

Niagara Escarpment Commission Commission de l'escarpement du Niagara

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March 21, 2019

STAFF REPORT

**RE: Request for Comments by City of Hamilton
Columbia International College
Proposed Temporary Use By-law, 574 Northcliffe Avenue, Dundas**

RECOMMENDATION: That the Niagara Escarpment Commission (NEC) advise the City of Hamilton that it does not object to the proposed temporary use by-law and Holding Zone for 574 Northcliffe Avenue, under the following conditions:

- 1) That the temporary use of the existing Motherhouse on the subject lands as a dormitory for 96 students of Columbia International College be allowed for a maximum of three (3) years with no opportunity for renewal;
- 2) At the end of the 3 years, if the applicant has not been able to obtain the required Niagara Escarpment Plan Amendment to permit the conversion of the Motherhouse to a private school, the temporary use will cease; and,
- 3) That the City of Hamilton provide the NEC with a copy of its Notice of Decision with respect to the proposed Temporary Use By-law.

BACKGROUND: The subject property contains the Sisters of St. Joseph Convent and a Motherhouse containing a dormitory and long-term care centre for elderly nuns and administrative functions for the Order. In the spring of 2018, NEC staff was contacted by the planning consultant for Columbia International School, (CIS) a private school for international students. Staff was advised that CIS was interested in expanding its use of 574 Northcliffe Avenue as not only a dormitory for students but also as a private school for its Grade 12 students. Following a meeting, NEC staff provided the opinion to the consultant that a Niagara Escarpment Plan Amendment would be required to permit the change of use.

In August 2018, NEC staff attended a pre-consultation meeting at the City of Hamilton to hear details regarding the Official Plan and Zoning By-law amendment applications that the City would require.

On March 12, 2019, the City of Hamilton requested comments from the NEC regarding a proposed temporary use by-law and holding provision to permit between 96 and 138 students to reside at the Sisters of St. Joseph Motherhouse depending on the ability of the septic system to accommodate the increased number of residents. The Sisters would maintain some administrative offices in the Motherhouse, but the long-term care function would be relocated elsewhere. Due to the capacity of the existing septic system, 96 students and 16 staff could be accommodated, according to the engineering

consultant for CIS. A Holding Provision in the proposed By-law could be lifted if additional septic system capacity could be achieved to increase the number of students. Technical reports regarding the application were received on March 15. To meet the City's comment deadline, this report is being brought to the March meeting of the NEC.

DISCUSSION:

Niagara Escarpment Plan Amendment No. 179 (Pleasant View)

When Niagara Escarpment Plan Amendment No. 179 (Pleasant View) was approved in October 2013, it included a site-specific policy to permit the use of the subject lands for a residential care facility for 35 residents and a dormitory for 36 students for an educational establishment provided it is located in conjunction with the convent of the Sisters of St. Joseph. This recognized a decision of the Ontario Municipal Board to grant a minor variance to permit the use on a temporary basis.

Although the subject property is in the Niagara Escarpment Plan Area, having been added by the Pleasant View Amendment, it is outside the Area of Development Control and is subject to municipal zoning.

Niagara Escarpment Plan 2017

The subject property is designated Escarpment Natural Area and Escarpment Rural Area. The use of the property as a residential care facility and dormitory for students meets the definition of an Existing Use in the Niagara Escarpment Plan. The proposed long-term change of use from residential care facility to private school is a significant change and requires a Plan Amendment.

The planning consultant for CIS has advised that they are completing additional technical reports and submitting a Niagara Escarpment Plan Amendment (NEPA) application to permit the permanent conversion of the Motherhouse to a private school with associated recreational facilities. However, to meet an immediate short term need for student accommodation, CIS has applied for a temporary use by-law until a decision on the Plan Amendment is received.

NEC staff is of the opinion the temporary use of the Motherhouse for additional student accommodation is consistent with the existing use of the property and will be limited by the capacity of the available servicing. The permanent conversion to a private school will require justification in accordance with the Niagara Escarpment Plan, Part 1.2.1 to demonstrate how the impact of the change in use will not adversely impact the Purpose and Objectives of the Plan and the applicable Development Criteria and be consistent with other relevant Provincial policies. The Plan amendment process will also provide the opportunity for public and agency consultation.

CONCLUSION:

NEC staff recommend that the NEC do not object to the proposed temporary use by-law to permit 96 students to reside in the Motherhouse on the subject lands, for a total of 3 years only, while the NEPA application is being reviewed, as set out in the Recommendation on page 1 of this report.

There are two stages in the planning process for the proposed uses of the subject property. The temporary use by-law relates to the proposal to provide student accommodation in the existing building. The NEC is a commenting agency on the by-law under the *Planning Act*. In the second stage of the planning process, the NEC will be considering a NEPA under the *Niagara Escarpment Planning and Development Act* for the proposed change of use of the Motherhouse from the existing residential use to a private school.

The position the Commission takes on the temporary use by-law, which is the subject of this report, is not in any way pre-determinative of the Commission's position on the future Plan Amendment application.

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