




# INFORMATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	August 13, 2020
<b>SUBJECT/REPORT NO:</b>	Minister's Zoning Order for the former Hamilton Psychiatric Hospital Lands
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

The purpose of this Information Update is to update City Council on a Minister's Zoning Order that was filed on August 12, 2020, for the former Hamilton Psychiatric Hospital Lands, located at 100 West 5<sup>th</sup> Street.

## Background

The subject property comprises approximately 11.6 hectares of the former Hamilton Psychiatric Hospital lands. Of the total 11.6 hectares of land, Infrastructure Ontario is currently in the process of selling approximately 8.7 hectares. Approximately 2.9 hectares have been conveyed to the City, by the Province, for the protection of the Niagara Escarpment, an Environmentally Significant Area adjacent to the brow of the Escarpment, and a required vegetation protection zone.

The subject property consists of various buildings associated with the former Hamilton Psychiatric Hospital, which includes Century Manor (designated a heritage building under the *Ontario Heritage Act*), the Barton Workshop, Inverness Place, the Powerhouse, Beckfield Building, the Bunker, and the Trades building.

The portions of the subject lands required for the protection of the Niagara Escarpment, an Environmentally Significant Area adjacent to the brow of the Escarpment, and required vegetation protection zone, and a small portion of the Fennell Avenue frontage, consisting of the Ambulance Dispatch Centre and a Health Lab, identified as Parts 1, 2, and 5 on Plan 62R-20423, are not subject to the Minister's Zoning Order.

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In February 2017, staff was directed by Council to undertake a due diligence planning exercise for the former Hamilton Psychiatric Hospital, including engaging the public and stakeholders, in order to develop a holistic vision and plan for the property.

In conjunction with the surrounding institutional uses, the subject property forms part of a Major Activity Centre in the Urban Hamilton Official Plan (UHOP). Major Activity Centres are significant elements of the UHOP Urban Structure and are recognized as major employment generators in the health care and education sectors. The associated Institutional designation provides for institutional and cultural facilities, and ancillary office, residential and recreational uses. In addition, UHOP policy permits low density residential uses, parks and open space, and community facilities/services where institutional uses cease to operate.

Up until the filing of the Minister's Zoning Order, the site was zoned as Major Institutional (I3) Zone in Zoning By-law 05-200, and permitted: educational facilities (except commercial schools); religious facilities; health care facilities; long term care facilities; day care facilities; accessory uses and ancillary uses (residential uses could be permitted providing they are ancillary to the institutional uses, i.e. student residences or continuing care projects).

As a result of the 2017 planning exercise, the City reconfirmed Council and community support for the vision of these lands as set out above (see Report PED16254(c)). This site forms an important part of the overall structure of the City and is part of a key employment node in the health care and education sectors. After consultation with community residents, agencies, and interested institutional leaders, it was concluded that the planned function as an institutional property was still relevant and desirable. The consultation process confirmed the vision and land use designation for the property and concluded that amendments to the policy framework were not required. Furthermore, the consultation determined that the public would like the site to develop in a way that maintains public access to the lands as well as the Escarpment.

Minster's Zoning Order

The *Planning Act* gives the Minister of Municipal Affairs and Housing the authority to zone any property in the province. Zoning Orders are rarely used where municipalities have existing Zoning By-laws, but they can be used to protect a provincial interest.

On August 12, 2020, a Minister's Zoning Order was filed for the former Hamilton Psychiatric lands. The Order applies to Parts 3 and 4 on Reference Plan 62R-20423 (refer to Figure One below). The effect of the Minister's Zoning Order is that additional residential uses will be permitted including, single family dwelling, semi-detached dwelling, townhouse dwelling, street townhouse dwelling and multiple dwelling in accordance with the "C" (Urban Protected Residential, etc) District, "R-4) Small Lot

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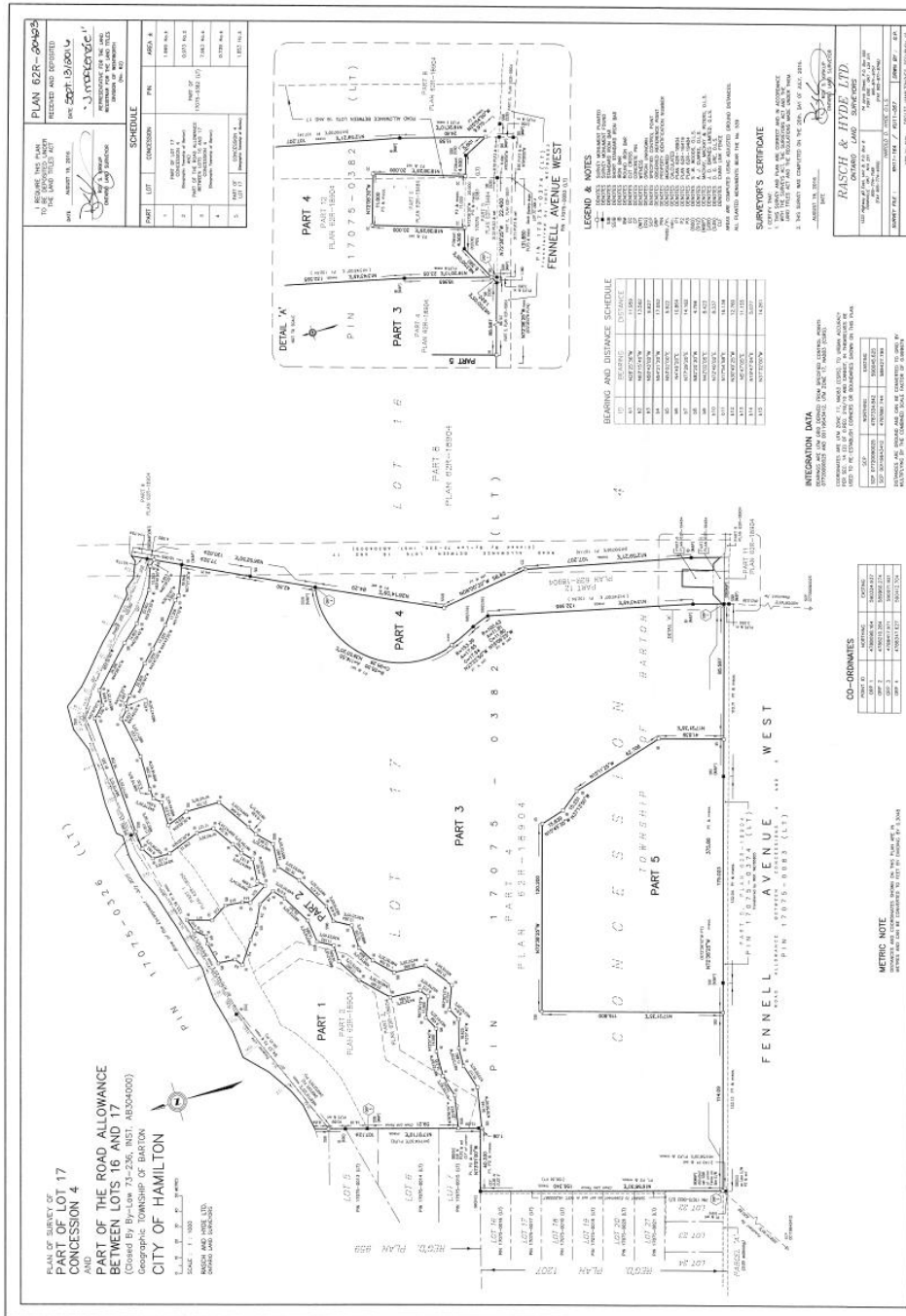
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Single Family Detached) District, “RT-10” (Townhouse) District, “RT-30” (Street – Townhouse) District, and “E-3” (High Density Multiple Dwellings) District, respectively.

Figure One: Parts 3 and 4 on Reference Plan 62R-20423 Subject to Minister’s Zoning Order



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The *Planning Act* does not provide a means whereby a Minister's Zoning Order can be appealed, therefore there is no option for the City to appeal the Order. However, Subsection 47(8) allows the City to request the Minister to amend or revoke an Order. A request to revoke or amend a Minister's Zoning Order does not appear to have a timing restriction, however, the *Planning Act* sets out the information the needs to be submitted as part of the request. The Minister is not required, but has the option, to refer the request to the LPAT. If the Minister chooses to refer the request to the LPAT, the Tribunal can hold a hearing and issue a recommendation only to the Minister.

Future Plans for the Lands

While the Minister's Zoning Order permissions supersede the municipal Zoning By-law, the permitted uses and applicable regulations of the Major Institutional (I3) Zone in Zoning By-law 05-200 still apply. In other words, the Minister's Zoning Order provides for additional permissions for residential uses, while still maintaining the City's previous permissions for institutional uses.

With respect to what the Province's future plans are for the lands, in the letter from Minister Clark to Mayor and Council sent yesterday regarding the Safe Restart Agreement funds, the Minister included the following statement:

*As part of the larger mandate to modernize Long Term Care facilities to address issues of quality and sustainability, we are pursuing a multi-faceted strategy, including leveraging surplus Government properties with potential to be repurposed for the Province's Long Term Care objectives. This includes the former Hamilton Psychiatric Hospital in the City of Hamilton where the primary objective of Government is to achieve added Long Term Care capacity on the site. We have also considered opportunities to enable housing on the site. We look forward to working with the municipality to achieve this shared goal.*

City staff have reached out to provincial staff at the Ministry of Municipal Affairs and Housing and Infrastructure Ontario to seek further information regarding the Province's plans for the lands, and provincial staff have indicated that they will be arranging to brief City staff on the MZO in the coming days.

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