


TO: GENERAL COMMITTEE


SUBJECT: ZONING BY-LAW AMENDMENTS FOR SOCIAL SERVICES FACILITIES

WARD: ALL

PREPARED BY AND KEY CONTACT: K. BRISLIN B.Sc., M.C.I.P., R.P.P., SENIOR POLICY PLANNER EXTENSION #4440

SUBMITTED BY: S. NAYLOR, MES, M.C.I.P., R.P.P., DIRECTOR OF PLANNING 

GENERAL MANAGER APPROVAL: R. FORWARD, MBA, M.Sc., P. ENG. 
GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That the proposed text amendments to Zoning By-law 2009-141 to replace the definition of "Crisis Care Facility" with a new definition for "Social Services Facility", and to provide associated development standards relating to social services facilities, as outlined in Appendix "A" to Staff Report PLN008-16 be approved.
2. That By-law 2015-097, a by-law to introduce zone standards for Mixed Use Zones, be amended by replacing references to Crisis Care Facility in the table of permitted uses with Social Services Facility, and that section 5.4.2.6 Crisis Care Facility be deleted from this by-law as outlined in Appendix "B" to Staff Report PLN008-16, and that the Ontario Municipal Board be requested to approve this change during the upcoming hearing on By-law 2015-097.
3. That in accordance with Section 34 of the Planning Act, no further public meeting is required to finalize the proposed by-law.

PURPOSE & BACKGROUND

Report Overview

4. The purpose of this staff report is to recommend a proposed amendment to the Comprehensive Zoning By-law which will serve to replace the existing definition of "Crisis Care Facility" with a new definition for "Social Services Facility" and to provide associated standards.
5. On October 19, 2015, a public meeting was held to consider proposed housekeeping amendments to the Comprehensive Zoning By-law, which included changes to replace the definition and standards for *Crisis Care Facility* with a new definition and standards for *Social Services Facility*. As a result of comments received at that public meeting, staff separated the amendments related to Crisis Care Facilities from the remainder of the general housekeeping amendments. To address the issues raised at the public meeting, staff undertook further consultation with the Ward Councillor, ratepayers who had expressed concerns regarding the proposed zoning amendments, as well as with local social service providers.

6. Staff met with these stakeholder groups on October 29, 2015, November 20, 2015, December 15, 2015 and January 28, 2016. Following these meetings, a statutory public meeting was held on March 7, 2016 to consider proposed zoning amendments to provide for a new definition and use "Social Services Facility" and to consider zone standards for *Social Services Facility*.

ANALYSIS

7. The current definition and standards for *Crisis Care Facility* in the Zoning By-law date back to 1985 and staff feel that they do not provide enough flexibility for the delivery of these essential services.
8. The current definition of Crisis Care Facility is as follows: "**(a) Crisis Care Facility shall mean a place where short-term and temporary accommodation is provided for persons requiring immediate care. In addition to providing counseling, meals and lodging may be supplied**".
9. This definition is predicated on the provision of short-term, temporary accommodation and does not reference a variety of the other social services which do not require on site accommodation. Furthermore, the standards related to crisis care facilities require that these uses be separated from each other by 300m, which precludes multiple service providers from locating in one facility and realizing the cost savings and synergy in the provision of services which that would allow.
10. The current parking standards for crisis care facilities require 1 space per 2 persons accommodated. Since occupancy in social services facilities can fluctuate over time based on client usage, staff consider it more appropriate to base the standard on the office floor area usage which will be more constant over time. In addition, this standard is considered high based on the user needs for parking.
11. Finally, crisis care facilities are currently restricted to the City Centre C1, Transition Centre C2, Institutional Zone I, Residential Multiple Unit Zone RM2 and Residential Apartment Zone RA1. This limits the opportunities for integration and inclusion throughout the City as these zones are mostly concentrated within the City Centre Planning Area. Appendix "C" identifies the zones in which crisis care facilities are permitted under the current Zoning By-law.
12. The proposed amendments to the definition and standards for Crisis Care Facility would permit multiple service providers to operate within one facility or in proximity to one another thereby providing cost savings and allowing the co-ordination of service delivery.
13. Operation within one facility has advantages of reducing duplication of information and services and allows for clients to have many of their needs met in a single venue rather than having to navigate to numerous locations depending on the type of service required. In addition, there are potential cost savings to social service providers which are often not for profit, charitable or non-government organizations, when they are able to operate in one building or in proximity to one another.
14. The importance of inclusion and integration within communities is beneficial from the perspective of both the service provider and the end user. The need for integration and inclusion is recognized as being particularly important in delivery of social support services associated with an ageing population.

Provincial Policy Context

15. Section 4.6 of the 2014 Provincial Policy Statement (PPS) requires that it be implemented in a manner that is consistent with the *Ontario Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.

16. Minimum distance separations that present barriers to specific individuals or groups, particularly marginalized groups, are a potential human rights concern. Where minimum distance separations are applied as a planning tool, they should consider land use compatibility, distribution and intensity associated with uses, as opposed to focusing on user groups and activities.

Proposed Zoning Changes

17. Appendix "A" attached details the proposed zoning changes for the introduction of Social Services Facility in the Zoning By-law. The purpose and effect of the recommended changes are summarised as follows:
- a) The proposed new definition for Social Services Facility would permit a variety of social support services including counselling, recreational facilities, educational and training facilities, place of assembly, temporary lodging (including serving of meals) and day-care services.
 - b) Social services facilities are proposed to be permitted in all the zones where crisis care facilities are currently permitted as well as the Shopping Centre Commercial C3, the General Commercial C4 and the Major Institutional I-M zones. This expands the opportunities for social services facilities to be located in commercial zones that service neighbourhoods throughout the community and where major institutions such as Georgian College and Royal Victoria Hospital are located. Appendix "D" identifies the zones in which social services facilities are proposed to be permitted.
 - c) These zones are in proximity to the neighbourhoods which they service and are generally located on key corridors which correspond with public transit routes. Proposing social services facilities in these additional zones has the added benefit of enabling them to locate in proximity to a variety of other services that may be accessed by user/client groups, including medical clinics and dental services.
18. The proposed definition of Social Services Facility includes a greater intensity and range of uses permitted than other uses allowed in residential areas. In addition, many of the support services included in the definition are associated with uses permitted in Commercial or Institutional zones, which are generally not considered appropriate in residential areas.
19. The Official Plan includes policies to protect the character of existing residential neighbourhoods. In order to protect the residential neighbourhood character and prevent clustering of social services facilities which have elements of commercial type uses, staff recommend a minimum distance separation of 300m be applied between social services facilities located in residential zones only.
20. The proposed parking standards to be considered for social services facilities are as follows:
- a) A minimum of 1 space per 30m² of office space use in a social services facility.
 - b) No minimum parking for social services facilities located in the Urban Growth Centre.
21. The recommended parking standard aligns with the parking standard for office uses and is considered appropriate for social services facilities on the basis that these uses are essentially office uses. There are currently no parking requirements for commercial and places of worship in the City Centre Planning Area, and a reduced standard of one space per dwelling unit applies to residential uses in the Urban Growth Centre. Similarly, staff are recommending an exemption from parking for social services facilities in the Urban Growth Centre.
22. Staff are also recommending amendments to By-law 2015-097, which applies to mixed use zones in intensification corridors and nodes, and establishes permitted uses and standards for these

zones. This By-law is currently under appeal, however it includes references to crisis care facilities. In order to ensure the comparable changes are captured in By-law 2015-097, staff recommend amendments to ensure that there are no discrepancies when the By-law comes into full force and effect (Appendix "B" to Staff Report PLN008-16).

Public Meeting Comments

23. The zoning recommendations presented at the public meeting were the result of several meetings held with stakeholders between October 29, 2015 and December 15, 2015. An information meeting was held on January 28, 2016 to present draft recommendations based on what was heard from these stakeholder consultations. The feedback received at the information meeting on January 28th was positive and stakeholders expressed appreciation for efforts made to address their concerns. On this basis, these recommended zoning changes were presented at the public meeting held on March 7, 2016.
24. No comments were made at the public meeting on March 7, 2016.
25. Correspondence was received from Shelby White of 110 Maple Avenue, dated February 25, 2016 expressing support for the proposed elimination of the minimum distance separation that is currently applicable to crisis care facilities. However, she does not support applying the 300m minimum distance separation for social services facilities in residential zones on the basis that it is discriminatory and "people" zoning.

Comment: Staff agree that it is inappropriate to zone based on user groups however, as explained in the body of this report, staff consider the 300m minimum distance separation appropriate in the residential areas in order to protect the residential character of neighbourhoods from non-residential uses.

26. Staff also received a request from Patricia McCallum, Real Estate Agent, requesting that businesses that provide counselling and training for a variety of social support services for behavioural and family needs, but which do not provide temporary accommodation, would like the flexibility to locate outside of commercial zones.

Comment: This type of use should locate in a zone where offices are a permitted use. The proposed changes are not intended to open up residential areas for office uses that are normally permitted in commercial zones or other zones.

Recommendation: Staff recommend including wording in the residential section of the by-law amendment to clarify that social services facilities in residential zones are required to provide temporary lodging.

ENVIRONMENTAL MATTERS

27. There are no environmental matters related to the recommendation.

ALTERNATIVES

28. The following alternatives are available for consideration by General Committee:

Alternative #1 General Committee could maintain the existing by-law with respect to crisis care facilities (i.e. Status Quo).

This alternative is not recommended as it does not fit the current day model for provision of a variety of social services in combination and the benefits derived from this model of service delivery.

Alternative #2 General Committee could alter the proposed recommendation by removing the minimum distance separation recommended for social services facilities in residential zones.

Although this alternative is available, staff believe it would not address the concerns raised by the neighbourhood associations and residents and ratepayers groups who expressed concerns regarding impact on neighbourhoods. Staff are proposing this recommendation to address this specific concern raised through the stakeholder consultations, and which in staff's view is defensible in terms of land use planning considerations.

FINANCIAL

29. There are no financial implications for the Corporation resulting from the proposed recommendations.

LINKAGE TO 2014-2018 STRATEGIC PLAN

30. The recommendations included in this staff report support the following goals identified in the 2014-2018 Strategic Plan:

Inclusive Community

31. The proposed zoning changes support the current day model for provision of social services in an integrated inclusionary more holistic framework within the community.

Attachments: Appendix "A" - Recommended Amendments to Zoning By-Law 2009-141
Appendix "B" - Recommended Zoning Amendments to By-law 2015-097 Mixed Use Zones
Appendix "C" - Current Zones Permitting Crisis Care Facilities
Appendix "D" – Proposed Zones – Social Services Facilities

APPENDIX "A"

Recommended Amendments to Zoning By-Law 2009-141

1. Section 3.0 Definitions

- c) Delete the definition for Crisis Care Facility.
- d) Add a new definition for Social Services Facility as follows:

Social Services Facility shall mean a facility, which provides social support services which may include counseling services, recreational facilities, educational and training facilities, place of assembly, temporary lodging and serve meals, and offer day-care services.

2. Section 4.0 General Provisions and General Standards

- a) That Table 4.6 be amended by deleting the use "Crisis Care Facility" and the corresponding parking standard and by adding the use "Social Services Facility" with the corresponding parking standard of: "1 space per 30m² of gross floor area minimum 2 spaces. No parking is required in the Urban Growth Centre."

Shown as follows:

| Uses | Parking Standards |
|---------------------------------|---|
| Crisis Care Facility | 1 space per 2 persons accommodated |
| Social Services Facility | 1 space per 30m ² of gross floor area min. 2 spaces. No parking is required in the Urban Growth Centre. |

3. Section 5 Residential

- a) That Table 5.2 Permitted Uses be amended by deleting the use and row "Crisis Care Facility" under the Institutional Uses list and by adding a new use "Social Service Facility" and marking an "X" indicating the use is permitted in columns under the RM2, RA1 and RA2 zones.

Shown as follows:

| Uses | Zones | | | | | | | | | | |
|--|-----------------|----|----|----|----|----------|--------|-----|--------|-----------|-----|
| | Single Detached | | | | | Multiple | | | | Apartment | |
| | RH | R1 | R2 | R3 | R4 | RM1 | RM1-SS | RM2 | RM2-TH | RA1 | RA2 |
| Institutional Uses⁽¹³⁾ | | | | | | | | | | | |
| Crisis Care Facility | | | | | | | | X | | X | X |
| Social Services Facility | | | | | | | | X | | X | X |

- b) That Section 5.2.11 Institutional Uses in Residential Zones be amended by adding 5.2.11 d) as follows:

“d) Any *Social Services Facility* in a residential zone shall provide temporary lodging, and shall be located a minimum of 300m from any other *social service facility* in a residential zone.”

4. Section 6 Commercial

- a) That Table 6.2 Permitted Uses be amended by deleting the use and row “*Crisis Care Facility*” under the Institutional Uses list and by adding a new use “*Social Service Facility*” and marking an “X” indicating the use is permitted in columns under the C1, C2, C3 and C4 zones.

Shown as follows:

| Uses | Zones | | | | |
|--|------------------------------|-----------------------------------|---------------------------------|-------------------------|-----------------------------|
| | Central Area Commercial (C1) | Transition Centre Commercial (C2) | Shopping Centre Commercial (C3) | General Commercial (C4) | Convenience Commercial (C5) |
| Institutional Uses | | | | | |
| <i>Crisis Care Facility</i> | X | X | | | |
| <i>Social Services Facility</i> | X | X | X | X | |

- b) That 6.2.4 Crisis Care Facility be deleted and subsequent sections be renumbered accordingly.

Shown as follows:

~~6.2.4. Crisis Care Facility~~

~~Any crisis care facility shall be located a minimum distance of 300m from any other crisis care facility~~

6.2.54 Highway 400 Commercial “

5. Section 8 Institutional

- a) That Table 8.2 Permitted Uses be amended by deleting the use and row “Crisis Care Facility” and by adding a new use “Social Services Facility” and marking an “X” indicating the use is permitted in columns under the I-M, I zones.

Shown as follows:

| Uses | Zones | | |
|--|-------------------------|-------------------|-------------------------------|
| | Major Institution (I-M) | Institutional (I) | Educational Institution (I-E) |
| <i>Crisis Care Facility</i> | | X | |
| <i>Social Services Facility</i> | X | X | |

- c) That Section 8.3.2 Additional Standards for Group Homes and Crisis Care Facilities be amended by:
- i. deleting the words "and Crisis Care Facilities" after the words "Group Homes" in the header of 8.3.2;
 - ii. deleting the words "and crisis care facilities" after the word homes, and deleting the words "and each crisis care facility and they shall be separated 300m from each other".

Shown as follows:

"8.3.2 Additional Standards for Group Homes ~~and Crisis Care Facilities~~

Group homes ~~and crisis care facilities~~ must be located in fully detached buildings. A minimum distance of 300m shall separate each group home ~~and each crisis care facility and they shall be separated 300m from each other.~~

Appendix B

Recommended Zoning Amendments to By-law 2015-097 Mixed Use Zones

- a) That Table 5.4.1 Mixed Use Permitted Uses be amended by deleting the use and row “Crisis Care Facility” under the Institutional Uses list and by adding a new use “Social Services Facility” and marking an “X” indicating the use is permitted in columns under the MU1 and MU2 zones.

Shown as follows:

| Uses | Zones | |
|---------------------------------|----------------------|--------------------------|
| | Mixed Use Node (MU1) | Mixed Use Corridor (MU2) |
| <i>Institutional</i> | | |
| Crisis Care Facility | X | X |
| Social Services Facility | X | X |

- a) That 5.4.2.6 Crisis Care Facility be deleted and subsequent sections of By-law 2015-097 be renumbered accordingly.

Shown as follows:

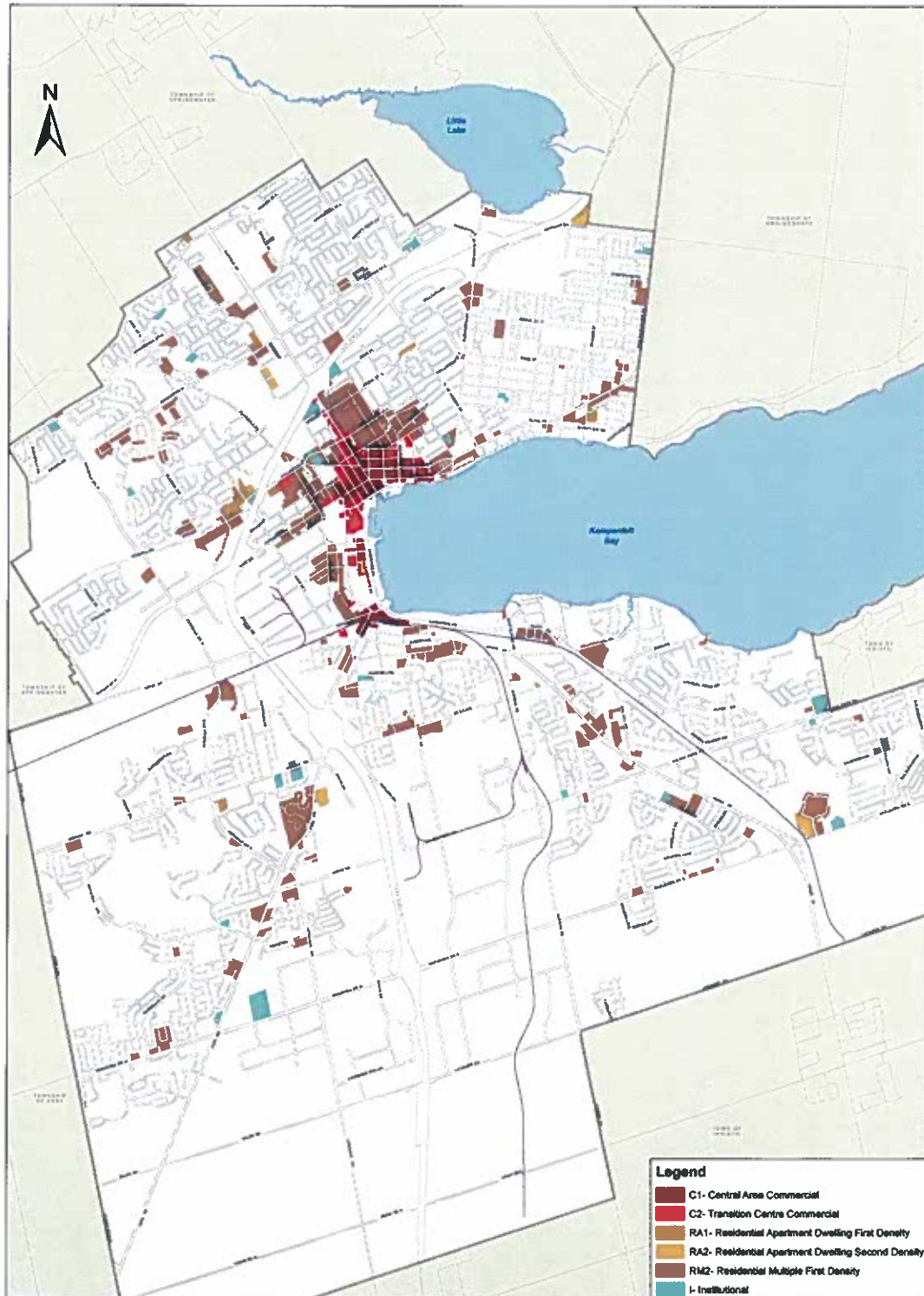
~~“5.4.2.6 — Crisis Care Facility~~

~~Any crisis care facility shall be located a minimum distance of 300m from any other crisis care facility~~

5.4.2.76 Highway 400 Commercial “

Appendix C

Current Zones Permitting Crisis Care Facilities



Appendix D

Proposed Zones – Social Services Facilities

