2** below provides an excerpt of this mapping.

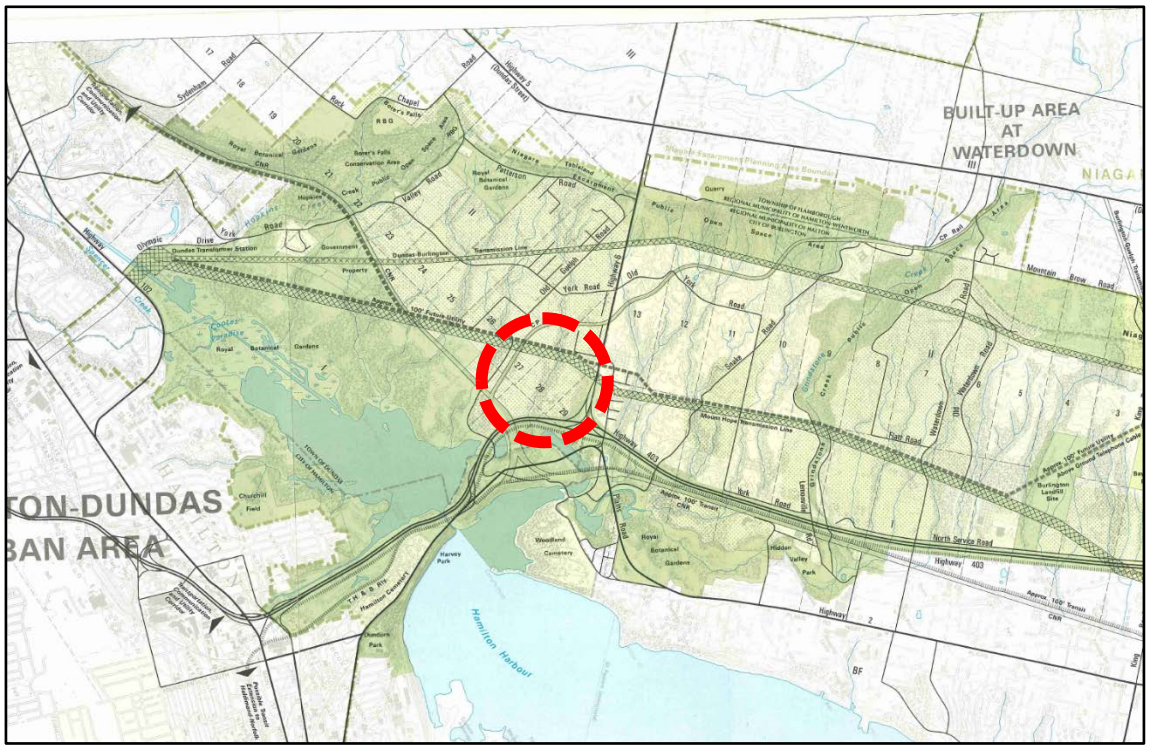


**Figure 7-2** - PWBWP Mapping Excerpt

## 5. Implementation

### 5.1 General

The achievement of the goals and objectives of the Plan will rely upon effective implementation by public agencies at both the Provincial and the municipal levels and by that part of the private sector affected by the Plan. The Plan will be implemented through the acquisition of land designated for public uses, through public undertakings, and through the control of the land uses and other activities

### 5.1.3 Municipal Actions

No municipality or local board shall carry out any undertaking that conflicts with the Plan, and no by-law shall be passed for any purpose that is in conflict with the Plan.

**Planning Comment:** The proposed NEPA is to be implemented through NEC approval. The following paragraphs outline that this proposed NEPA conforms to the PBWP.

### 5.3 Land Use Categories

The area covered by the Plan is divided into two land use categories, the Public Use Area and Complementary Use Area

### 5.5 Complementary Use Area

The Complementary Use Area comprises areas that **will be predominantly used for private uses that are compatible with and assist in the attainment of the provisions of the Plan**. The Complementary Use Area consists of the General Complementary Use Area and the Special Complementary Use area.

### 5.5.2 Uses In Special Complementary Use Area

Subject to 5.5.3, uses permitted in the Special Complementary Use Area are:

**1. Existing Uses**

**All legally existing uses of land, buildings, and structures, subject to the provisions of the Planning Ac**t, R.S.O. 1970, c. 349 respecting legal non-conforming uses

**c) Additions to Uses**

Additions to uses, buildings, and structures, subject to the following conditions:

i) All **natural features are preserved to the maximum possible degree**.

ii) The **existing open-space character of the area is retained to the maximum possible degree**.

iii) The **resulting buildings and structures have a low lot coverage and are of limited height and low mass appearance**.

iv) Any other conditions required to secure the provisions of the Plan are satisfied.

**d) Change of Uses**

Change of uses of land, buildings, and structures, subject to the following conditions:

i) **New uses are as compatible with the provisions of the Plan as existing uses, or more compatible**.

ii) **All natural features are preserved to the maximum possible degree**.

iii) Any other conditions required to secure the provisions of this Plan are satisfied (**emphasis added)**

**Planning Comment:** As seen in **Figure 7-2**, the subject lands are designated as Special Complementary Use Area. It should be noted that IBI staff discussed the proposal with MMAH staff prior to submitting a previous application for a Temporary Use By-Law for a dormitory. During such correspondence, MMAH staff indicated their initial opinion consistent with the interpretation in this report, stating that an amendment to the PBWP was not required based, in part, on the proposed use being as compatible with the PBWP as the existing use.

The proposed NEPA to permit a private secondary school use with a gymnasium addition is seen as an evolution from existing, permitted and historical uses. Applying the policies for a change of use, it is clear that the proposed development to adaptively reuse the existing buildings to replace a declining convent with a private secondary school will maintain compatibility for this context, which includes the and cultural considerations of the building and the type and intensity of land use.

**Parkway Belt West Plan Conclusion:** The proposed NEPA to permit the private secondary school use within Motherhouse and proposed gymnasium building addition conforms to the policies within the PBWP, as it:

- Allows for an evolution of land use that is just as or more compatible than an underutilized motherhouse for a declining number of residents;
- Makes appropriate use of the existing buildings without substantially altering the land use permitted through existing policies and previous planning approvals;
- Preserves the natural heritage and open space landscape character by partially submerging the proposed gymnasium addition under grade, generally maintaining established development patterns, and respecting recommended buffers from natural heritage features

## 7.6 Greenbelt Plan 2017

The Greenbelt Plan 2017 was prepared and approved under the Greenbelt Act, 2005. The Greenbelt Plan took effect on July 1, 2017 and is applicable to the subject property. The Greenbelt Plan provides policies to protect the agricultural land base and the ecological and hydrological features. Section 5(b) of the Planning Act requires decisions that affect planning matters to conform to Provincial plans, including the Greenbelt Plan, or shall not conflict with them, as the case may be.

The site is within the geographic boundary of the Greenbelt Plan 2017 ("GBP"). As shown in **Figure 7-3** below, the lands are within the area subject to the Niagara Escarpment Plan.

### 2.2 Lands within the Niagara Escarpment Plan Area

The requirements of the NEP, established under the Niagara Escarpment Planning and Development Act, continue to apply and the Protected Countryside policies do not apply, with the exception of section 3.3. Further, it appears from this mapping that the lands also do not include the mapped Natural Heritage System, and thus those policies are not applicable.

**Planning Comment:** As discussed in previous sections, the proposal conforms to the policies of the Niagara Escarpment Plan 2017. A review of Section 3.3 in the GBP provides that it is not applicable, as that section deals with parkland, open space and trails, none of which are impacted by or proposed in the current development configuration.

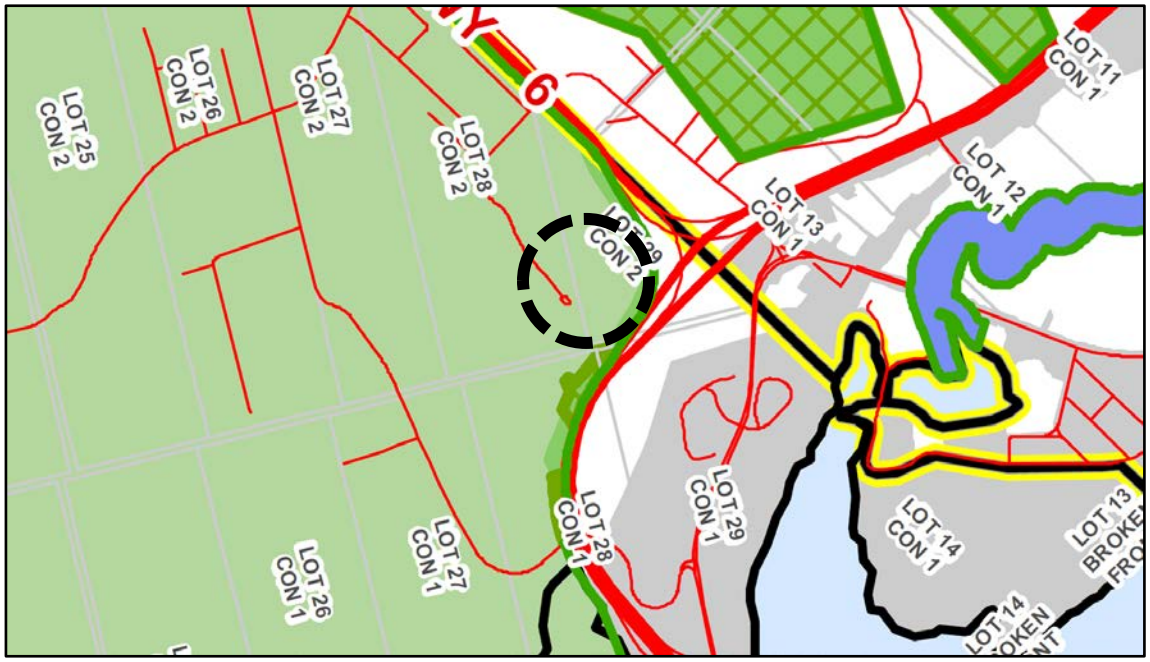


**Figure 7-3** - Greenbelt Plan Detailed Map 104 Excerpt

**Greenbelt Plan 2017 Conclusion:** The proposed NEPA to permit the private secondary school use within the Motherhouse and proposed gymnasium building addition conforms to the policies within the Greenbelt Plan, as it:

- Protects natural heritage features located on the subject lands, by directing development to the existing developed areas and maintaining appropriate setbacks and buffers;
- Is analyzed against and conforms to the policies of the Niagara Escarpment Plan, to which an amendment to the plan is proposed, and further that such amendment also conforms

## 7.7 Growth Plan for the Greater Golden Horseshoe 2019

The Growth Plan for the Greater Golden Horseshoe (the "Growth Plan") 2019 was prepared and approved under the Places to Grow Act, 2005. The Growth Plan took effect on May 16, 2019 and is applicable to the subject lands. The Growth Plan provides policies to guide future growth

The Growth Plan provides policies to guide future growth and development, where the major goals are to provide a sufficient housing supply, improving transportation options, encourage a high quality of life and a strong economy, while ensuring a healthy natural environment. The Growth Plan guides development in the Greater Golden Horseshoe ("GGH") to a time horizon to the year 2041. Section 5(b) of the Planning Act requires decisions that affect planning matters to conform to Provincial plans, including the Growth Plan, or shall not conflict with them, as the case may be.

As discussed in the previous section, the subject lands are located within the Greenbelt and Niagara Escarpment Plan areas.

**Relationship with other Provincial Plans**

> This Plan must also be read in conjunction with other provincial plans as defined in the Planning Act that may apply within the same geography. Within the GGH, this includes the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan. Other provincial plans, including the Parkway Belt West Plan and Central Pickering Development Plan under the Ontario Planning and Development Act, 1994, the Lake Simcoe Protection Plan under the Lake Simcoe Protection Act, 2008 and some source protection plans under the Clean Water Act, 2006, also apply within the GGH. Each of these plans applies to certain defined parts of the GGH and provides specific policy on certain matters.
>
> Within the Greenbelt Area, policies of this Plan that address the same, similar, related, or overlapping matters as the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, or the Niagara Escarpment Plan do not apply within that part of the Greenbelt Area covered by the relevant plan except where the policies of this Plan, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, or the Niagara Escarpment Plan provide otherwise.

**Planning Comment:** The policies within the Growth Plan must be read in conjunction with the Niagara Escarpment Plan and the Greenbelt Plan. Growth Plan policies do not apply for the same, similar, related or overlapping policies. The planning analysis in this report is based on a thorough review of the NEP, Growth Plan, PPWB and the PPS. As such, the various policies of the Growth Plan which pertain to natural heritage, key natural features, cultural heritage, agriculture, rural areas, and natural hazards are not applied in this circumstance, as they are addressed in NEP policies.

**Growth Plan 2019 Conclusion:** The proposed NEPA to permit the private secondary school use within the Motherhouse and proposed gymnasium building addition conforms to the policies within the Growth Plan, as generally the applicable policies in the Growth Plan are covered by applicable policies in the NEP, to which the proposed NEPA and development conform.

## 7.8 Rural Hamilton Official Plan

The Rural Hamilton Official Plan (the "RHOP") was approved in 2006 by the Ministry and was effective in March 2012. It applies to the lands in the rural area of the City of Hamilton. The Official Plan contains goals, objectives and policies that ensure that the City has a strong rural community, protects ecological systems, and makes wise use of infrastructure services.

For the purposes of this report, the version of the plan available online at https://www.hamilton.ca/city-planning/official-plan-zoning-by-law/rural-hamilton-official-plan was used.

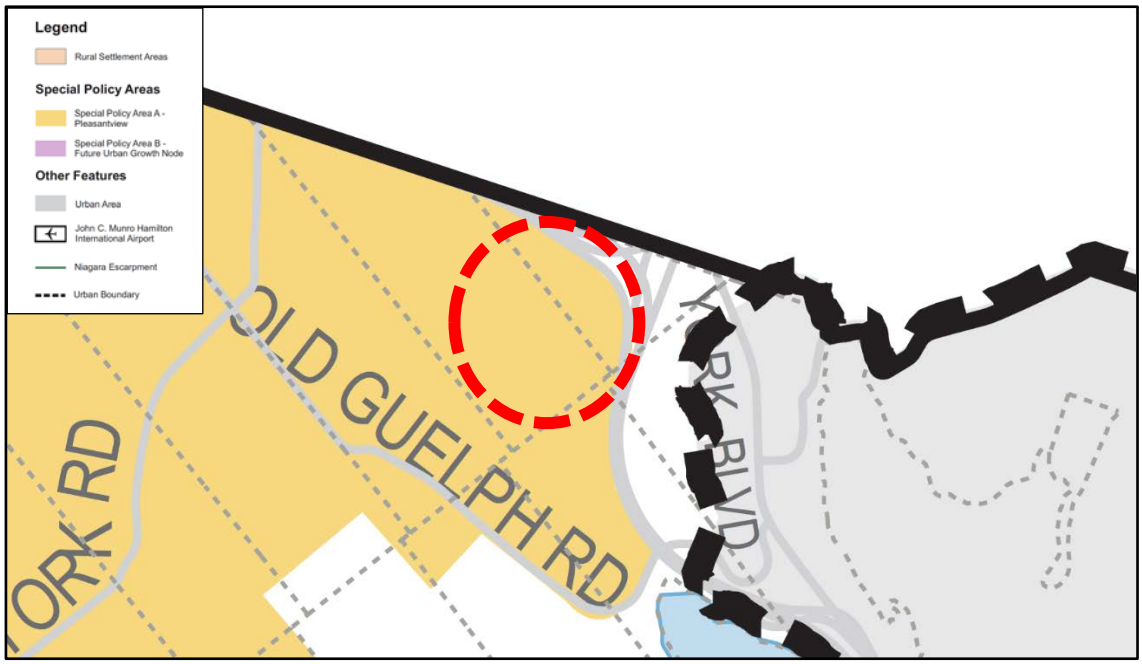


**Figure 7-4:** Volume 3 - Map A: Special Policy Area, Retrieved from the Rural Hamilton Official Plan

**Planning Comment:** As seen in **Figure 7-4,** the subject lands are within the geographic area for the RHOP. However, the lands are subject to Special Policy Area A – Pleasant View. Therefore, the main policy application is via Volume 3 – Special Policy and Site Specific Policy Areas, as described in the following subsections.

### 7.8.1 Volume 3 – Chapter A – Special Policy Areas

#### 1.0 SPA A - PLEASANT VIEW

Lands generally located between the eastern limits of the former Town of Dundas urban area, Cootes Paradise, Highway No. 6 and Old Guelph Road.

1.1 Notwithstanding Section C.1.3.1 or any other applicable policies in Volume 1 of this Plan, the lands identified as Special Policy Area A on Map A - Special Policy Areas,

remain subject to provisions of the Official Plan of the former Town of Dundas as set out by the Ontario Municipal Board Decision (dated June 28, 1995). Following completion of a comprehensive growth management study known as GRIDS (Growth Related Integrated Development Strategy), Council has approved SPA A to remain as a part of the Rural Area. To reflect the unique circumstances of these lands and permanently resolve their status under the Provincial Parkway Belt West Plan and ensure Greenbelt Plan conformity, the City shall conduct future studies, prepare Secondary Plan policies and undertake community consultation to adopt a future amendment to this Plan for SPA A in conformity with applicable provincial plans and policies.

**Planning Comment:** The above policy indicates that the operative Official Plan, pertaining to the subject lands and thus forming the context applicable to the proposed NEPA, is the Official Plan of the Former Town of Dundas. Further, this policy states that this was a conscious decision by Council following the completion of GRIDS, to maintain the lands within the rural area, and indicating that future planning work specific to this area would develop an approach to plan implementation which would be consistent with and conform to the applicable higher order planning documents. Subsequent to the approval of the NEPA, applications to amend the City's planning documents will be submitted.

**Rural Hamilton Official Plan Conclusion:** The proposed NEPA is not subject to the RHOP.

## 7.9 Region of Hamilton-Wentworth Official Plan

The subject lands are within a geographic area to which the Region of Hamilton-Wentworth Official Plan ("RHWOP") still applies. This is by virtue of the previously discussed special policy within the RHOP, which confirmed no application of the RHOP.

Within the RHWOP, the subject lands are designated as Parkway Belt West. Through applicable policies, the RHWOP refers to the PWBWP, which has already been discussed. Specifically, the following policy is applicable:

1.6.1 Apply the provisions of the Parkway Belt West Plan to development of lands that are identified on Map No. 2. In the case of discrepancy between the Parkway Belt West Plan and this Plan, the Parkway Belt West Plan, as my be amended from time to time, will prevail

**Region of Hamilton-Wentworth Official Plan Conclusion:** The proposed NEPA conforms to the RHWOP, which refers to the PBWP. This report confirms that the proposed NEPA conforms to the PBWP.

## 7.10 Town of Dundas Official Plan

As demonstrated above, the subject lands are within the geographic boundary to which the Official Plan of the Former Town of Dundas is applied ("TDOP"). By virtue of SPA A provided in Volume 3 of the RHOP, it is the TDOP which still applies to the subject lands. For the purposes of this report, the version of the TDOP used was that contained in IBI files, being a 2010 office consolidation that was provided by the City in 2012.

**Figure 7-5** provides a mapping excerpt of Schedule A – Land use Concept from the TDOP. As shown in the corresponding legend, the subject lands were designated as Rural Area and Natural Open Space, but are subject to the "Deleted From Plan" overlay, which has the corresponding text notation:

*Note: Subject to OPA #23, as amended by the OMB under Previous Official Plan (1992)*

**Planning Comment:** As per the direction by this policy, it is our understanding that Official Plan Amendment No 23 ("OPA 23") establishes the policy framework and land use permissions for this site.


**Figure 7-5** - Town of Dundas OP - Schedule A - Land Use Excerpt – 2010 Office Consolidation

### 7.10.1 OPA No. 13

The subject lands are within the geographic boundary to which Official Plan Amendment 13 to the Town of Dundas Official Plan applied. For the purposes of this report, IBI staff obtained a copy of OPA 13 from City of Hamilton staff, but this version did not have a creation or approval date, nor any mapping. There is wording in the certification page and an accompanying report to suggest it is dated to 1986. Nonetheless, our review indicates that OPA 13 was an amendment to the previous version of the Town of Dundas Official Plan (i.e. not OPA 13 which is listed in the amendments of the 2010 office consolidated version), and would likely have been the 1992 version (see discussion on OPA 23 below). Based on our review, this document is an important precursor to OPA 23, as its purpose was to "provide a land use concept for that part of the Town designated "Special Complementary Use Area" in the Parkway Belt West Plan…".

Further, it incorporated changes to the Official Plan, including:

- Schedule B – Land Use Concept – The three major watercourses and their valley, woodlots and environmentally sensitive areas are designated "Conservation – Hazard Lands" ….

  The balance of the study area is designated "Rural"…

  The findings of the Underwood McLellan Substudy, noted above, recommended in part that "continued development of the Parkway Belt West area should only be considered if piped water is made available

- Schedule B-1 – Special Policy Areas – Special Policy Area 14 is introduced to provide for appropriate land uses and development requirements should the area be serviced with piped municipal water

These were translated into specific text amendments, including:

1. 1.1 a) The map attached here to as "Schedule A", being Schedule 'B' (Land Use Concept) of the Town of Dundas Official Plan, is hereby amended by designating certain lands within the Parkway Belt West as "Rural", "Conservation – Hazard Lands" and "Open Space", in accordance with the policies of Subsections 1.2.3, 1.2.9 and 1.2.10 of the Official Plan respectively

2. 1.2. a) The map attached hereto as Schedule "B" being Schedule B-1 (Special Policy Areas) of the Town of Dundas Official Plan, is hereby amended by introducing "Special Policy Area – 14"

   b) The following new policy 1.3.1.14 be added to Subsection 1.3 – Special Provisions:

1.3.1.14 For those lands designated as "Rural" on Schedule "B" and identified on Schedule "B-1" as "Special Policy Area 14, the following provisions will apply:

   i) Notwithstanding Policy 4.3.7 (ii), the lands will be subject to Site Plan Control

   ii) Once piped water is committed to be extended into the area, a Neighbourhood Plan will be prepared which will identify the pipeline easement and road pattern

**Planning Comment:** Based on our review, OPA 13 established the base land use designation of Rural and augmented it with the Special Policy Area 14, which contemplated an additional planning exercise of a Neighbourhood Plan when/if piped water was provided to the area. Given that the site is connected to municipal water, this condition is satisfied. There is no specification of permitted or prohibited uses, and it is understood that some of the parameters in Special Policy Area were intended to structure future exercises. The use permissions, and other applicable policies, are in the main plan document. The NEPA to permit the secondary school use within the existing buildings and proposed gymnasium building addition is considered an evolution of previous and existing institutional and institutionally-related uses which predate OPA 13.

### 7.10.2 OPA No. 23

The subject lands are within the geographic boundary of and subject to the mapping and policies contained within Official Plan Amendment 23 to the Town of Dundas Official Plan. The text of the mapping from the 2010 consolidated version of the Dundas OP discussed above indicates that OPA 23, as amended by the OMB, under previous Official Plan (1992) still applies. For the purposes of this report, IBI staff obtained a copy of OPA 23 from City staff. The version provided was that as adopted by the Corporation of the Town of Dundas on February 15, 1993, via By-law 4065-93. **Figures 7-6** and **7-7** provide mapping excerpts from OPA 23. Based on our review of these maps, we understand that the lands were designated "Rural" and subject to Special Policy Area 14.

**Planning Comment:** The same approach to OPA 13 applies to OPA 23. The site was developed at the time of passing of OPA 23, and was used for the various institutional and institutionally-related purposes, including accommodation in dormitory-style living for nuns, office and administration activities, educational events, and classes. The proposed NEPA to permit the private secondary school use within the Motherhouse and gymnasium building addition is considered an evolution of existing and institutional and institutionally-related uses which predate OPA 23.

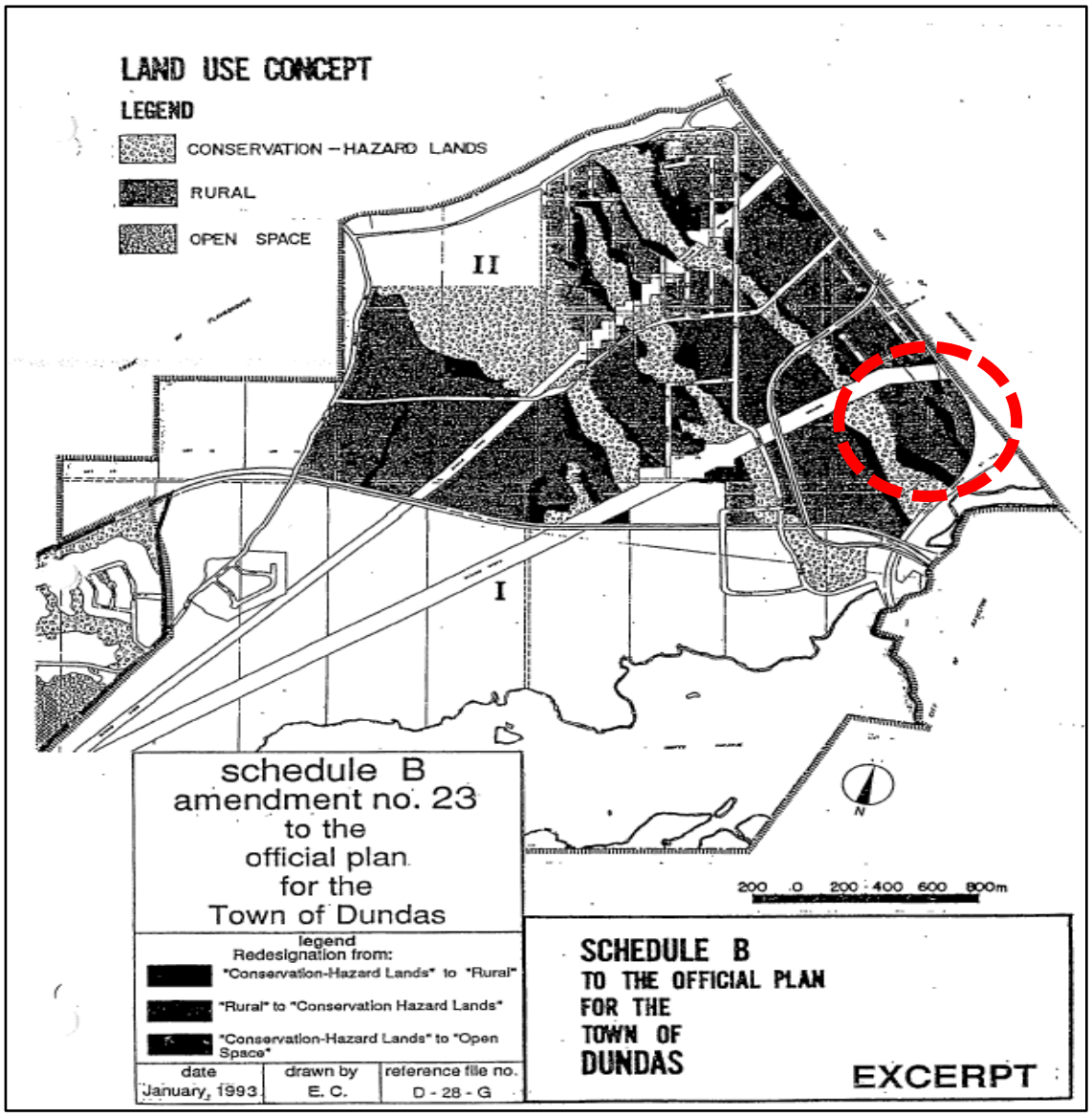


**Figure 7-6** - OPA No 23 - Schedule B – Excerpt

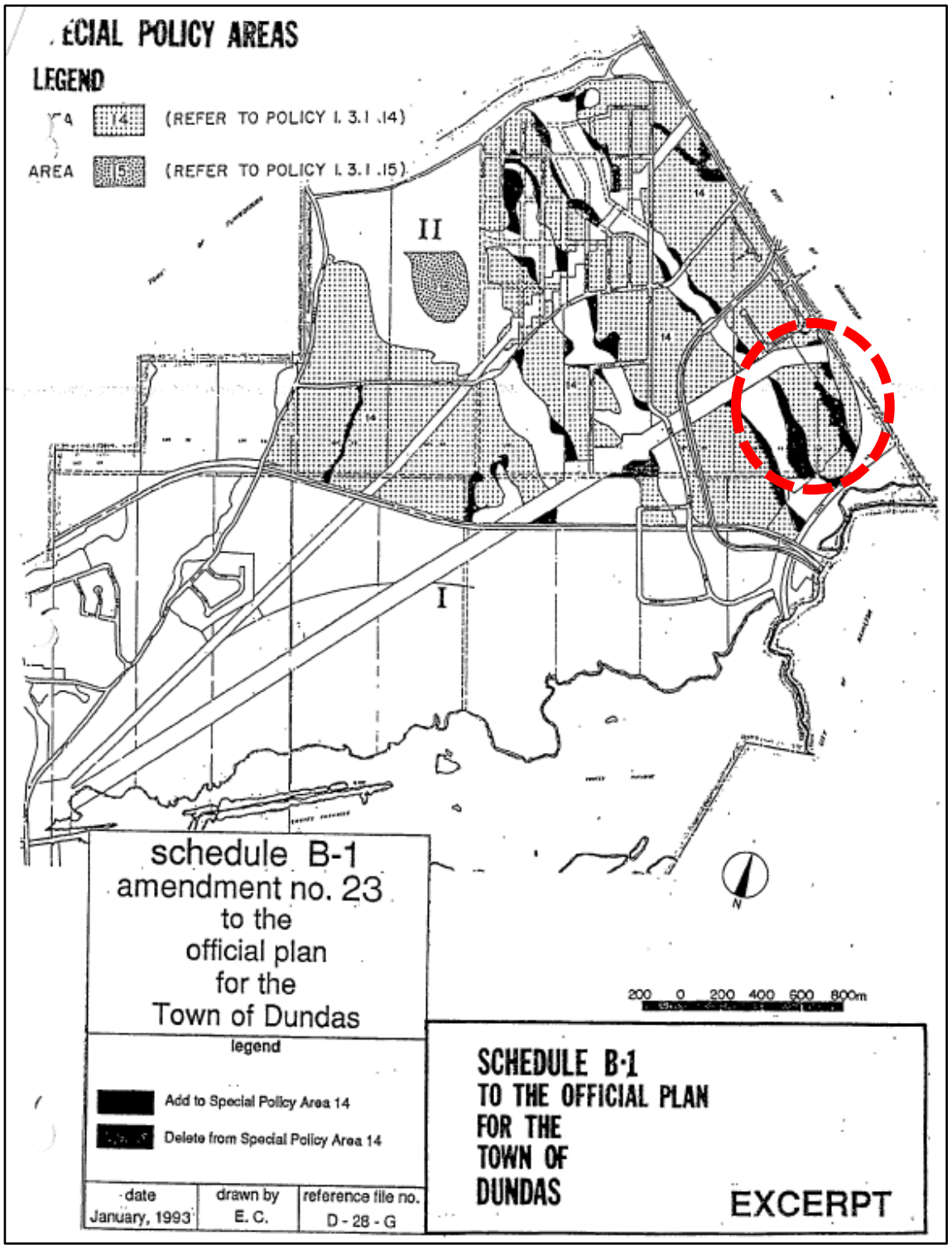


**Figure 7-7 -** OPA No. 23 - Schedule B-1 Excerpt

### 7.10.3 Main Text of Town of Dundas Official Plan

Given the mapping provided in OPA 13 and 23, it is evident that the portions of the subject lands on which the existing and proposed development are located are designated Rural Area. As noted,

it was intended through OPA 13 and 23 that the TDOP would continue to apply to the subject lands. In our review, the analysis indicates that a case could be made that the only document pertaining to the subject lands is OPA 23 as a standalone document. However, the main document of the TDOP has been reviewed and several policies have been assessed, as provided below, understanding that the intent of OPA 23 was to amend the parent TDOP.

**2.4 Historical and Architectural Resources**

**2.4.2.1** To promote the preservation, restoration or appropriate re-use of historic and architecturally significant landmarks, buildings and districts throughout the Town;

**2.4.3.4** Where a structure is on the heritage inventory and is located within a development proposal, Council shall ensure that the structure is protected and incorporated into the overall development to every extent possible

**Planning Comment:** The Motherhouse is not designated but included as a non-designated property on the City's Register of Properties of Cultural Heritage Value or Interest. As outlined in the CHIA and in this report, the proposed use requires no external modifications to the Motherhouse and, further, the proposed gymnasium addition should be designed to be compatible with the character of the Motherhouse. Permission to use the existing buildings for a private secondary school will revitalize and adaptively re-use these facilities.

**3.11.5 Rural Area**

The lands shown Schedule "A" as Rural Area are currently part of the Parkway Belt West Plan, and all new land uses within this area must conform to the policies and provisions of that Plan and Ontario Land Use Regulation 484/73 and 486/73, as applicable

**5.4.1 Conformity with the Niagara Escarpment Plan**

It is the objective of this Plan, and subsequent amendments and By-laws, will conform with the Niagara Escarpment Plan where it applies. In the case of discrepancy between the Niagara Escarpment Plan and this Plan, the provisions of the Niagara Escarpment Plan shall prevail unless the Official Plan requirements are more stringent.

**5.4.2** Council will not approve amendments to this Plan or Zoning By-law which do not conform to the Niagara Escarpment Plan

**Planning Comment:** This report provides thorough analysis that the proposed NEPA will conform to the NEP and that, once the NEPA is enacted, the proposed development will also conform to the NEP. In addition, the analysis is clear that amendments to the local planning documents (i.e. OPA and ZBLA applications) will be made in the future to allow enactment of the amendments following the NEPA taking full effect.

**Former Town of Dundas Official Plan Conclusion:** The proposed NEPA to permit the secondary school use within the existing buildings and the proposed gymnasium building addition to the subject lands conforms to the TDOP, as itis an evolution of permitted and existing uses within the institutional building, predating both OPA 13 and 23, and conforms to both the NEP and PWBWP as required by the TDOP.

## 7.11 Zoning By-law of the Former Municipality of Dundas

The subject lands are within the geographic area to which the Zoning By-law for the Former Municipality of the Town of Dundas applies, being By-law 3581-86. For the purposes of this report, the version of the By-law utilized was the June 2015 office consolidation, accessed online at: https://d3fpllf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2015-03-30/dundas-zoning-by-law-3581-86.pdf . This was augmented by utilizing the City's online mapping resource. **Figure 7-8** below provides an approximate outline and area of the subject lands, with a 2017 air photo

underlay and current zoning overlay. This mapping confirms the lands are covered by the following zones:

- RU/S-58 – Rural Residential, Special Exception
- U/S – 57 – Utilities, Special Exception
- OS – Open Space
- PPS/S – 56 – Public and Private Service


**Figure 7-8** - City of Hamilton Online Zoning Map with 2017 Air Photo - Approximate Size and Extent of Subject Lands

### 7.11.1 RU/S-58

Under implementing By-law 4066-93, a small portion of the subject lands along Northcliffe Avenue is zoned Rural Residential Zone, with Special Exception 58. The permitted uses include a single detached dwelling legally existing as of August 14, 1998.

**Planning Comment:** As seen on **Figure 7-8**, the proposed development concerns the existing Motherhouse, to which the zone does not apply.

### 7.11.2 U/S-57

Under implementing By-law 4066-93, the southern and eastern boundary of the subject lands along Highway 6 and Highway 403 are zoned Public Utilities Zone, with Special Exception 57. Waste Treatment Facilities are prohibited.

**Planning Comment:** The existing and proposed private on-site sewage treatment systems are not located within the Public Utilities Zone.

### 7.11.3 OS

Within the Town of Dundas Zoning By-Law, a portion of the subject lands are zoned Open Space Conservation Zone. The permitted uses include botanical gardens operated by a public authority, outdoor recreational uses, and agricultural uses.

**Planning Comment:** No development is proposed within the Open Space Zones, which consist of the valleylands and natural heritage features along the eastern and western boundaries of the subject lands. An existing private on-site sewage system, which requires an expansion for the proposed development, appears to be partly located within the OS Zone.

### 7.11.4 PPS/S -56 & 56a

Under implementing By-law 4066-93, majority of the subject lands are zoned Public and Private Service, with Special Exception 56 and the SSOJ Motherhouse is zoned Public and Private Service, with Special Exception 56a. The permitted uses are only those uses existing at the date of the pasting of the By-law and those determined by the Committee of Adjustment to be similar to the purpose for which the land, building or structure was used on the day the by-law was passed, shall be permitted.

**Planning Comment:** Though the proposed development is an evolution of existing, permitted and previously approved institutional and institutionally-related uses, including dormitory and classrooms in conjunction with an educational establishment, further amendments are required to recognize the proposed use of a private secondary school and a gymnasium addition.

**Former Town of Dundas Zoning By-Law Conclusion:** The proposed NEPA to permit the private secondary school use within the Motherhouse and proposed gymnasium building addition has regard for the Town of Dundas Zoning By-Law, as it:

- Is an evolution of previously approved uses through the 2011 decision by the Committee of Adjustment/OMB, which permitted dormitory and accessory uses as well as classrooms in conjunction to an educational establishment, and it is acknowledged that a ZBLA to permit the proposed use will be required and pursued at a later date

## 7.12 Halton Conservation Authority Regulated Area

Portions of the subject lands are within the defined area of regulation for Conservation Halton (“CH”). **Figure 7-9** below provides an excerpt from online mapping illustrating the approximate extent of the CH regulated area.

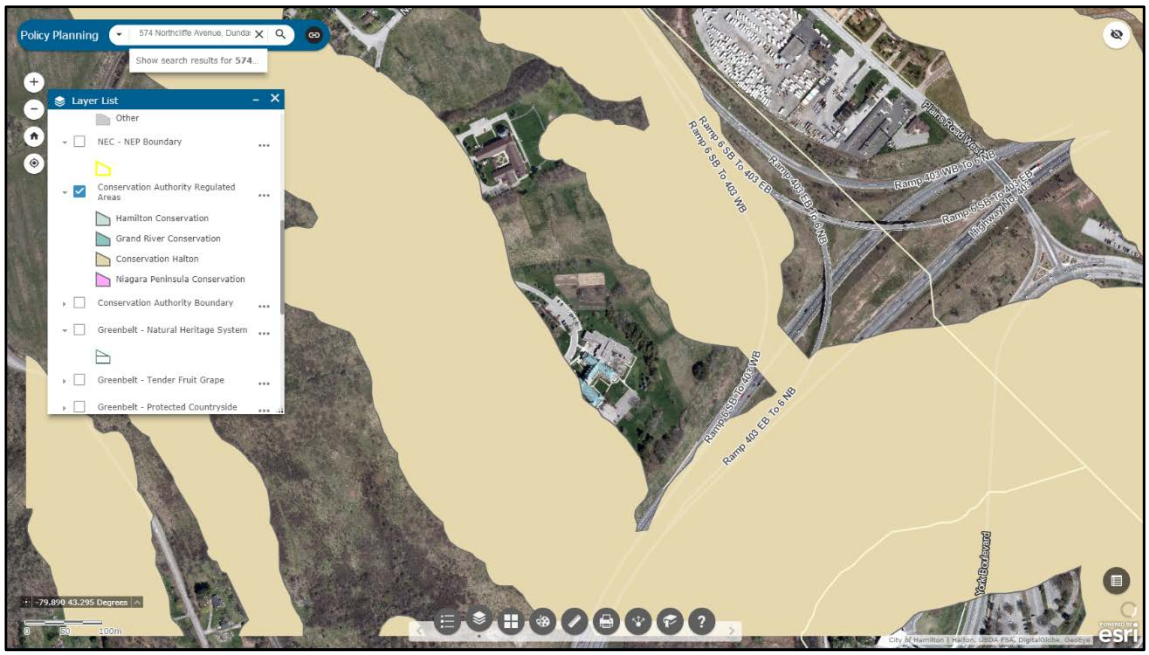


**Figure 7-9** - City of Hamilton Online Conservation Authority Map – Approximate Extent of Regulated Area

**Halton Conservation Authority Conclusion:** While it appears that the existing main Motherhouse building is partly covered by the regulated area, no external physical changes are proposed in order to preserve the cultural heritage attributes of the building, which is of historical and architectural significance. The proposed development, including the gymnasium addition to the east of the motherhouse and resultant expansions to the existing septic tile beds, are generally located outside of the approximate regulated area. Any minor intrusions for non-structural items (i.e. septic beds) can be addressed through the site plan approval and, if required, CH permit stage.

# 8 Planning Analysis

The following subsections provide summary planning analysis organized in different subsections to address matters of the proposed NEPA and development to permit the private secondary school use with a proposed gymnasium building addition. This analysis flows from the earlier sections and subsections, providing a cohesive rationale for the proposed planning instrument and development.

## 8.1 Land Use

Historical review of the subject lands outlines that the Motherhouse was historically utilized for educational classes. The institutional use of the Motherhouse for educational purposes was also permitted through the 2011 minor variance and OMB approval, allowing for a dormitory and accessory uses for 38 students and a classroom, in conjunction with an educational establishment. This approval provides, in part, a base case in establishing the institutionally-related use of a private secondary school as appropriate for this site. Thus, the proposed NEPA to permit a private secondary school represents a change of use within portions of the Motherhouse, but is one that is based on uses which existed previously, and is related to and not substantially different from the

historic use of the building, which included educational classes and events. There is enough physical capacity within the building to accommodate the proposed 1000 students and 80 teachers and support staff, which can be accommodated without external modifications to the existing Motherhouse structure (notwithstanding the proposed gymnasium addition). As such, the proposed development to permit the private secondary school use within the Motherhouse and the gymnasium building addition is essentially an evolution of historic and existing institutional and institutionally-related uses, transitioning from mainly religious use (with educational use a component) to mainly educational use.

As uses related to an educational establishment have been permitted on the subject lands through prior planning approvals, this is not a major departure. Further, the existing development pattern will generally be maintained. This existing site pattern and the proposed gymnasium building addition is limited to the cleared tableland area, which provides a campus-like open space setting fitting for a secondary school. It includes the existing buildings, parking areas, and driveway locations which exist in compatibility with adjacent valleylands and natural heritage features. This satisfies the purpose and objectives of the NEPDA and NEP.

### 8.1.1 Scale and Intensity

The proposed development is an evolution of historic, permitted and existing institutional and institutionally-related uses, identified within the Special Provisions of the Pleasant View Survey in regards to the subject lands. The proposed gymnasium addition does not add to the proposed student capacity as it will operate for school events. The proposed NEPA will allow full use of the underutilized Motherhouse, to a maximum student capacity of 1000 and approximately 80 teachers and support staff. The current GFA of the institutional buildings on site exceeds the 500 $m^2$ normally permitted under the NEP development criteria. However, with the exception of the proposed gymnasium addition, the majority of GFA is existing. Further, this criteria also states that a larger size can be permitted if it is demonstrated to be compatible with the site and surrounding land uses. This report provides ample justification that the size and scale of the proposed use is appropriate for the site based on a range of factors, and is fully compatible with the established and planned context.

## 8.2 Open Space Character

The maintenance of the open space character is a key objective of the NEPDA and the NEP. The existing open space landscape character of the subject lands forms part of the historical rural and landscape context for this area, and includes the visibility of the iconic green roof and bell tower. The proposed development to permit a private secondary school use within the Motherhouse with a gymnasium addition maintains this existing open landscape character. To maintain the natural scenery and scenic resources of the subject lands, the proposed gymnasium building addition is designed to be partially submerged under grade. The existing open landscape character punctuated by the Motherhouse roof and tower forms a key visual element along the Niagara Escarpment for this area. Confirmed by the VIA, the gymnasium addition will be screened from view, and therefore will not impact the visual scenery and will operate harmoniously with the character of the subject lands and surrounding area.

## 8.3 Traffic

For the proposed secondary school use, it is acknowledged the primary mode of travel for students will be by school bus, provided on a regular schedule for weekdays. Further, as seen in **Section 4** of this report, the peak travel time for students and staff to and from the site is anticipated to be between 7:45 to 8:40 am and 4:15 to 5:15 pm. However, CIC notes that travel this may be adjusted for flexibility, and to avoid peak am and pm time periods. The proposed gymnasium building addition will not require additional trips, as it will accommodate events which are school-based.

The proposed uses and development were assessed for potential traffic impacts through the TIS conducted by IBI Group, which included a safety review. An intersection capacity analysis was undertaken, to which the results found that there were no capacity issues on the private driveway site, nor to the intersection of Old York Road and Highway 6 East Ramp Terminal. Intersection analysis of the surrounding road network, such as York Road and Old Guelph Road and Old York Road and Plains Road West, exhibited that capacity issues and safety issues at these intersections are existing conditions caused by current background traffic, and the impact of the proposed development would be marginal. Further, road safety was confirmed based in part on the existing data showing a historic lack of collisions and the presence of school buses already on study travel routes. Therefore, the proposed development will integrate and be compatible with the existing transportation network, with the recommended actions and modifications in place as described in this report and in the TIS, including the measures to address existing conditions to improve safety.

## 8.4 Servicing

The subject lands are serviced by both piped municipal water services and on-site private wastewater services.

### 8.4.1 Municipal Piped Water Supply

The FSR prepared by IBI and submitted with the application confirms that the existing water supply provides capacity to service the proposed use. The report states that the site is serviced by a 200mm watermain on Northcliffe Avenue. There is also an existing private 100mm watermain and a 200mm fire line servicing the site and the existing building. There are two hydrants located on the property: one just north of the principal building and the second south of the building. The conclusion states that the site is serviceable according to all design standards.

### 8.4.2 On-Site Private Sewage Servicing

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 (north and south beds respectively). This system has been assessed as to whether the current capacity could accommodate the proposed uses and development. The assessment concluded that an expansion to the buried trench disposal beds and alterations to the septic tank are required, and the material submitted includes a design report with proposed plans verifying that this is physically possible. The details of the system will be implemented to applicable engineering standards through the ECA, site plan, and permit processes. As this stage, it is acceptable to identify that in order to adequately service the proposed level of students and staff at the facility, an increase in servicing capacity via expansion of the existing beds is required, and that such expansion complies with applicable policies with respect to servicing and can be implemented to respect the recommended buffers outlined in the EIS.

## 8.5 Natural Heritage

The subject lands and surrounding areas contain natural heritage features. 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 and is also designated Escarpment Natural Area in the NEP. There is no development proposed within the Escarpment Natural Area designation, adhering to the main objective of the Escarpment Natural Area designation development criteria.

The protection of key natural heritage features is a critical component within the purpose and the objectives of the NEPDA, which is also provided in the NEP, PPS, etc. NEP Development Criteria include policies relating to development affecting natural heritage. The woodlands located on the

subject lands have been assessed, and the proposed development incorporates and respects the recommended 30 m dripline buffer as outlined in the EIS, which was deemed sufficient to protect the existing features. The submitted EIS confirms that there will be no negative impacts to identified features and functions. This is supported by a fulsome analysis which considers implementation of the proposed physical development in addition to land use. Given that the existing development patterns are generally not being altered, and that new physical development in the form of the gymnasium addition, parking area and septic beds are outside of recommended buffers from identified features, the key features will be preserved and protected. Further, there are no groundwater impacts to drinking water as the use will operate on municipal water supply. The proposed private septic system design minimizes impacts on the downstream surface water feature of Long Pond, in accordance with the Hydrogeological analysis.

## 8.6 Cultural Heritage

The protection of cultural heritage resources is provided within the objectives of the NEPDA and the policies of the NEP, PPS, etc. The CHIA, described in this report and included in the application, provides the detailed analysis of how the proposed development does not adversely impact the cultural heritage attributes of the Motherhouse. The Motherhouse was built in 1951, and is listed on the City of Hamilton's Register of Properties of Cultural Heritage Value or 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. This allows for adaptive re-use, maintaining the underutilized Motherhouse in good condition and in a manner that protects the unique historical components of the building. In addition, the proposed gymnasium addition will not negatively impact the property's cultural heritage attributes, as the construction and design of the addition can be implemented to be compatible with the existing material of the historically significant Motherhouse.

## 8.7 Public Interest

The proposed development to permit the private secondary school use within the Motherhouse and the proposed gymnasium building addition will provide CIC with a practical and suitable additional campus location. This is beneficial from a public interest perspective, as it ensures the vitality and regeneration of Motherhouse that is of historical significance. Further, it will allow replacing a declining convent with a vibrant alternative institutionally-related use, without compromising the cultural heritage, open space, or natural heritage attributes of the subject lands.

# 9 Conclusions and Recommendations

CIC is proposing the adaptive re-use of the Motherhouse for conversion to a proposed private secondary school campus for 1000 students and up to 80 teachers and support staff. The proposed development will necessitate internal modifications to the Motherhouse building to provide classroom and administrative space. It also includes a gymnasium building addition adjacent to the long-term care addition wing, designed to be partially submerged under grade.

To permit the proposed development, an NEPA is required to Special Provision 21 f) to allow a private secondary school within the list of established institutionally-related uses within the institutional building. This report has provided a thorough historical, contextual and current planning analysis of the proposed NEPA and the proposed development. The analysis has thoughtfully and analytically considered the proposal against applicable policy documents and provisions. Accordingly, it is recommended that the proposed NEPA be approved and implemented for the following reasons:

- It is consistent with and conforms to the purpose and objectives of the NEPDA and the NEP;
- It conforms to the objectives of the Escarpment Rural and Natural designations;
- It complies with the development criteria within the NEP, particularly those respecting natural heritage and open landscape character;
- It is consistent with the Provincial Policy Statement;
- It conforms to the Growth Plan 2019;
- It conforms to the Greenbelt Plan 2017;
- It conforms to the PBWP;
- It has regard for applicable policies within RHWOP and TDOP and the provisions of the Zoning By-law, which are proposed to be amended following NEPA approval; and,
- It represents good planning and is in the public interest

Based on a review of the subject lands, the surrounding lands, supporting studies, and the applicable planning policy framework, the application represents good planning, facilitates an appropriate adaptive reuse of the existing institutional building which has heritage and architectural value, and is in the public interest.

Respectfully submitted this 27 day of February, 2020.

Mike Crough MCIP RPP
Associate, Senior Planner

John Ariens MCIP RPP
Associate Director, Practice Lead

Angela Buonamici MCIP RPP
Senior Planner

Ritee Haider BES
Planner