

5. Zoning By-law Amendment – 963 Hare Avenue

Modification du Règlement de zonage – 963, avenue Hare

Committee recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 963 Hare Avenue to permit modifications to the group home provisions, as detailed in Document 2.

Recommandation du Comité

Que le Conseil approuve une modification du Règlement de zonage 2008-250 visant le 963, avenue Hare afin que des modifications puissent être apportées aux dispositions en matière de foyers de groupe, comme le précise le document 2.

Documentation/Documentation

1. Report from the Director, Planning Services, Planning, Infrastructure and Economic Development Department, dated March 24, 2021 (ACS2021-PIE-PS-0039)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 24 mars 2021 (ACS2021-PIE-PS-0039)
2. Extract of draft Minutes, Planning Committee, April 8, 2021

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 8 avril 2021

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
8 April 2021 / 8 avril 2021**

**and Council
et au Conseil
14 April 2021 / 14 avril 2021**

**Submitted on 24 March 2021
Soumis le 24 mars 2021**

**Submitted by
Soumis par:**

**Lee Ann Snedden,
Director / Directrice**

Planning Services / Services de la planification

**Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

Contact Person

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Laurel McCreight,

**Planner / Urbaniste, Development Review West / Examen des demandes
d'aménagement ouest**

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Ward: BAY (7) / BAIE (7)

File Number: ACS2021-PIE-PS-0039

SUBJECT: Zoning By-law Amendment – 963 Hare Avenue

OBJET: Modification du Règlement de zonage – 963, avenue Hare

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 963 Hare Avenue to permit modifications to the group home provisions, as detailed in Document 2.**

2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* 'Explanation Requirements' at the City Council Meeting of April 14, 2021," subject to submissions received between the publication of this report and the time of Council's decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification du Règlement de zonage 2008-250 visant le 963, avenue Hare afin que des modifications puissent être apportées aux dispositions en matière de foyers de groupe, comme le précise le document 2.
2. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes de la *Loi sur l'aménagement du territoire*, à la réunion du Conseil municipal prévue le 14 avril 2021 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Site location

963 Hare Avenue

Owner

Tamir Foundation Inc.

Applicant

Gowling WLG (Canada LLP) c/o Jacob Polowin

Description of site and surroundings

The subject property is located on the east side of Hare Avenue, south of Lenester Avenue and north of Benjamin Avenue. The subject property is approximately 764 square metres and has 20 metres of frontage on Hare Avenue. The property currently contains a single detached dwelling with a driveway providing access to the garage. The property is largely surrounded by residential properties, primarily of detached dwellings.

Summary of requested Zoning By-law Amendment proposal

The current zoning of the site is Residential First Density, Subzone GG (R1GG). The purpose of the R1 zone is to restrict the building form to detached dwellings in areas designated as General Urban Area in the Official Plan, as well as allow a number of other residential uses to provide additional housing choices within detached dwelling residential areas. A group home is a permitted use in the R1 zone.

The application seeks to amend the general provisions for 'Group Homes'; specifically, to permit a group home less than 300 metres of another group home and to enable the conversion of the existing dwelling into a group home. There are no changes proposed to the dwelling itself as a result of this application.

The following site-specific provisions are being requested through the application:

- Clause 125 (1) (d) of the Zoning By-law does not apply.
- Despite the requirements of Section 122, the conversion of an existing detached dwelling to a group home is deemed to comply with Clause 122 (1).

DISCUSSION

Public consultation

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for Development Applications.

Councillor Kavanagh held a virtual community information session on Tuesday February 2, 2021 to discuss the application with the community. During this meeting,

the Tamir Foundation and their consultant team provided a presentation of the proposal followed by a question and answer period. Approximately 16 individuals attended.

Approximately 16 comments were submitted during the application review process. Few comments were submitted in support, with the majority in opposition based on increased traffic, strain on existing infrastructure and the request for another group home less than 300 metres from existing group homes.

For this proposal's consultation details, see Document 3 of this report.

Official Plan designation

The site is located within the General Urban Area designation as shown on Schedule B of the City's Official Plan. Group homes are permitted in every land use designation including the General Urban Area.

Section 3.1 – Generally Permitted Uses

This section provides direction and sets out policies for generally permitted uses in the Official Plan and references that certain land uses are considered to be characteristic and supportive of the daily life and functioning of the community. For convenience, these uses have been grouped as generally permitted uses. These uses will be permitted within all land-use designations, subject to the policies set out below and in other applicable sections of this Plan.

Policy 2 of this section states: "Where the Zoning By-law permits a dwelling, the By-law will also permit a group home. The Zoning By-law may include provisions to regulate the type, size and location of this use." Policy 3.1.2 permits a group home in any zone that permits a dwelling.

Planning rationale

This application has been reviewed under the current Official Plan.

The site is designated as General Urban Area (Section 3.6.1), which permits the development of a full range and choice of housing types to meet the needs of all ages, incomes and life circumstance. The proposed conversion of the existing detached dwelling into a group home will permit a residential use on this site that provides additional housing choices to members of the community with developmental disabilities. The inclusion of group homes as a generally permitted use in Section 3.1 of the Official Plan recognizes their fundamental role to the function of the City.

Currently, the City's Official Plan does not contain any policies related to minimum distance separation requirements for group homes.

Separation distance requirements for Group Homes in the Zoning By-law were introduced to promote a reasonable geographical distribution of land uses including group homes throughout the city. The Zoning By-law amendment process permits staff to review a site-specific application and determine whether the particularities of the proposal and the context warrant a change that is in keeping with the Official Plan and Provincial policy context.

Although the Zoning By-law contains separation distance requirements, emerging direction across the Province of Ontario is to eliminate separation requirements because these restrictions generate adverse impacts upon group homes and are contrary to creating inclusive communities providing for all life circumstances.

Group homes tend to locate centrally with good access to services, amenities and transportation and integration within the broader community is integral to the function and operation of the facility. There are numerous amenities located along Carling Avenue, specifically Carlingwood Shopping Centre and several other individual commercial establishments, that are less than 800 metres walking distance from the subject property. Carling Avenue is considered to provide a variety of transportation options offering numerous OC Transpo bus routes, as well as a future Bus Rapid Transit Corridor.

The location of 963 Hare was also attractive to the Tamir Foundation due to its close proximity to services such as the Kehilat Beth Israel Synagogue, the Soloway Jewish Community Centre and the Tamir head office. Residents of the group home will also find support from many family members who live in the surrounding community.

Tamir has also indicated this group home is intended for three residents to permanently reside on site. Two staff members will be present 24-hours per day, with a supervisor present on a regular basis. Members of the group home will not have their own vehicles, thus allowing any full-time or visiting staff to park their vehicles in the driveway. The driveway at 963 Hare Avenue can approximately park six vehicles at one time, thus permitting a substantial amount of on-site parking. Should the driveway be full, on-street parking is permitted on both sides of Hare Avenue in accordance with the [Traffic and Parking By-law](#).

The location for a group home at 963 Hare Avenue meets all of the above criteria, and although located less than 300 metres from other neighbouring group homes, does not pose any adverse impacts on the community.

The Provincial Policy Statement (PPS) speaks to managing and directing land use to achieve efficient and resilient development and land use patterns. Policy 1.1.1 states:

“Healthy, liveable and safe communities are sustained by:

f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society”.

By approving the request for this Zoning By-law amendment, the City will be supporting the above policy in the PPS by providing the Tamir Foundation an opportunity to locate a group home where residents have the opportunity, under 24-hour supervision and care, to be properly integrated within the community fabric.

Furthermore, Policy 1.4.3 (Housing) of the PPS states:

“Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including special needs requirements”.

Approval of this amendment will provide housing options that will meet the social, health and economic needs of residents with developmental disabilities. Although the group home will be located less than 300 metres from neighbouring group homes, this establishment will provide a housing opportunity to those with special needs requirements.

Section 122 of the Zoning By-law includes a provision that states any conversion of an existing residential building from one permitted residential use to another permitted residential use must comply with the required lot area, lot width, height and yard setback provisions applicable to a detached dwelling. In order for the dwelling to be

converted to a group home, the dwelling must comply with the performance standards in the R1GG zone. The dwelling has existed on this property since the 1950s and complies with all the performance standards except for the required interior side yard setback. The R1GG zone requires an interior side yard setback of 3.6 metres; the current dwelling resides less than the required 3.6 metres. Relief has been requested from Section 122(1) so the conversion of an existing detached dwelling to a group home is deemed to comply. Staff have no issues with the relief sought given that the dwelling has existed for over 60 years.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

RURAL IMPLICATIONS

There are no rural implications associated with the recommendations in this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Kavanagh is aware of the recommendation in the report.

LEGAL IMPLICATIONS

Should the recommendations be adopted and the resulting zoning by-law be appealed to the Local Planning Appeal Tribunal, it is anticipated that a one to two day hearing time would be required. It is anticipated that this hearing can be conducted within staff resources. In the event that the zoning application is refused, reasons must be provided. Should there be an appeal of the refusal, it would be necessary to retain an external planner

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with the recommendations in this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with the recommendations in this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the recommendations. In the event the zoning application is refused and appealed, an external planner would be retained. This expense would be absorbed from within Planning, Infrastructure and Economic Development's operating budget.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with the recommendations in this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with the recommendations with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification
- Thriving Communities

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-20-0133) was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Public Consultation

CONCLUSION

The Planning, Infrastructure and Economic Development Department supports the application and proposed Zoning By-law amendment. Amending the group home provisions to suit the conversion of the single detached dwelling at 963 Hare Avenue

into a group home is considered good planning, conforms with the Official Plan and is consistent with the Provincial Policy Statement.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 963 Hare Avenue:

1. Rezone the lands as shown in Document 1 from R1GG to R1GG[XXXX].

Add a new Urban Exception XXXX to include provisions similar in effect to the following:

- a) In Column V, add provisions similar in effect to the following:
 - i. Clause 125 (1) (d) does not apply; and
 - ii. Despite the requirements of Section 122, the conversion of an existing detached dwelling to a group home is deemed to comply with Clause 122 (1).

Document 3 – Consultation Details

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for Development Applications.

Councillor Kavanagh held a virtual community information session on Tuesday February 2, 2021 to discuss the application with the community. During this meeting, The Tamir Foundation and their consultant team provided a presentation of the proposal followed by a question and answer period. Approximately 16 individuals attended.

Approximately 16 comments were submitted during the application review process. Few comments were submitted in support, with the majority in opposition based on increased traffic, strain on existing infrastructure and the request for another group home less than 300 metres from existing group homes.

The following summarizes, in no particular order, a list of comment topics and items raised by members of the public in response to the application:

Parking and Traffic

- Staff vehicles will be left on the street for long periods of time, making it less safe for all community members (adults and children) to use the streets, which don't have sidewalks.
- On-street parking will create problems for traffic flow and neighbourhood relations.
- The parking and traffic problem is somewhat exacerbated by the other group homes in the area.
- Would the City consider filling in the ditch for both homes for added safe parking and cause less of a hazard?

Response

There is ample room for staff parking in the driveway at 963 Hare due to the long nature of the current driveway. On-street parking is currently permitted and should residents have any issues, they are encouraged to call 3-1-1. The Tamir Foundation has responded to the concern of increased traffic by stating that none of the residents will have vehicles and less staff are required due to only three residents residing in the group home.

Currently, there are roadside ditches along this section of Hare Avenue. The City will not be filling in the ditch to add parking because these ditches provide necessary infrastructure for the neighbourhood in terms of stormwater management.

Existing Group Homes in the Area

- While I can see that it may be convenient for the City to cluster these homes in areas, it seems and feels excessive for the inhabitants.
- The existing group homes are not good neighbours. They have no consideration for their property.
- These homes seem to produce an exceptional amount of excess garbage. This will now be increased with the addition of another group home.
- In reality the properties often become run down with visible lack of pride of ownership and looking institutional, thereby reducing surrounding property values.

Response

All properties in the City of Ottawa are required to abide by the [Properties Standards By-law](#). Should residents feel that homes in the neighbourhood are not complying with this By-law, they are encouraged to call 3-1-1.

Zoning

- Why is there such a concentration of group homes in this area? Is this area zoned for intensification of group homes?
- The essence of the zoning is to protect the integrity of the neighbourhood. The rules were put in place for a reason whether the size of the lot or the proximity to other group homes.
- With this group home the concentration within 300 m will be three when only one is permitted. This is not the intent of the zoning.

Response

The use of a group home is a generally permitted use as per Section 3.1.2 in the Official Plan - where the Zoning By-law permits a dwelling, the by-law will also permit a group

home. The current zoning of the property is Residential First Density, and this zone permits both a dwelling and a group home.

Under the Ontario *Planning Act*, all property owners are eligible to apply for a Zoning By-law amendment. The City is responsible for reviewing each application on its own merits and determining whether or not the request is appropriate and maintains the intent of the Zoning By-law.