



Hamilton

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September 20, 2024

Municipal Services Office - Central Ontario  
16<sup>th</sup> Floor  
777 Bay Street  
Toronto, ON M7A 2J3

**Re: Request for an Amendment to Minister's Zoning Order, Ontario Regulation 447/20, at 282 Fennell Avenue West, City of Hamilton**

On August 23, 2024, the Ministry of Municipal Affairs and Housing released a request seeking input on the proposed amendment to Minister's Zoning Order, Ontario Regulation 447/20 for the lands located at 282 Fennell Avenue West, Hamilton.

The amendment to the existing Minister's Zoning Order proposes the following:

- Permitting a height of 34.0 metres or 8 storeys in height for a Long Term Care Facility; and,
- Permitting a height of 70.0 metres or 18 storeys in height for a Retirement Home.

Subsequent to the posting on the Environmental Registry of Ontario and the change in ownership, the agent for the development group provided City staff with the proposed concept.

Based on our review, City of Hamilton Planning staff are supportive of the proposed amendment to the existing Minister's Zoning Order. Further detailed comments are provided below.

## **HISTORICAL BACKGROUND**

In 2017, Council directed staff to review the vision for the future development of the subject property. Community residents, agencies, and interested institutional leaders were consulted. Through this consultation and review, it was determined that the most appropriate future use of the property was for institutional purposes. The development of the property for institutional uses and supportive uses would support the potential expansion of existing institutional uses and provide for partnership opportunities amongst institutional leaders in the City. A fundamental objective is for the appropriate adaptive reuse of Century Manor as a use aligned with an institution.

The need for long term care and seniors assisted living has been identified. The location of the subject property creates opportunities to make use of the existing services at St. Joseph's Healthcare Centre.

## **URBAN HAMILTON OFFICIAL PLAN POLICIES**

Generally, the same Official Plan land use policies that were applicable in 2017, when the above-noted review was undertaken, still apply today. Staff note that the lands are adjacent to an Environmentally Significant Area and the Escarpment.

### **Visual Impact**

The lands are identified as "Urban Area" in the Niagara Escarpment Plan. Given the height that is being proposed, there may be the potential for impacts on views of the escarpment. The development should align with the development direction in the Niagara Escarpment Plan.

Section C.1.1.6 a) and b) of the Urban Hamilton Official Plan states:

"To minimize the impact and further encroachments in the Escarpment environment, for those lands located within the Niagara Escarpment Plan area identified on Schedule A - Provincial Plans, the following policies shall apply:

- a) The design of the development shall be compatible with the visual and natural environment; and,
- b) Setbacks and screening adequate to minimize the visual impact of development on the Escarpment landscape shall be required."

In addition, both Section E.3.5.9 (Medium Density Residential) and Section E.3.6.8 (High Density Residential) of the Urban Hamilton Official Plan include policies that medium and high density residential development shall consider:

"The orientation, design, and massing of a building or structure higher than six storeys shall take into account the impact on public view corridors and general public views of the area of the Niagara Escarpment, waterfront, cultural heritage resources, cultural heritage landscapes, and other parts of the City as identified through secondary plans or other studies, through the submission of a Visual Impact Assessment to the satisfaction of the City. (OPA 167)"

The review of any impacts on the Escarpment will be undertaken at the Site Plan Control stage.

### **Natural Heritage**

The City has a long history of protecting natural heritage features and their functions and has established a City-wide Natural Heritage System. Within the urban area, the Natural Heritage System is comprised of the Niagara Escarpment Plan Area, Core Areas, and Linkages. The Hamilton Escarpment Environmentally Significant Area and a Significant Woodland, which are considered Core Areas within the Natural Heritage System, have been identified adjacent to the subject lands.

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Typically, further review through an Environmental Impact Statement is required if development is to occur within 50 metres of an Environmentally Significant Area and Significant Woodland.

Should development occur within 50 metres of the Environmentally Significant Area and Significant Woodland, an Environmental Impact Statement would be required at the Site Plan Control stage.

**Cultural Heritage**

The subject property is designated under Part IV of the *Ontario Heritage Act* by municipal By-law No. 97-198. Cultural Heritage Planning staff are in the process of preparing an amended designation by-law to be in conformity with the updated provisions of the *Ontario Heritage Act*. The former Century Manor building is the key heritage feature currently identified for protection in the designation by-law. However, recent heritage assessments prepared by the province identified other landscape features of heritage value on the property that are being considered for inclusion in an amended designation by-law. Further, the *Ontario Heritage Act* currently requires that a Heritage Permit be obtained to demolish any building or structure on a Part IV designated property, regardless of whether they are identified as heritage attributes in the by-law.

City staff note that a Cultural Heritage Impact Assessment would be required in support of a Heritage Permit to demolish any existing buildings and for the adaptive reuse of the Century Manor building and redevelopment of the surrounding lands.

Staff also note that previous Stage 1, 2, 3 and 4 Archaeological Assessments have been conducted on the property that concluded that the area subject to the MZO have been assessed and cleared of any further archaeological interest.

**CITY OF HAMILTON ZONING BY-LAW NO. 05-200**

The amendment to the existing Minister's Zoning Order proposes the following:

- Permitting a height of 34.0 metres or 8 storeys in height for a Long Term Care Facility; and,
- Permitting a height of 70.0 metres or 18 storeys in height for a Retirement Home.

The maximum building height for a Long Term Care Facility and a Retirement Home within the existing I3 Zone is 18.0 metres.

It should be noted that for other uses within the I3 Zone, specifically an Educational Establishment, Hospital, Lodging House, Medical Clinic, Multiple Dwelling and Recreation, a maximum building height beyond 18.0 metres is permitted, provided that the maximum building height may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 8.3.2.2 a).

**SUMMARY**

The proposed amendments to the Minister's Zoning Order would support the development of the property for institutional uses in the form of both a Retirement Home and a Long Term Care Facility, in keeping with this vision.

Any future development of the property will be required to conform to the applicable policies of the Urban Hamilton Official Plan and will be subject to the Major Institutional (I3) Zone regulations. Century Manor is designated as a heritage building and the designation protects the four exterior façades of the building. Adaptive reuse of the building would require a Cultural Heritage Impact Assessment to be completed considering the cultural heritage landscape and significant built heritage resources on the subject property.

Based on the foregoing comments, staff are supportive of the proposed amendment to the Minister's Zoning Order.

If you have any questions, please contact Emily Coe, Acting Manager of Zoning & Committee of Adjustment at (905) 546-2424 extension 2575 or by email at [Emily.Coe@hamilton.ca](mailto:Emily.Coe@hamilton.ca).

Sincerely,

A handwritten signature in cursive script, appearing to read 'Anita Fabac', written in black ink.

Anita Fabac  
Acting Director of Planning and Chief Planner, City of Hamilton