

1. **OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT – 325, 327, AND 333 MONTREAL ROAD, 334 MONTFORT STREET AND 273 STE. ANNE AVENUE**
- MODIFICATIONS AU PLAN OFFICIEL ET AU RÈGLEMENT MUNICIPAL DE ZONAGE – 325, 327 ET 333, CHEMIN DE MONTRÉAL, 334, RUE MONTFORT ET 273, AVENUE STE-ANNE**

COMMITTEE RECOMMENDATIONS AS AMENDED

That Council:

1. **approve:**
 - a. **an Amendment to the Official Plan Section 3.1.4 and to the Montreal District Secondary Plan for 325, 327 and 333 Montreal Road, 334 Montfort Street and 273 Ste. Anne Avenue to permit a shelter, residential care facility and surface parking, as detailed in Document 2; and**
 - b. **an amendment to Zoning By-law 2008-250 for 325, 327, and 333 Montreal Road, 334 Montfort Street and 273 Ste. Anne Avenue to permit a shelter and residential care facility, as detailed in Document 3.**
2. **consider the following motions, as referred by Planning Committee:**
 - a. **That Document 3 – Details of Recommended Zoning of Report ACS2017-PIE-PS-0126 be amended by replacing the text “a minimum of 13 metres from the front lot line” with “a minimum of 26 metres from the front lot line”; and**

That there be no further notice pursuant to Section 34 (17) of the *Planning Act*.
 - b. **That Document 3 – Details of Recommended Zoning of Report ACS2017-PIE-PS-0126 be amended by replacing the number “900” with “801”; and**

That there be no further notice pursuant to Section 34 (17) of

the Planning Act.

- c. That Council direct staff to initiate a by-law under section 45 (1.0.3), to establish specific criteria in respect of any proposed expansion or addition relating to the shelter use at 325, 327, and 333 Montreal Road, 334 Montfort Street and 273 Ste. Anne Avenue, so that any such proposal is to be heard by Planning Committee and Council of the City of Ottawa; and

That the zoning by-law amendment adding “shelter” as a permitted use to this location, if approved, shall not be enacted until such time as the by-law referenced herein comes into force under section 45 (1.0.4); and

That notwithstanding any resolutions made by Council in respect of section 45 (1.4), section 45 (1.3) shall apply to this site specific amendment, being a restriction on the ability to apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended, should the amendment be approved by Council.

- d. That Council approve that a holding provision with two conditions be included in Document 3 – Details of Recommended Zoning, as follows:
 - i. That the holding provision not be lifted until the Site Plan Control Application for the proposal is approved containing conditions related to the implementation of design measures proposed in the Report provided by Security Through Safe Design Inc. of May 1, 2017, to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development; and
 - ii. That the holding provision not be lifted until such time as the Applicant has implemented an Ambassador Program to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development in consultation with the General Manager of Community

and Social Services.

And that there be no further notice pursuant to Section 34 (17) of the *Planning Act*.

- e. That Council direct staff to bring forward a Zoning By-law amendment to remove shelter as a permitted use on the lands known municipally as 171 George Street after the Salvation Army has ceased its shelter operations on these lands.
- f. That the Zoning By-law amendments contained within Report ACS 2017-PIE-PS-0126 be repealed should the Salvation Army cease operating the proposed facility;

And that there be no further notice pursuant to Section 34 (17) of the *Planning Act*.

- g. That the Term of Council Priorities Section of the report be revised to remove the identified Term of Council Priorities in this report.

RECOMMANDATIONS DU COMITÉ, TELLES QUE MODIFIÉES

Que le Conseil :

- 1. approuve :
 - a. une modification à la section 3.1.4 du Plan officiel et au Plan secondaire du district du chemin Montréal pour le 325, le 327 et le 333, chemin Montréal, le 334, rue Montfort et le 273, avenue Ste-Anne en vue d'autoriser la construction d'un refuge, d'un établissement de soins pour bénéficiaires internes et d'un parc de stationnement en surface, tel qu'il est décrit dans le document 2.
 - b. une modification du zonage (Règlement 2008-250) pour le 325, le 327 et le 333, chemin Montréal, le 334, rue Montfort et le 273, avenue Ste-Anne en vue d'autoriser la construction d'un refuge et d'un établissement de soins pour bénéficiaires

internes, tel qu'il est décrit dans le document 3.

2. prenne acte des motions suivantes présentées par le Comité de l'urbanisme :

- a. Que le document 3 – *Détails du zonage recommandé* du rapport ACS2017-PIE-PS-0126 soit modifié par le remplacement de « un minimum de 13 mètres à partir de la ligne de lot avant » par « un minimum de 26 mètres à partir de la ligne de lot avant »; et

Qu'aucun nouvel avis ne soit donné, conformément au paragraphe 34(17) de la *Loi sur l'aménagement du territoire*.

- b. Que le document 3 – *Détails du zonage recommandé* du rapport ACS2017-PIE-PS-0126 soit modifié par le remplacement du nombre « 900 » par « 801 »; et

Qu'aucun nouvel avis ne soit donné, conformément au paragraphe 34(17) de la *Loi sur l'aménagement du territoire*.

- c. Que le Conseil demande au personnel de créer un règlement municipal en vertu du paragraphe 45 (1.0.3) afin d'établir des critères précis à l'égard de tout agrandissement ou ajout proposé à l'utilisation en tant que refuge des installations situées aux 325, 327 et 333, chemin Montréal, 334, rue Montfort et 273, avenue Ste. Anne, afin qu'une telle proposition soit entendue par le Comité de dérogation et le Conseil de la Ville d'Ottawa et

Que la modification du règlement de zonage ajoutant le « refuge » en tant qu'utilisation permise à cet endroit, si elle est approuvée, ne sera adoptée que si le règlement municipal mentionné aux présentes entre en vigueur conformément au paragraphe 45 (1.0.4) et

Il est en outre résolu que, nonobstant toute résolution faite par le Conseil à l'égard du paragraphe 45(1.4), le paragraphe 45(1.3) s'applique à cette modification propre à l'emplacement, en tant que restriction à la possibilité de demander une

dérogation mineure des dispositions du règlement municipal en ce qui concerne le terrain, le bâtiment ou la structure avant le deuxième anniversaire du jour où le règlement municipal a été modifié, dans l'éventualité où la modification serait approuvée par le Conseil.

- d. Que le Conseil approuve l'inclusion d'une disposition d'aménagement différé assortie de deux conditions dans le Document 3 – Détails du zonage recommandé, comme suit :
 - i. Que la disposition d'aménagement différé ne soit levée que lorsque la demande visant la réglementation du plan d'implantation pour la proposition est approuvée, ladite demande comportant des conditions associées à la mise en œuvre des mesures de conception proposées dans le rapport fourni par Security Through Safe Design Inc. le 1^{er} mai 2017, à la satisfaction du directeur général du Service de planification, d'infrastructure et de développement économique et
 - ii. Que la disposition d'aménagement différé ne soit levée que lorsque le demandeur a mis en place un Programme des ambassadeurs à la satisfaction du directeur général du Service de planification, d'infrastructure et de développement économique en consultation avec la directrice générale des Services sociaux et communautaires;

Et qu'aucun nouvel avis ne sera donnée, conformément au paragraphe 34(17) de la *Loi sur l'aménagement du territoire*.

- e. Que le Conseil demande au personnel de présenter une modification au *Règlement de zonage* visant à retirer les refuges des utilisations permises sur les terrains ayant pour désignation municipale le 171, rue George, lorsque l'Armée du Salut aura cessé ses activités de refuge à cet endroit.
- f. Que les modifications au Règlement de zonage contenues dans le rapport ACS2017-PIE-PS-0126 soient abrogées dans l'éventualité où l'installation proposée cesserait ses activités;

et

Qu'aucun nouvel avis ne sera donné, conformément au paragraphe 34(17) de la Loi sur l'aménagement du territoire.

- g. Que la section portant sur les priorités du mandat du Conseil de ce rapport soit modifiée afin d'en supprimer les priorités du mandat du Conseil mentionnées.**

FOR THE INFORMATION OF COUNCIL

The committee approved the following motion:

BE IT RESOLVED THAT Planning Committee refer the remaining amending Motions (set out below) to Council for consideration without recommendation; and

BE IT FURTHER RESOLVED that staff be directed to review the Motions and advise Council of the implications of each motion, if any, including identifying which Motions staff recommend for adoption and why, and that this information be provided by way of a Memorandum to all Members of Council prior to the City Council meeting.

Motions

- (moved by Vice-chair T. Tierney on behalf of Councillor M. Fleury)

WHEREAS the Montreal Road District Secondary Plan does not permit surface parking on lots along Montreal Road; and

WHEREAS Report ACS2017-PIE-PS-0126 recommends the adoption of an Official Plan Amendment to permit surface parking on the subject lands; and

WHEREAS the Report also recommends the approval of a Zoning By-law Amendment to permit a development that would have parking spaces located within the front yard save and except within the first 13 metres back from the lot line abutting Montreal Road;

THEREFORE BE IT RESOLVED that Document 3 – Details of

Recommended Zoning of Report ACS2017-PIE-PS-0126 be amended by replacing the text “a minimum of 13 metres from the front lot line” with “a minimum of 26 metres from the front lot line”; and

BE IT FURTHER RESOLVED that there be no further notice pursuant to Section 34 (17) of the *Planning Act*.

- (moved by Councillor M. Cloutier)

WHEREAS Report ACS2017-PIE-PS-0126 recommends that a shelter use be permitted on the subject lands up to a maximum size of 900 square metres in gross floor area; and

WHEREAS the proponent has identified that the size of the proposed shelter is 801 square metres in gross floor area; and

WHEREAS the size of the use is an important consideration when considering the land use impacts of the proposed use;

THEREFORE BE IT RESOLVED that Document 3 – Details of Recommended Zoning of Report ACS2017-PIE-PS-0126 be amended by replacing the number “900” with “801”; and

BE IT FURTHER RESOLVED that there be no further notice pursuant to Section 34 (17) of the *Planning Act*

- (moved by Councillor S. Blais)

WHEREAS Section 45 of the *Planning Act* establishes the jurisdiction of the Committee of Adjustment to authorize minor variances from a by-law passed under section 34 or section 38 of the *Act*; and

WHEREAS such authority is delegated to the Committee of Adjustment by the Council of the City of Ottawa through its direction to establish the Committee of Adjustment on September 12, 2001; and

WHEREAS there is a desire to have matters relating to any addition or expansion of the proposed shelter use at this location return to Planning Committee and Council for consideration, regardless of whether they are categorized as minor, or not;

THEREFORE BE IT RESOLVED that Planning Committee recommend

Council direct staff to initiate a by-law under section 45 (1.0.3), to establish specific criteria in respect of any proposed expansion or addition relating to the shelter use at 325, 327, and 333 Montreal Road, 334 Montfort Street and 273 Ste. Anne Avenue, so that any such proposal is to be heard by Planning Committee and Council of the City of Ottawa; and

BE IT FURTHER RESOLVED that the zoning by-law amendment adding "shelter" as a permitted use to this location, if approved, shall not be enacted until such time as the by-law referenced herein comes into force under section 45 (1.0.4); and

BE IT FURTHER RESOLVED that notwithstanding any resolutions made by Council in respect of section 45(1.4), section 45(1.3) shall apply to this site specific amendment, being a restriction on the ability to apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended, should the amendment be approved by Council.

- (moved by Councillor S. Blais)

WHEREAS Report ACS 2017-PIE-PS-0126 includes details on page 17 related to security strategies to be implemented as part of the proposed development; and

WHEREAS Section 4.8.8 of the Official Plan speaks to principles of Crime Prevention Through Environmental Design in its review of development applications;

THEREFORE BE IT RESOLVED that Council approve that a holding provision with two conditions be included in Document 3 – Details of Recommended Zoning, as follows:

1. That the holding provision not be lifted until the Site Plan Control Application for the proposal is approved containing conditions related to the implementation of design measures proposed in the Report provided by Security Through Safe Design Inc. of May 1, 2017, to the satisfaction of the General Manager of Planning,

Infrastructure and Economic Development; and

2. that the holding provision not be lifted until such time as the Applicant has implemented an Ambassador Program to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development in consultation with the General Manager of Community and Social Services.

BE IT FURTHER RESOLVED that there be no further notice pursuant to Section 34 (17) of the *Planning Act*.

- (moved by Vice-chair T. Tierney on behalf of Councillor M. Fleury)

BE IT RESOLVED that Planning Committee direct staff to bring forward a Zoning By-law amendment to remove shelter as a permitted use on the lands known municipally as 171 George Street after the Salvation Army has ceased its shelter operations on these lands.

- (moved by Vice-chair T. Tierney on behalf of Councillor M. Fleury)

THEREFORE BE IT RESOLVED that Planning Committee recommend to Council that the Zoning By-law amendments contained within Report ACS 2017-PIE-PS-0126 be repealed should the Salvation Army cease operating the proposed facility.

BE IT FURTHER RESOLVED that there be no further notice pursuant to Section 34 (17) of the *Planning Act*.

- (moved by Councillor R. Brockington on behalf of Councillor M. Fleury)

BE IT RESOLVED THAT the Term of Council Priorities Section of the report be revised to remove the identified Term of Council Priorities in this report.

POUR LA GOUVERNE DU CONSEIL

Le Comité a approuvé la motion suivante :

IL EST RÉSOLU QUE le Comité de l'urbanisme renvoie les motions de modification restantes au Conseil (reproduite ci-dessous) pour examen sans recommandation ; et

IL EST EN OUTRE RÉSOLU que l'on demande au personnel d'examiner les motions et d'aviser le Conseil des implications de chaque motion, le cas échéant, y compris l'identification des motions que le personnel recommande d'adopter et pourquoi et que ces informations soient fournies au moyen d'une note de service à tous les membres du Conseil avant la réunion du Conseil municipal.

Motions

- (motion du vice-président T. Tierney de la part du conseiller M. Fleury)

ATTENDU QUE le Plan secondaire du district du chemin Montréal n'autorise pas le stationnement en surface sur les terrains du chemin de Montréal; et

ATTENDU QUE le rapport ACS2017-PIE-PS-0126 recommande l'adoption d'une modification au Plan officiel pour autoriser le stationnement en surface sur les terrains visés; et

ATTENDU QUE le rapport recommande également l'approbation d'une modification au Règlement de zonage pour autoriser un aménagement qui serait doté d'espaces de stationnement dans sa cour avant, sauf dans les 13 premiers mètres à partir de la ligne de lot contiguë au chemin de Montréal;

PAR CONSÉQUENT, IL EST RÉSOLU QUE le document 3 – Détails du zonage recommandé du rapport ACS2017-PIE-PS-0126 soit modifié par le remplacement de « un minimum de 13 mètres à partir de la ligne de lot avant » par « un minimum de 26 mètres à partir de la ligne de lot avant »; et

IL EST EN OUTRE RÉSOLU, conformément au paragraphe 34(17) de la

Loi sur l'aménagement du territoire, qu'aucun nouvel avis ne soit donné.

- (motion du conseiller M. Cloutier)

ATTENDU QUE le rapport ACS2017-PIE-PS-0126 recommande que des refuges d'une surface hors œuvre maximale de 900 mètres carrés soient permis sur les terrains visés; et

ATTENDU QUE le promoteur a indiqué que la surface hors œuvre du refuge proposé est de 801 mètres carrés; et

ATTENDU QUE la taille d'une utilisation constitue un facteur important dans l'examen des répercussions de l'utilisation proposée sur l'utilisation du sol;

PAR CONSÉQUENT, IL EST RÉSOLU QUE le document 3 – Détails du zonage recommandé du rapport ACS2017-PIE-PS-0126 soit modifié par le remplacement du nombre « 900 » par « 801 »; et

IL EST EN OUTRE RÉSOLU, conformément au paragraphe 34(17) de la *Loi sur l'aménagement du territoire*, qu'aucun nouvel avis ne soit donné.

- (motion du conseiller S. Blais)

ATTENDU QUE l'article 45 de la *Loi sur l'aménagement du territoire* établit la compétence du Comité de dérogation pour autoriser des dérogations mineures à un règlement municipal adopté conformément à l'article 34 ou à l'article 38 de la *Loi*;

ET ATTENDU QUE cette compétence a été déléguée au Comité de dérogation par le Conseil municipal de la Ville d'Ottawa par le biais de sa directive visant l'établissement du Comité de dérogation le 12 septembre 2001;

ET ATTENDU QUE l'on souhaite que les questions concernant tout ajout ou agrandissement du refuge proposé à cet emplacement, qu'ils soient classés comme étant mineurs ou non, soient soumises au Comité de dérogation et au Conseil aux fins d'examen;

PAR CONSÉQUENT, IL EST RÉSOLU QUE le Comité de dérogation recommande au Conseil de demander au personnel de créer un règlement municipal en vertu du paragraphe 45 (1.0.3) afin d'établir des

critères précis à l'égard de tout agrandissement ou ajout proposé à l'utilisation en tant que refuge des installations situées aux 325, 327 et 333, chemin Montréal, 334, rue Montfort et 273, avenue Ste. Anne, afin qu'une telle proposition soit entendue par le Comité de dérogation et le Conseil de la Ville d'Ottawa et

IL EST EN OUTRE RÉSOLU QUE la modification du règlement de zonage ajoutant le « refuge » en tant qu'utilisation permise à cet endroit, si elle est approuvée, ne sera adoptée que si le règlement municipal mentionné aux présentes entre en vigueur conformément au paragraphe 45 (1.0.4) et

IL EST EN OUTRE RÉSOLU QUE, nonobstant toute résolution faite par le Conseil à l'égard du paragraphe 45(1.4), le paragraphe 45(1.3) s'applique à cette modification propre à l'emplacement, en tant que restriction à la possibilité de demander une dérogation mineure des dispositions du règlement municipal en ce qui concerne le terrain, le bâtiment ou la structure avant le deuxième anniversaire du jour où le règlement municipal a été modifié, dans l'éventualité où la modification serait approuvée par le Conseil.

- (motion du conseiller S. Blais)

ATTENDU QUE le rapport ACS 2017-PIE-PS-0126 comprend des détails à la page 17 associés aux stratégies de sécurité à mettre en œuvre dans le cadre du projet d'aménagement et

ATTENDU QUE l'article 4.8.8 du Plan officiel traite des principes de prévention du crime par l'aménagement du milieu dans son examen des demandes d'aménagement;

PAR CONSÉQUENT IL EST RÉSOLU QUE le Conseil approuve l'inclusion d'une disposition d'aménagement différé assortie de deux conditions dans le Document 3 – Détails du zonage recommandé, comme suit :

1. Que la disposition d'aménagement différé ne soit levée que lorsque la demande visant la réglementation du plan d'implantation pour la proposition est approuvée, ladite demande comportant des conditions associées à la mise en œuvre des

mesures de conception proposées dans le rapport fourni par Security Through Safe Design Inc. le 1er mai 2017, à la satisfaction du directeur général du Service de planification, d'infrastructure et de développement économique; et

2. Que la disposition d'aménagement différé ne soit levée que lorsque le demandeur a mis en place un Programme des ambassadeurs à la satisfaction du directeur général du Service de planification, d'infrastructure et de développement économique en consultation avec la directrice générale des Services sociaux et communautaires.

IL EST EN OUTRE RÉSOLU, conformément au paragraphe 34(17) de la *Loi sur l'aménagement du territoire*, qu'aucun nouvel avis ne sera donné.

- (motion du vice-président T. Tierney de la part du conseiller M. Fleury)

IL EST RÉSOLU QUE le Comité de l'urbanisme demande au personnel de présenter une modification au Règlement de zonage visant à retirer les refuges des utilisations permises sur les terrains ayant pour désignation municipale le 171, rue George, lorsque l'Armée du Salut aura cessé ses activités de refuge à cet endroit.

- (motion du vice-président T. Tierney de la part du conseiller M. Fleury)

IL EST RÉSOLU QUE le Comité de l'urbanisme recommande au Conseil que les modifications au Règlement de zonage contenues dans le rapport ACS2017-PIE-PS-0126 soient abrogées dans l'éventualité où l'installation proposée cesserait ses activités.

IL EST EN OUTRE RÉSOLU, conformément au paragraphe 34(17) de la *Loi sur l'aménagement du territoire*, qu'aucun nouvel avis ne sera donné.

- (motion du conseiller R. Brockington de la part du conseiller M. Fleury)

IL EST RÉSOLU QUE la section portant sur les priorités du mandat du Conseil de ce rapport soit modifiée afin d'en supprimer les priorités du mandat du Conseil mentionnées.

DOCUMENTATION/DOCUMENTATION

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated 18 October 2017 (ACS2017-PIE-PS-0126)

Rapport de la Directrice, Service de la planification, Direction générale de la planification, de l'infrastructure et du développement économique daté le 18 octobre 2017 (ACS2017-PIE-PS-0126)

2. Extract of draft Minutes, Planning Committee, 14, 15 and 17 November 2017

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 14, 15 et 17 novembre 2017

3. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of 13 December 2017, as part of the Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements'.

Résumé des observations écrites et orales à distribuer séparément avec l'ordre du jour de la réunion du 13 décembre 2017 du Conseil, comme faisant partie du Résumé des observations orales et écrites du public sur les questions assujetties aux « exigences d'explication » aux termes de la Loi 73.

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
14 November 2017 / 14 novembre 2017**

**and Council / et au Conseil
November 22, 2017 / 22 novembre 2017**

**Submitted on October 18, 2017
Soumis le 18 octobre 2017**

**Submitted by
Soumis par:
Lee Ann Snedden,
Director / Directrice,
Planning Services / Service de la planification
Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

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Ward: RIDEAU-VANIER (12)

File Number: ACS2017-PIE-PS-0126

**SUBJECT: Official Plan Amendment and Zoning By-law Amendment – 325, 327,
and 333 Montreal Road, 334 Montfort Street and 273 Ste. Anne
Avenue**

**OBJET: Modifications au Plan officiel et au Règlement municipal de zonage –
325, 327 et 333, chemin de Montréal, 334, rue Montfort et 273, avenue
Ste-Anne**

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve:**
 - a. An Amendment to the Official Plan Section 3.1.4 and to the Montreal District Secondary Plan for 325, 327 and 333 Montreal Road, 334 Montfort Street and 273 Ste. Anne Avenue to permit a shelter, residential care facility and surface parking, as detailed in Document 2.**
 - b. An amendment to Zoning By-law 2008-250 for 325, 327, and 333 Montreal Road, 334 Montfort Street and 273 Ste. Anne Avenue to permit a shelter and residential care facility, as detailed in Document 3.**
- 2. That Planning Committee approve:**
 - a. 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 City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of 22 November 2017" subject to submissions received between the publication of this report and the time of Council's decision.**

RECOMMANDATIONS DU RAPPORT

- 2. Que le Comité de l'urbanisme recommande au Conseil d'approuver :**
 - b. Une modification à la section 3.1.4 du Plan officiel et au Plan secondaire du district du chemin Montréal pour le 325, le 327 et le 333, chemin Montréal, le 334, rue Montfort et le 273, avenue Ste-Anne en vue d'autoriser la construction d'un refuge, d'un établissement de soins pour bénéficiaires internes et d'un parc de stationnement en surface, tel qu'il est décrit dans le document 2.**
 - c. Une modification du zonage (Règlement 2008-250) pour le 325, le 327 et le 333, chemin Montréal, le 334, rue Montfort et le 273, avenue Ste-Anne en vue d'autoriser la construction d'un refuge et d'un établissement de soins pour bénéficiaires internes, tel qu'il est décrit dans le document 3.**
- 3. Que le Comité de l'urbanisme donne son approbation :**

- a. **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, à ce qu'elle soit rédigée par le Bureau du greffier municipal et avocat général et à ce qu'elle soit présentée dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux "exigences d'explication" aux termes du projet de loi 73 » lors la réunion du Conseil municipal du 22 novembre 2017, 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.**

EXECUTIVE SUMMARY

Assumption and Analysis

The subject site is located on the north side of Montreal Road, approximately half way between the Vanier Parkway and St. Laurent Boulevard (see Document 1). The applicant is proposing to construct a multi-purpose facility including a residential care facility and a shelter. The proposed built form has been designed in an "H" shape with two separate wings of three and six storeys along the east and west sides of the property.

One of the proposed amendments to the Official Plan and proposed amendment to the Zoning By-law relate to the intended shelter use as a component of the facility. The second Official Plan amendment relates to the Montreal Road Secondary Plan and the provision of surface parking. There are also some associated performance standard revisions proposed to the Zoning By-law. The majority of the proposed development is located on a Traditional Mainstreet. Shelter uses were addressed in a 2008 interim control study and subsequent zoning recommendations. The intention of the study and recommendations was to broaden the land use designations that permitted shelter uses and address the issues of concentration in the By-Ward market and Ward 12 in general. The department is recommending approval of the subject application because the proposed development is a relocation of an existing shelter, the built form has been designed in a manner to mitigate land use and physical compatibility impacts and the subject development does not preclude the ability for Montreal Road to develop in a manner that meets the intention of the Traditional Mainstreet designation.

Public Consultation/Input

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Official Plan and Zoning By-law amendments.

The applicant hosted a public consultation and open house on September 13, 2017 from 1 - 8 p.m. at the Ottawa Conference and Event Centre located at 200 Coventry Road.

In total, approximately 800 residents have provided comment and/or their contact information to the City in the form of hard copy comment, email, voicemail, or signing a submitted petition.

Comments have mainly been addressing facility location, built form, programming, safety, neighbourhood impacts, transportation, zoning, policy context and process.

SOMMAIRE

Hypothèses et analyses

L'emplacement visé est situé du côté nord du chemin de Montréal, à mi-chemin environ entre la promenade Vanier et le boulevard St-Laurent (consulter le Document 1). Le requérant propose de construire une installation polyvalente regroupant un établissement de soins pour bénéficiaires internes et un refuge. La forme bâtie proposée, en forme de « H », comptera deux ailes distinctes de trois et de six étages longeant les côtés est et ouest de la propriété.

Une des modifications proposées au Plan officiel et la modification proposée au Règlement de zonage ont trait à la partie de l'installation utilisée comme refuge. La deuxième modification proposée au Plan officiel est reliée au Plan secondaire du district du chemin de Montréal et porte sur l'aménagement d'aires de stationnement en surface. Des révisions aux normes de rendement reliées au Règlement de zonage sont également proposées. L'aménagement proposé se trouve pour une grande partie sur une rue principale traditionnelle. Une étude entourant la restriction provisoire des utilisations aux fins de refuges a été réalisée en 2008 et des recommandations en matière de zonage ont suivi. L'étude et les recommandations visaient à étendre les désignations d'utilisations du sol permettant les utilisations aux fins de refuges et à s'attaquer au problème de la concentration de refuges dans le marché By. Le service recommande d'approuver la présente demande, car l'aménagement proposé consiste à déménager un refuge existant. Sa forme bâtie a été conçue de manière à atténuer les conséquences sur les autres utilisations et le paysage de rue environnant. De plus, le

projet ne nuit pas aux possibilités du chemin de Montréal de se développer dans le respect de l'esprit de la désignation de « rue principale traditionnelle ».

Consultations publiques/commentaires

La publication des avis et la consultation publique se sont déroulées conformément à la Politique de publication des avis et de consultation publique approuvée par le Conseil municipal pour les modifications au Plan officiel de la Ville et au Règlement de zonage.

Le requérant a tenu une consultation publique et une réunion porte ouverte le 13 septembre 2017, de 13 h à 20 h, au Centre de conférences et d'événements d'Ottawa, situé au 200, chemin Coventry.

Au total, environ 800 résidents ont formulé des commentaires ou remis leurs coordonnées à la Ville soit sur papier, par courriel, par messagerie vocale ou en signant une pétition.

Les commentaires ont principalement porté sur l'emplacement de l'installation, sa forme bâtie, les activités qui s'y tiendront, la sécurité, les répercussions sur le quartier, le transport, le zonage, le cadre politique et le processus décisionnel.

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

325, 327, and 333 Montreal Road, 334 Montfort Street and 273 Ste. Anne Avenue

Owner

The Governing Council of the Salvation Army in Canada

Applicant

FoTenn Consultants

Architect

Hobin Architecture Incorporated

Description of site and surroundings

The site is located on the north side of Montreal Road, approximately half way between the Vanier Parkway and St. Laurent Boulevard. It is about 1.8-acres or 7,726 square metres and is irregularly shaped with about 15 metres of frontage on Montreal Road, 13 metres on Ste. Anne Avenue and five metres on Montfort Street.

Currently, the site is occupied by a one-storey motel and bar (Motel Concorde) that extends along the west side of the property and a surface parking lot. The Salvation Army Thrift Store, located on the north-east corner of Montreal Road and Ste. Anne Avenue is on the same property as the proposed development, however the intention is to sever this portion of the building from the subject development site. The adjacent area includes low-rise residential dwellings to the north, east and west, a variety of residential uses on the south side of Montreal Road including high-rise buildings, and low-rise commercial buildings to the east and west along Montreal Road.

Summary of requested Official Plan and Zoning By-law amendment proposal

The proposed development is a multi-purpose facility including a residential care facility with a gross floor area of 5,358 square metres and a shelter with a gross floor area of 801 square metres. The proposed built form has been designed in an "H" shape with two separate wings of three and six storeys along the east and west sides of the property. The two wings are connected by a two-storey communal area. Each wing is intended to accommodate differing functions and have separate pedestrian entrances. The frontage on Montreal Road is proposed as the main pedestrian and vehicular access to the site, while the frontage on Ste. Anne Avenue will provide loading access, and Montfort Street will be vehicular access for staff parking at grade in the north part of the property. A series of outdoor amenity spaces have been included at the front, rear and south-east areas of the property.

The property is designated Traditional Mainstreet on Schedule B of the City of Ottawa Official Plan. The Official Plan Section 3.1 identifies land uses that are permitted within all land-use designations, subject to additional policies outlined within this same section.

With respect to shelter accommodation policy 4 of this section states that “Where the zoning by-law permits a dwelling in areas designated General Urban Area, Developing Community, Central Area, Mixed-Use Centre, and Village, the by-law will also permit shelter accommodation. Shelter accommodation shall be designed in a manner compatible with the general area. The Zoning By-law may include provisions to regulate the size and location of this use”. While it is noted that this policy does not provide direction to prohibit a shelter, it is out of an abundance of caution and to provide absolute clarity and transparency around whether a shelter is permitted within the Mainstreet designation, an amendment to this section of the Official Plan is proposed to provide site specific permission.

An amendment to the Montreal Road District Secondary Plan is also proposed. The amendment would allow a surface parking lot.

The property is currently zoned Traditional Mainstreet, Subzone 3, (TM3 H42) and Residential Fourth Density, Subzone E (R4E). The Residential Fourth Density Zoning permits a wide range of residential built forms, ranging from detached to low-rise apartments. The Traditional Mainstreet Zoning permits a broad range of uses, including residential, residential care facilities, community centres, community health and resource centres, emergency services, and rooming houses, at a maximum building height of 42 metres. Neither zone permits a shelter, and the R4E subzone does not permit a residential care facility. The Zoning By-law amendment application proposes to include shelter as a permitted use on the subject site and proposes amendments to performance standards to accommodate the proposed development.

Brief history of proposal

While the proposed development itself is a recent submission, it is useful to review recent history of land use planning regulations and other City policy associated with shelter uses in the City of Ottawa.

Policy and Shelter History

In 2003, Council passed the Human Services Plan – Priority on People. This plan forms part of the Ottawa 20/20 growth management plans that also include the Official Plan. The goal of all growth management plans is to ensure sustainable development, to accommodate growth and change without undermining the environmental and social systems on which we depend. Part of the Human Services Plan speaks to ensuring all people have access to adequate income, food, clothing, housing, transportation, health services and recreation. Action 16 within the policy statement for housing speaks to

promoting and increasing the supply of affordable housing, but also ensuring the delivery of emergency shelter services and providing a continuum of housing including options such as supportive and transitional housing.

In 2006 an Interim Control By-law (2006-452) was enacted for the majority of Ward 12. During the time when the Interim Control By-law was in effect, it prohibited the following uses: Special Needs Housing, Retirements Homes (new and converted), group homes, a complex of dwelling units for the elderly and or handicapped persons and homes for the aged.

In 2008 the Interim Control By-law Study culminated in a report proceeding to Planning Committee June 10, 2008 and to Council on June 25, 2008. Document 1 of the staff report containing the details of recommended zoning for consideration by Committee and Council had four columns. The first column contained Regulations, which were comprised of definitions, as well as zoning permissions and provisions for group homes, shelters, residential care facilities, community health and resource centres, parking requirements and the requirement for a schedule depicting the boundaries of Ward 12. The second column contained proposed amendments to the former City of Ottawa Zoning By-law, the third column recommended changes to the former City of Vanier By-law and the fourth column proposed amendments to the City Council Draft-approved Comprehensive Zoning By-law, which became the Zoning By-law 2008-250. As every use listed in the details of recommendations in the 2008 report is permitted on the subject property, save and except for a shelter, it is important to evaluate what was actually passed by City Council in 2008 in relation to shelters.

Although the column relating to the former City of Ottawa Zoning By-law 93-98 indicates where shelters should be prohibited, as they were allowed in specific zones, a prohibition was not mentioned in the fourth column of recommendations relating to the new comprehensive Zoning By-law (2008-250) and as such, was not imposed in the new Zoning By-law 2008-250 by Council on June 25, 2008. No prohibition on shelter uses have been passed by City Council since that date. There is also no provision in the City's Comprehensive Zoning By-law 2008-250 that prohibits shelters on Traditional or Arterial Mainstreets. There is no provision in the City's Official Plan for the prohibition of shelters on lands designated Arterial or Traditional Mainstreet. As part of the Committee and Council approvals for this report, there was direction provided to staff through a motion, "That the prohibiting of shelters on Main Streets in the Official Plan be reviewed".

The department has confirmed that no specific review needed to be completed because the Official Plan does not explicitly prohibit shelter use in any designation, but instead provides direction on those designations within which a shelter must be permitted in the Zoning By-law. The policy intent of Section 3.1.4 is to generally permit uses and not to prohibit them by exclusion.

A shelter use can be added as a permitted use in a Traditional or Arterial Mainstreet zone, if through a planning evaluation it is deemed to be an appropriate use for that site. That is what has been proposed through the subject application. As well, with respect to the zoning provisions in place with respect to regarding shelters, it must be emphasized that as part of the 2008 Report and provided below in this submission, there were four shelters identified in Ward 12. This subject application is a relocation of one of those existing identified shelters and does not reflect an increase in the number of shelters, which for Ward 12, were capped at four. In addition, the proposed shelter is also not closer than 500 metres to the shelters that were identified as part of the 2008 report. To address the potential situation of other properties containing non-conforming shelters that the department is unaware of in Ward 12, language has been included in the zoning details that “despite Subsections 134 (1) and (5), which regulate the number and separation of shelters, a shelter is permitted on the subject property.” Even in this instance, it must be noted that there is no increase in the number of shelters in Ward 12.

Given the foregoing, once again, it is out of an abundance of caution and in order to provide clarity and transparency on the permitted land uses on the subject site, an Official Plan amendment was applied for to permit the shelter use in conjunction with the Zoning By-law amendment. The four shelters in Ward 12 that were included in the 2008 limitation referenced were the Ottawa Mission at 35 Waller Street, the Shepherds of Good Hope at 233 Murray Street, the Salvation Army Booth Centre at 171 George Street and Maison Sophia Reception House at 204 Boteler Street.

A fifth hybrid group home/shelter, at a location that cannot be disclosed, is referenced and recognized as having legal non-conforming status, meaning it is permitted to exist as it was there before the Zoning By-law imposed the cap on number of shelters in Ward 12.

Based on review of current facilities against the land use definitions in the Zoning By-law, the department has concluded that there are four shelters in Ward 12 including the Ottawa Mission at 35 Waller Street, the Shepherds of Good Hope at 233 Murray Street, the Salvation Army Booth Centre at 171 George Street and the “hybrid” shelter

referenced above. The Maison Sophia Reception House falls under the definition of a residential care facility in the Zoning By-law, as opposed to a shelter.

The Ottawa Mission's current zoning is GM5 S68, a General Mixed-Use zone. The Shepherds of Good Hope is zoned TM S77, Traditional Mainstreet. The current Salvation Army Booth Centre is zoned R5R S76, a Residential Fifth Density Zone. The Maison Sophia Reception House is zoned R4P, a Residential Fourth Density Zone. Zoning for the Ottawa Mission, the Shepherds of Good Hope and the Maison Sophia Reception House does not currently permit shelter use or residential care facility, which means the uses are currently non-conforming. The existing Salvation Army Booth Centre is permitted within its R5 zoning, and the fifth hybrid group home/shelter includes an exception which permits a shelter use, similar to what is being proposed by the subject application.

Staff have undertaken a cursory review of shelters in other Canadian municipalities. While not comprehensive in nature, or part of the planning rationale, and provided for information purposes only, the review has revealed the following:

The City of Toronto has a Municipal Shelter By-law which permits these shelters in all zones or districts of the City of Toronto provided they comply with other applicable zoning provisions, are located on an arterial road, located at least 250 metres from any other lot with a shelter on it, and the shelter is approved by City Council. The City of Toronto has a division specifically dealing with shelter accommodation, the Shelter Support and Housing Administration Division. Municipal Shelters are permitted with conditions in nearly all land use designations (excluding some employment institutional and open space zones) in the Toronto Zoning By-law, including the Commercial Residential zone, which most closely resembles our Traditional Mainstreet designation. It is noteworthy that sixteen shelters in Toronto exist within the Commercial Residential (CR) Zone.

One example of a large shelter in Toronto is the Seaton House Shelter. It is located at 339 George Street (a Residential Zone), has 543 beds, includes specialized programs and is proposed to be redeveloped in the future into a multi-purpose facility including 100 shelter beds, 378 long-term home beds, 130 beds for assisted living, 21 affordable housing units, and a 4,000 square metres community service hub.

In Vancouver, The Salvation Army Harbour Light Shelter at 119 Cordova Street in Vancouver offers a variety of services including 185 emergency shelter beds and 55 beds for an alcohol and drug rehabilitation program. It is located in the HA-2 zone, which is the Gastown Historical Area, which doesn't seem to currently permit the closest

definition in the zoning of a Community Care Facility – Class B, leading to the belief that this shelter may be the equivalent of legal non-conforming.

The City of Hamilton permits Emergency Shelters within Downtown Mixed Use Zones with minimum separation distances of 300 metres, and the City of Edmonton permits Temporary Shelter Services within the Urban Services Zone. Both of these designations contain streets which would be the equivalent of Ottawa's mainstreets.

DISCUSSION

Public consultation

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Official Plan and Zoning By-law amendments.

As of the end of August 2017, a total of 347 responses were received, and 310 respondents were opposed and/or had concerns. A total of five were in support and 32 had requested more information or to be kept informed. In addition, two petitions were submitted. One was titled, "Say No to the Salvation Army Shelter moving to Vanier" and referenced agreement that the shelter should be relocated, but not to Vanier. The other was titled, "Petition to stop the moving of the Salvation Army Shelter to 333 Montreal Road" and referenced urging leaders to prevent the Salvation Army to be built in Vanier. Three hundred and thirty-four names were included on submitted petitions of opposition with some overlap of written comments.

The applicant hosted a public consultation and open house on September 13, 2017 from 1 - 8 p.m. at the Ottawa Conference and Event Centre located at 200 Coventry Road.

Following the public consultation and open house, comments were received from an additional 88 residents. A total of seven were in support and 81 expressed concern and/or opposition.

One hundred and eighty-one comments were provided directly to the Salvation Army. Comments were similar in nature to those summarized below, but also included concerns over the format of the consultation.

In total, approximately 800 residents have provided comment and/or their contact information to the City in the form of hard copy comment, email, voicemail, or signing a submitted petition.

For this proposal's consultation details, see Document 4 of this report.

Official Plan designation

According to schedule B of the Official Plan, the property is designated as a Traditional Mainstreet. The Mainstreet designation identifies streets that offer significant opportunities for intensification through compact forms of mixed-use development in a pedestrian-friendly environment.

Official Plan Section 3.1.4, Generally Permitted Uses, states that where the Zoning By-law permits a dwelling in areas designated General Urban Area, Developing Community, Central Area, Mixed-Use Centre, and Village, the by-law will also permit shelter accommodation. Shelter accommodation shall be designed in a manner compatible with the general area. The Zoning By-law may include provisions to regulate the size and location of this use.

Other applicable policies and guidelines

The Montreal Road District Secondary Plan designates the subject site as Central Sector, historically referred to as the French Quarter. The primary role of the Central Sector is as the historic downtown core of the former City of Vanier. Policy 1.4.1.1 speaks to development including building, site design and streetscaping elements which acknowledge the history of the French Quarter.

Policies for the district speak to improvements to the pedestrian and cycling realm, and streetscaping. Policy 1.1.2.16 speaks to lots such as the subject site permitting building heights of up to 12 storeys provided that there is a maximum of six storeys along the Traditional Mainstreet, there are adequate setbacks and built form transition to adjacent low-rise residential and institutional uses, and orienting high-rise buildings away from low-rise areas. Policy 1.1.2 does not permit surface parking lots in the Montreal Road Secondary Plan district.

The Urban Design Guidelines for Development along Traditional Mainstreets speak to enhancing the planned character of the street, promoting development that will complement and be compatible with its surroundings, high-quality built form and building continuity, compact pedestrian oriented development, and accommodate a broad range of uses.

Urban Design Review Panel

The property is within a Design Priority Area and the Site Plan Control application will be subject to the Urban Design Review Panel (UDRP) process. The applicant has pre-consulted with the UDRP, who have indicated appreciation of the strong integration of landscape and architecture expressed through the proposal. The applicant will return for formal review through the Site Plan Control process.

Planning Rationale

The department is recommending approval of the subject application because the proposed development is a relocation of an existing shelter, the built form has been designed in a manner to mitigate land use and physical compatibility impacts and the subject development does not preclude the ability for Montreal Road to develop in a manner that meets the intention of the Traditional Mainstreet designation. Several components on the proposed application require further discussion, as set out below.

Shelter Use

The proposed development is a relocation of the existing Salvation Army Booth Centre on George Street, which is intended to be closed. It is proposed to include a shelter and a proposed residential care facility. The residential care facility is permitted under the applicable Traditional Mainstreet zone. This proposal does not represent an increase in the number of shelters provided in the Ward 12. The proposed gross floor area of the Shelter Use is 801 square metres while the proposed gross floor area of the residential care facility is 5,358 square metres. The proposed amendments to the Zoning By-law include permitting a maximum of 900 square metres for the shelter use, to accommodate some flexibility above the proposed 801 square metres. The shelter is an integral component of a larger care facility and it is the conglomeration of all these uses together that define the overall functioning of the site. To ensure that each component has its own role and that the shelter plays only the part it is intended to do, the size has been limited to 900 square metres. Should the applicant wish to increase this gross floor area, they would need to seek further relief from the Zoning By-law.

Section 3.6.3 of the Official Plan speaks to Traditional Mainstreets providing opportunities for intensification through compact, mixed-use, pedestrian-oriented development. A broad range of uses is permitted on the Traditional Mainstreet designation including retail and service commercial uses, offices, residential and institutional uses.

The applicant has provided their rationale for selecting the subject site, which includes characteristics common to a Traditional Mainstreet such as being in close proximity to

key services, being centrally located on an arterial road with two access points, and in an area where clients are located. As the objectives for an appropriate site from the applicant's perspective do not necessarily coincide with where shelters are currently permitted in the Zoning By-law, it is necessary to review the intention behind the existing exclusion of the shelter use in the Traditional Mainstreet zone.

Prior to the Interim Control Study of 2008, the Official Plan included reference to where shelter uses would be permitted under the Zoning By-law as of right. Mainstreets were not included within this list of designations. As part of the 2008 study, there was no further review of this existing Official Plan policy and the decision was simply made to restrict the shelter use in the Zoning By-law. In that regard, a shelter was not included as a listed permitted use in Traditional Mainstreet Zones.

Zoning and policy tools are often reviewed and revised when triggered by site specific development applications. As there was no specific application at the time, there was no desire to revisit the historic silence to Mainstreets in the Generally Permitted Uses policies of the Official Plan.

It is also noteworthy that there are a number of similar uses already permitted on the subject site. The proposed shelter use is compatible with other community focused uses currently found in the zoning of the property, including community centre, community health and resource centre, medical facility, and residential care facility. As there are a number of other community serving uses, it is the department's position that it is complimentary to also permit a shelter use, which can benefit from close proximity to these facilities.

The objective of the 2008 study was to address the issue of concentration of social services in a small geographical area within Ward 12. The proposed development does satisfy this as it will relocate the existing shelter to a site outside of the By-Ward market, addressing the issues of concentration of shelter uses and it will include a residential care facility, which is complementary and permitted use.

The City has identified four shelters in Ward 12, three of which currently exist in the ByWard market and the other outside. The Salvation Army is included in these four identified shelters and so by moving it to another location in Ward 12, it does not represent an increase in the number of shelters, which still complies with the intent of policies restricting shelters in Ward 12. Concerns have been expressed regarding existing shelter uses within 500 metres of the subject site, which is not permitted in the Zoning By-law. Review of each of the other identified sites has concluded that they are

not shelters, but fall under the zoning definitions for community health and resource centre, hotel, group home, or residential care facility.

As the department considers that a shelter as proposed in this report is appropriate for the subject property and to address this potential situation of other properties containing non-conforming shelters that the department is unaware of in Ward 12, language has been included in the zoning details that “despite Subsections 134 (1) and (5), which regulate the number and separation of shelters, a shelter is permitted on the subject property.” It must be emphasized again that the shelter at the Salvation Army Booth Centre was always identified as one of the existing four shelters in Ward 12 and the closing of this facility, with its relocation to Montreal Road, does not represent an increase in the number of Shelters in Ward 12.

Concerns have been expressed that over concentration of social services leads to fewer positive impacts for both residents and those accessing services. The applicant has indicated that the purpose of providing supportive land uses to a shelter as part of the proposed development, is to transition people out of the shelter system with easily accessible supports, as well as providing day programs and services within the site to minimize the requirement for clients to travel to other locations as part of their daily routine. While the Official Plan and Zoning By-law can not regulate how social services are provided, from a land use perspective, there are efficiencies in providing compatible social services on the same site.

There have also been concerns raised over the impacts of behaviour of potential clients within the shelter use. In particular, it has been noted that the 2008 report regarding changes to zoning provisions for shelter uses indicated that safety concerns were raised by the community regarding shelters. However, the same report also correctly points out that zoning cannot regulate behaviour. Similarly, property values, economic impacts or controls over the demographics or gender of potential clients are not reviewed as part of an Official Plan or Zoning By-law amendment.

The majority of the proposed land use is a residential care facility, which contains complementary and supportive functions to the proposed shelter portion of the subject site. Based on the above policy review and as further detailed below, a site specific review of the proposed development with regard to both site context and policy background has concluded that it is appropriate to include shelter as a permitted use.

Built Form and Compatibility

The current zone for the majority of the subject site is Traditional Mainstreet with a height limit of 42 metres, or roughly the equivalent of a 12 to 14-storey building. The highest part of the proposed development is six storeys or 19.3 metres. Existing zoning also permits built form with a minimum of 3.0 metre setback to the eastern property line abutting properties on Ste. Anne Avenue and those on Granville Street. The proposed development includes setbacks in those locations ranging from 4.5 to 8.8 metres. The closest part of the building to the lot line that borders properties on Montfort Street, is 9.8 metres, where the by-law currently permits a minimum setback of 7.5 metres.

There are several additional performance standards that have been recommended for amendment. One is recognizing that the portions of the property that extend to both Montfort Street and Ste. Anne Avenue should be recognized with the bulk of the property as being one lot for by-law purposes. Another reflects the three separate accesses that will permit loading and employee parking to be directed to alternative locations, as opposed to accessing the site from Montreal Road, which meets the intention of this particular requirement. Provisions amended related to minimum fenestration and the allowable location of office uses, are more applicable on buildings that front directly on a Traditional Mainstreet, as opposed to the subject property, which has limited frontage and a building that is set back from the front lot line. Maximum yard setbacks should not apply to the specific context, as the building has been set back to ensure sufficient space is provided for both pedestrian and vehicular access, without impeding the use of the public right-of-way.

Section 3.6.3 of the Official Plan speaks to Traditional Mainstreets. Where lots have potential to develop both adjacent to the street and to the rear of the property, and where development does not occupy the entire frontage adjacent to the street, development is to be planned to ensure multi-modal access and connections, measures to relieve the visual impact of surface parking areas, provision of adequately landscaped areas along perimeters and site frontages, and a development that is oriented to the Mainstreet. The recommended Zoning By-law details include a provision to permit surface parking only where it is greater than 13 metres from the front lot line, which would provide space to relieve the visual impact of the surface parking and may also permit an opportunity to address the site design considerations of the French Quarter referenced in the Montreal Road District Secondary Plan. Landscaping has been proposed around the perimeter of the site, pedestrian and cycling access will be prioritized and while oriented to Montreal Road, the design includes reasonable separation to permit adjacent site to redevelop.

A minimum width of 4.0 metres for driveway width has been reviewed and deemed acceptable as measures such as mirrors or signage will be incorporated as part of the Site Plan Control process to minimize conflict. Anticipated loading movements have been reviewed and one loading space is deemed sufficient to accommodate functionality on the site. With provided fencing and setbacks, a 1.0 metre landscaped buffer is sufficient surrounding the surface parking areas. Finally, the minimum interior side yard setbacks required for the proposed building have been increased from the existing permitted 3.0 metres to 4.5 metres.

As part of the subject application, a Transportation Overview, Crime Prevention Through Environmental Design Review, Noise Assessment Report, a Pedestrian Level Wind Study, and Sun Shadow Study were prepared. These reports, as well as others, were reviewed by the department. Site-generated vehicle traffic volumes are expected to be low, the loading location has been reviewed and deemed acceptable, and security strategies have been incorporated in to the design such as the setback from Montreal Road, secure perimeter fencing, multiple access points, safe and secure outdoor spaces for clients, interior separation of uses, strategic positioning of staff offices, electronic access control and CCTV camera systems. Noise mitigation measures including requirements for central air conditioning, and specific requirements for window and exterior wall materials will be incorporated as part of Site Plan Control. Shadow impacts are considered reasonable considering existing zoning permissions, building scale massing and orientation, and amenity areas and surrounding public spaces will be acceptable for their intended use from a wind impact perspective.

The built form has been organized to include a 2.0 metre sidewalk and boulevard space, exterior space accessible to the public has been provided adjacent to Montreal Road, the highest portions of the building have been stepped back from the closest residential property lines to reduce privacy, transparent materials have been included, driveways and walkways use paver materials, the main entrance faces Montreal Road, and the majority of the surface parking is in the rear yard with access from side streets, all in keeping with the Urban Design Guidelines for Traditional Mainstreets.

The Official Plan Section 2.5.1 contains policies relating to the built form of developments and states that in general terms, compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and presents a built form that coexists with existing development, without causing undue adverse impacts.

In this regard, the physical attributes of the proposal are more compatible with adjacent residential sites than what would be permitted for a development under the existing zoning permissions. Appropriate transitions to adjacent residential properties have been accommodated through setbacks and stepbacks including between 4.4 metres and 34 metre setbacks from adjacent property lines and further stepbacks above the first storey. The impacts of the overall development proposal as identified in submitted reviews, reports, plans and studies, have been reviewed and have not been deemed to be undue or adverse.

Parking

With respect to the proposed surface parking areas, the Montreal Road Secondary Plan does not permit new surface parking within the District, but the policy does not contemplate every scenario. While every site varies, a common dimension for depth of traditional mainstreet sites is 30 metres (100 feet), which would not be large enough to accommodate surface parking without impacting the intention of the traditional mainstreet. In the case of the subject site, the property has a depth of approximately 100 metres, the majority of surface parking has been proposed at the rear of the site, in a location which doesn't compete with the planned development of Montreal Road, and is located in the separation distance between existing residential dwellings and the built form. While the applicant has proposed parking adjacent to the driveway access from Montreal Road, the department is of the opinion that limiting surface parking to locations at a minimum of 13 metres from the front lot line would improve the relationship between the site and Montreal Road, minimize vehicular conflicts, and further prioritize the pedestrian nature of the front access.

With regard to the request for parking reduction at the site, the applicant has indicated that the number of parking spaces proposed (27) exceeds the number of spaces currently provided at the Booth Centre (15). The existing Booth Centre has 130 employees and the proposed development will have 150 employees. A maximum of 60 staff are anticipated to be on site at any given time. Montreal Road is a transit priority corridor in the Transportation Master Plan and the future reconstruction will encourage alternative modes of transportation such as cycling and walking in the vicinity. The department is of the opinion that the proposed employee parking is sufficient for the proposed development.

The Future of Montreal Road

The limited site frontage on Montreal Road of 15 metres, intended to function as the main pedestrian access, is located between two potential future development sites. The

subject development will not preclude the ability for Montreal Road to develop as a Traditional Mainstreet. In this regard, it must be remembered that all the uses in the proposed development, except shelter, are currently uses that Council has deemed to be appropriate for Traditional Mainstreets and as such, can not inhibit the ability of Montreal Road to develop as a Traditional Mainstreet. As well, the shelter is being recommended to be limited in size, to serve as an integral component of the overall compatible development. In addition, the proposed severed parcel that currently serves as the Salvation Army Thrift Store, maintains an active and transparent frontage along Montreal Road. The upper storeys of the subject development, which is located north of the existing Thrift Store, is setback close to five metres from the adjacent property line, which will provide access to light and air should the thrift store site intensify in the future. The three-storey portion of the development is located close to eight metres from the property line of the site at 339 Montreal Road, where Gabriel pizza is located. This will help ensure that the potential for the site at 339 Montreal Road has the potential to redevelop in keeping with the policy direction of the Traditional Mainstreet.

The Montreal Road Secondary Plan includes Policy 1.4.1.1, which speaks to development including building, site design and streetscaping elements that acknowledge the history of the French Quarter. This policy has been carried forward from the former City of Vanier policy without guidance of how history can be reflected through design. Streetscaping and site design are elements of the Site Plan Control process and the applicant has indicated their willingness to work with the community through the Site Plan Process, to identify if there are particular elements of the development that might be modified to further address this policy.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Fleury provided the following comments:

“Refusal Report

As the proposal does not align with the goals and approved policies set forward in the Official Plan, Montreal Road Secondary Plan, the Ten Year Housing and Homelessness Plan, and Zoning By-law report 2008-250, I believe that this application should not have been considered on the basis of clear approved planning policies relating to shelter uses. Furthermore, I believe that given the nature of this proposal, Community and Protective Services Committee should also be at the table to review the Salvation Army (SA) submission for 333 Montreal Road. An evaluation of this project must look at it as a complete project that encompasses both social services and planning considerations.

First, the intention of the Official Plan is to provide a vision for the future growth of the city and a policy framework to guide the city's physical development to the year 2031. Specific to the application at 333 Montreal Road, the Official Plan does not permit shelter use or surface parking in Traditional Mainstreet zones.

Second, the intent of the Montreal Road Secondary Plan is to foster development and redevelopment along this very important Traditional Mainstreet such that it would have to complement and improve upon the positive qualities of the existing character of the district, improve streetscaping, improve pedestrian, cycling, and transit facilities, and provide open spaces. This proposal fails to contribute on to the above mentioned guidelines as there is no building frontage along Montreal Road, no commercial ground floor use, and the surface parking access point is located off Montreal Road, which interferes with the walkability of the area. The request for an exemption to the prohibition of surface parking fails to activate the commercial goals of our Traditional Main Street. Lastly, there are no improvements to cycling/transit facilities proposed, nor are there any elements of the proposal that reflect the historic French Quarter.

Third, the goal of the 10-year Housing and Homelessness Plan is to shift funding away from shelters and focus on newer proven strategies, such as housing first and housing and support models. Ending homelessness is the goal, and shelters fall short in this respect as they don't achieve the goal of offering a home. Further to that, specific measures have been put in place to reestablish the traditional use of shelters, which is an emergency stay only (60 days or less) and not chronic homelessness. The financial amount the city received from the province to support our emergency shelter has been frozen since 2012, signalling an urgent need for a change in the City's approach. The shift in approach has not been as active as initially believed and on that basis the City continues to supplement those provincial dollars with funds totalling \$12 million in 2016.

Those operational funding pressures will not change unless the approach changes. Moreover, as the province has moved away from this older and outdated model to a

funding mechanism that provides better housing, available supports and sustainable stabilization models, the pressure will continue to be put on the City to fund this archaic shelter model.

Finally, the direction of the 2008 report regarding shelters and residential care facilities was quite clear.

1. Limit the number of shelters in Ward 12 to four.
2. Prohibit shelters along those streets in Ward 12, as well as all streets city-wide, that are designated Mainstreet in the Official Plan
3. Prohibiting residential care facilities and community health and resource centres in the Residentially-zoned (R5) area adjacent to Murray and St. Patrick Streets and King Edward Avenue; and create site-specific exceptions to permit the existing centres in the R5-exception area, recognizing their current legal status as permitted land uses,
4. Prohibiting residential care facilities, shelters and community health and resource centres in all Residential Zones throughout the city,
5. Prohibit residential care facilities, and shelters in all Local Commercial (LC) zones throughout the city.
6. Increase the general pool of lands available city-wide to permit shelters, residential care facilities and community health and resource centres by permitting these uses in commercial (non-mainstreet, non-local commercial), mixed use, and institutional zones, subject to regulations.
7. Increase the minimum separation required between shelters to 500 meters.

Important to note, page 23 of the report (paragraph 6) states that the shelter cap will be set at 4 and that no new shelters will be permitted anywhere in Ward 12. This latter point is echoed in the City of Ottawa's Housing policy, which goes even further to state that no new shelter beds will be funded by the City.

Interestingly, the concept of shutting down or relocating a shelter was considered in 2008. The report highlights that the non-conforming shelters in operation at that time will not be forced to close or relocate; however, they will remain non-complying in status. The 2008 report goes so far as to say "...over the long term, some shelters may need to redevelop and may relocate by looking elsewhere in the downtown or greater urban area, within the realm of the widened permission to locate in a variety of non- residential

zones". The result of this is that any consideration of a new or additional facility **MUST** be outside of Ward 12.

The City of Ottawa's defines a "shelter" as an establishment providing temporary accommodation to individuals who are in immediate need of emergency accommodation and food, and may include ancillary health care, counseling and social support services (refuge). The 2008 report goes one step further in stating that "wherever any shelter beds are provided to serve the homeless, the use will be classified as a shelter and not as some other use, including a group home".

The 2008 report clearly intends to reduce the burden of shelters and residential care facilities on Ward 12 in its entirety, not just the ByWard Market as stated in the Staff Report.

Four shelters have been identified by staff as currently operational within Ward 12; however, there are actually 12 known facilities that are functioning as "shelters" based on the City definitions provided above. The facilities are listed below, however some of the addresses cannot be listed due to privacy concerns.

1. Billy Buffet House of Welcome
2. Evelyn Horne Young Women's Shelter
3. La Maison d'amitié
4. La Présence
5. Maison Fraternité
6. Maison Sophia Reception House
7. The Ottawa Mission
8. Ottawa Inn Hotel
9. Oshki Kizis Lodge
10. Shepherds of Good Hope
11. Salvation Army
12. Brigid's Place

Should the Planning Department disagree and find that the above-mentioned facilities do not meet the definition of a shelter according to City By-law, we would like a clear explanation from both a zoning and social services perspective for each location.

I believe that this application should be heard as a joint committee hearing between Planning Committee and Community and Protective Services Committee. The Community and Protective Services Committee is responsible for creating and maintaining a safe and healthy community that promotes and supports quality of life, while encouraging resident involvement in the culture and life of their communities. This same committee is responsible for issues relating to housing, parks, recreation, cultural programming, heritage, long-term care, social services, and emergency and protective services.

This application has direct social services and City implications as per the maximum amount of shelters permitted in Ward 12, the City currently funds five shelters through City of Ottawa per diem funding, but when we include provincial and federal direct funding for shelters there are a total of 12 shelters in Ward 12. This makes the application non-compliant with City policies and regulations. Also, and most importantly, it has come to my attention and was made public by the Salvation Army at our last meeting, that if their application is approved by committee and council, they will be asking the City for per diem, block funding, or other funding for the residential care facility component of this site in the range of \$700,000 - \$8,000,000 annually. The province and federal government have both informed us that this funding request from Salvation Army would not meet their funding guidelines.

The 2006 City of Ottawa study on Regulation of Special Needs Housing in Rideau-Vanier noted that “at-risk” populations are better able to function effectively and integrate more successfully into communities when they are housed in smaller units in dispersed areas, rather than concentrated into larger buildings in a limited number of neighbourhoods. Not only does this Mega Shelter proposed by the Salvation Army counter this specific report in design and principal, but it perpetuates a stigma that our community in Vanier has worked hard to change. This 350 bed proposal is bigger than the Montfort Hospital and will significantly increase number of people in the community who are facing social challenges. The Salvation Army has recognized that their “client base” does not come simply from within the K1L postal code (Vanier).

The impacts of the shelter use cannot be underplayed. The current model, although not adequate brings a series of challenges that are both very apparent and visible on George Street, at the Booth Centre. The range of issues at the Salvation Army Booth

Centre are significant. We all agree that the status quo is not working. The current location is faced with safety concerns, drug use, and lacks results when it comes to housing and stabilization. We agree that a new facility might improve some of the above challenges; however, there are some core services offered that are fundamentally incompatible - as stated by their very own executive director (specifically, the Anchorage and Shelter programs).

The SA states that their proposal was built to mitigate land-use impacts; however, it is unclear to me how that is achieved. Given that harm reduction strategies will not be offered on-site - how will this proposal mitigate the impact of the nature of the abstinence-based program on the street and in the local community? By refusing to offer harm reduction strategies within the facility, there is no reason to believe that the challenges currently present at 179 George Street will diminish as a result of a new location and new design.

SA admitted in a public forum that if a client was caught smoking in the courtyard that they would be asked to leave the premises. This is a direct and undeniable impact to the community. As a result, people will still end up smoking, using drugs, and alcohol on the sidewalk and in the neighbourhood. By stating that they are not responsible for behaviors outside of their four walls they are passing the buck to the entire community. There is no clearer example of this than the gaping discrepancy for calls for service between the municipal address at 171 George Street and 333 Montreal Road over the last five years.

This decision will have a dramatic impact on the quality of life of the residents of my ward. This doesn't factor into the planning report at all, even though the building is being built in Ward 12 and on a Traditional Mainstreet no less, which is contrary to the Official Plan and the goals of the 10 Year Housing and Homelessness Plan. For a specific example, consider the volume of calls for service. Over the last five years, there were 3,306 calls for service at 171 George compared to 346 at the Concorde Hotel Site at 333 Montreal Road.

Planning might not consider behaviour but it does consider land-use impacts. Planning staff cannot keep washing their hands of responsibility of the land-use impacts by saying that zoning isn't intended to control individual behavior. Of course, this is untrue. If it were true, we would have no problem putting half-way houses next to schools. The same could be said about putting bars in residential areas. The City has failed to pay any attention to the spillover effect, including emergency calls, noise, etc. This calls into question their analysis and ultimately their decision.

The City recognizes the important strategic investment needs and particular attention that Vanier needs and continues to be at risk of in terms of safety, prostitution, drug use, drug houses, and most recently fires. The City has invested, through Crime Prevention Ottawa, a significant amount of resources and time to support Vanier. It has seen success through a rapidly dropping crime rate over the last seven years. Those efforts have, unfortunately, stagnated in recent years and crime trends have recently re-appeared in parts of the community. The needs are around drug addictions, prostitution, Indigenous housing - all of which the SA does not support in its paradigm of services. Meanwhile, community efforts have continued to strive for a safe, welcoming, and family-friendly community. Don't be fooled by the recent successes. Attention to these initiatives must be renewed and continuous in order to pursue the changes that so many young professionals, seniors and families are working towards in our community.

Further, we must acknowledge the commitment we have made to our Indigenous communities who have seen systemic discrimination and marginalization. The Vanier community, in addition to the Wabano Centre, the Metis Friendship Centre, the Inuit Family Resource Centre, and many more have a large population of at-risk members and families who are not served by the Salvation Army.

It is also important to recognize that the urgent need in Vanier specifically, is housing for families. Far too many are currently in hotel/motel rooms at 215 Montreal Road, Ottawa Inn and 333 Montreal Road, and Concorde Hotel (333 Montreal Road). Not only is the SA not including shelter space for families, they aren't even including space for women. Their shelter model continues to only serve single men.

I feel strongly that the discussion around site selection should not be limited to zoning and potential Official Plan amendments - i.e., the issues involved go well beyond the planning issues at play. The omission of "social impact" as a site-selection criteria represents a key weakness in the Salvation Army's proposal. We believe that due diligence has not been demonstrated on the part of the applicant.

If the Salvation Army were not to relocate to 333 Montreal Road, then where would they go? Our community, has previously highlighted the work from 10 working groups looking into proposing tangible and realistic solutions, one of the groups identified 32 sites that could meet the SA's stated criteria. Let me be clear, we are not looking to push this submission on any community. It was important for us to do a scan of sites that met the criteria established by the SA. Given the significant amount of public funding that supports the SA's work — coupled with the impact of a facility of the nature

and scale that the organization is proposing — we believe we must work together as a community to determine better options for the \$50 million investment.

No community should be bounded by a similar proposal. Ideally, such sites both support the Salvation Army's important work in our community AND minimize the negative impact of the proposed facilities on the adjacent neighbourhoods, while offering an innovative approach and leveraging the success from research in the sector from an international and national level.

It is a shame to see the lack of engagement and consultation demonstrated by such a reputable organization. The Salvation Army is a long standing social services agency that tries to help our most vulnerable community members. I was saddened to see a developer-like approach to their community engagement.

Our community is very disappointed that the open house format was used as a means to check the box for a community engagement requirement. There was no broad presentation of the plans. Instead the community was meant to view the proposal in a poster board format, which aimed to separate the overall context and scale of the project. They did not take resident feedback nor did they bring forward any meaningful changes to their submission.

Even the most hardheaded developers will meet with community, take the questions and feedback from the floor of a public consultation, and most certainly amend their plans. As a community service provider it should be expected that they would have put a greater emphasis on engaging with the community.

Departmental Comments

Legal

We are asking staff to get external legal advice on the staff report as our City lawyer who traditionally advises on these matters has a conflict of interest.

Risk Management Implications

As we have recently learned, if approved, the SA will be asking the City for per diem, block funding, or other funding for the residential care component of this site. We would like to further explore the financial risk to the City should this proposal be considered.

Financial Implications

As we have recently learned, if approved, the SA will be asking the City for per diem, block funding, or other funding for the residential care component of this site to the order of \$700,000 to \$8 million annually. We believe this matters, on that basis that it should have been reviewed in tandem with Community and Protective Services Committee and Planning Committee. What is the financial risk to the City?

We would be remiss if we did not take a moment to challenge the department on how this application meets our Term of Council Priorities.

HC1 – Advance equity and inclusion of the city's diverse population.

Ward 12 currently has the lowest average income in the city according to the Ottawa Neighbourhood Study. Further, Vanier has well over 1000 affordable housing units, while the City average is 229.4. This imbalance will be further perpetuated should this proposal be approved.

HC3 – Create new and affordable housing options.

According to the City Housing Strategy 2007-2012, affordable housing is typically defined as housing for which a household spends no more than thirty percent of its income. The City of Ottawa has followed the federal government's CMHC guidelines for its definition of affordable housing found in the *Official Plan*.

Given the City of Ottawa definition above, how does the proposal at 333 Montreal Road meet the goal of creating more affordable housing options for our residents?

EP2 – Support the growth of local economy.

The boundaries of the DRAFT economic impact study submitted by SA with this application reach far outside Vanier. In fact, the reference point is Ward 12 (Rideau-Vanier), which includes Lowertown, ByWard Market, and Sandy Hill. To me, this is enough to discredit any economic impact they are claiming on the area as the catchment area is far too large. To add insult to injury the report is listing recent developments outside of Ward 12 as evidence of the economic growth in Vanier (specifically Train Yards, The Courtyard Marriott on Coventry, and the luxury rental apartment building on Presland.)

I strongly believe that this application should be returned for further review by the department on the basis of the Council approved policies on shelters (specifically shelter caps), the incompatibility of shelter locations on mainstreets, and on the basis of the recently reviewed Montreal Road Secondary Plan, which did not propose the

addition of that use. The status quo at 179 George Street is not an option and the \$50 million investment by the Salvation Army is needed, but the specific proposal at 333 Montreal Road should have received a clear refusal report from the City.

Vanier is a community attempting to bring forward solutions. We have 10 working groups in our community, which have engaged hundreds of residents in Vanier into bringing forward tangible, innovative and realistic solutions to help our most vulnerable community members. We have not had the chance to present those efforts. We ask that the Salvation Army reconsider their submission and go back to square one in their review, which is to engage communities and organizations from across the City on the best way to invest this important sum in order to help our most vulnerable community members. Until then we ask Committee to overturn the staff position or simply to return the report to City staff for further policy analysis and contextual updates. As a reminder, this pending review would not be an issue if the Salvation Army was willing to consider working with us (community and City) on bringing forward a coordinated range of solutions.”

LEGAL IMPLICATIONS

There are no legal impediments to Committee or Council considering the recommendations in this report.

Should the report be adopted and the Zoning By-law and/or the Official Plan amendment be appealed to the Ontario Municipal Board, it is expected that a hearing of up to two weeks could be required depending on the issues raised in the appeal(s). It is anticipated that the hearing could be conducted with staff witnesses. In the event that the Zoning By-law and/or the Official Plan amendment are refused, reasons must be provided. Should the refusal be appealed to the Board, then depending upon the reasons for refusal, it will be necessary to retain one or more other witnesses, including an external planner, depending on the reasons identified in the refusal.

A more comprehensive legal review on this report can be found attached as Document 6, which was previously issued to Members of Council in a memo format.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

FINANCIAL IMPLICATIONS

Potential financial implications are within the above Legal Implications. In the event that an external planner or other external resources are retained, the expense would be absorbed from within Planning, Infrastructure and Economic Development's operating budget.

ACCESSIBILITY IMPACTS

The new building will be required to meet the accessibility criteria contained within the Ontario Building Code. The *Accessibility for Ontarians with Disabilities Act* requirements for site design will also apply, and will be reviewed as part of the Site Plan Control application.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

HC1 – Advance equity and inclusion for the city's diverse population.

HC3 – Create new and affordable housing options.

EP2 – Support growth of local economy.

APPLICATION PROCESS TIMELINE STATUS

This application was processed by the "On Time Decision Date" established for the processing of Official Plan and Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Location Map and Zoning Key Plan

Document 2 Details of Official Plan Amendment

Document 3 Details of Recommended Zoning

Document 4 Consultation Details

Document 5 Site Plan and Elevations

Document 6 Memorandum to Mayor and Members of Council

CONCLUSION

The proposed development is a relocation of an existing facility from an area with a high concentration of shelters, to a site that will contain accessible supports, and is not an increase in the number of shelters. As such, the proposed development is in keeping with that stated intent in the 2008 interim control by-law study and recommended Zoning By-law amendments. The built form has been designed in a manner to mitigate existing and potential impacts and the subject development does not preclude the ability for Montreal Road to develop in a manner that meets the intention of the Traditional Mainstreet designation. The department has reviewed the applicant's request with respect to the policies of the Official Plan and land use planning matters and determined that the use is appropriate for this property. In consideration of the policy context and principles of land use planning, the Official Plan and Zoning By-law amendments are recommended for approval.

DISPOSITION

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

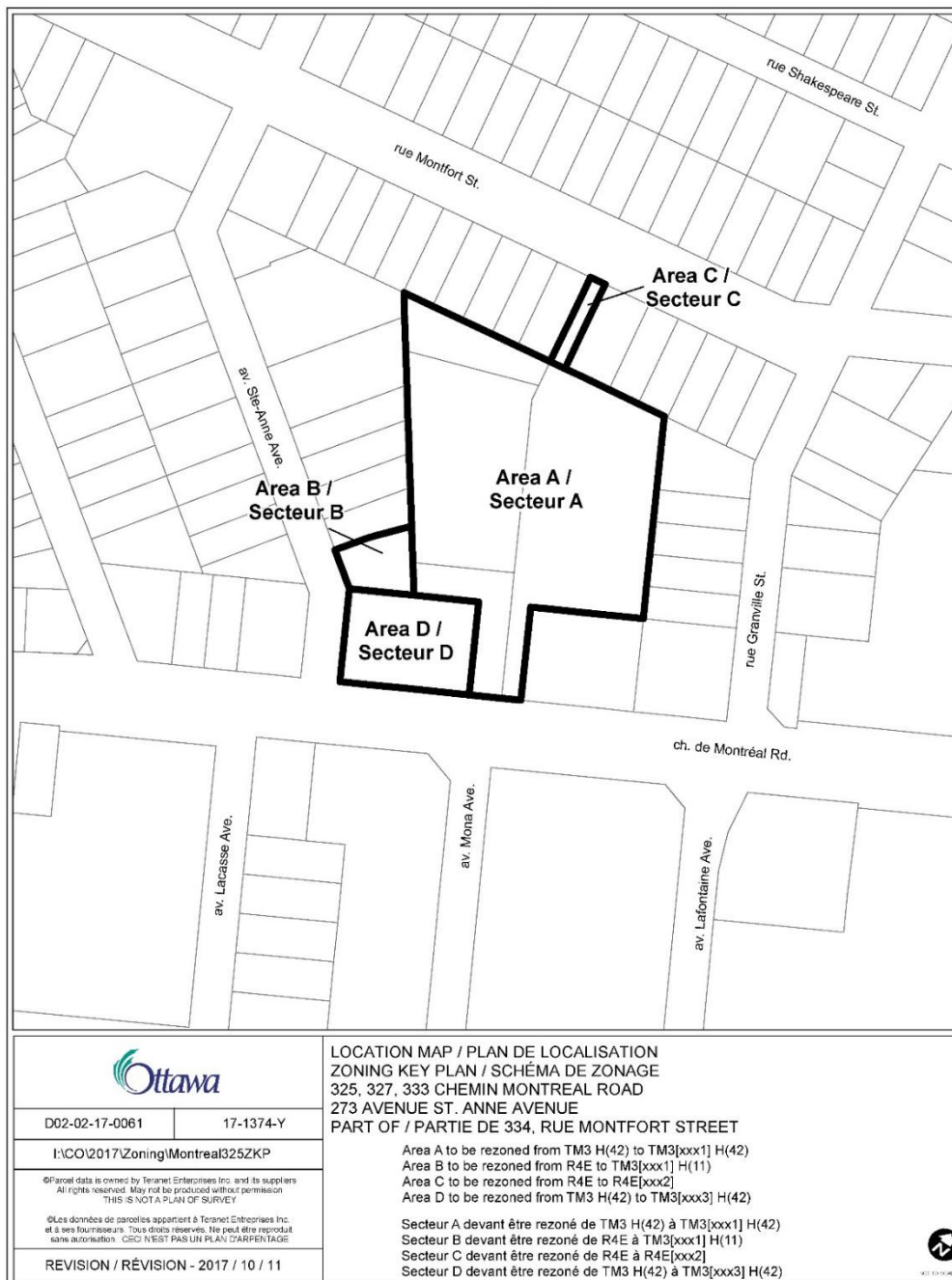
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

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

Document 1 – Location Map and Zoning Key Plan

For an interactive Zoning map of Ottawa visit geoOttawa.



Document 2 – Details of Recommended Official Plan Amendment



Official Plan Amendment No. XXX Modification du Plan Directeur

To the Official Plan of the City of Ottawa

Land use

Utilisation du sol

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THE STATEMENT OF COMPONENTS

PART A – THE PREAMBLE introduces the actual amendment but does not constitute part of Amendment No. XXX to the Official Plan for the City of Ottawa.

PART B – THE AMENDMENT constitutes Amendment XXX to the Official Plan for the City of Ottawa.

PART A – THE PREAMBLE

1. Purpose

The Official Plan Amendment would add a site specific exception policy to Section 3.1, Generally Permitted Uses, Policy 4, for the property at 325, 327, and 333 Montreal Road and 273 Ste. Anne Avenue, which is designated Traditional Mainstreet and General Urban Area on Schedule B of the Official Plan, to permit a shelter. The Official Plan Amendment would also add a site specific exception Policy to 1.1.2.5 of the Montreal Road District Secondary Plan to permit a surface parking lot.

2. Location

The subject site is located on the north side of Montreal Road approximately half way between the Vanier Parkway and St. Laurent Boulevard. It is approximately 6,800 square metres and is irregularly shaped with about 15 metres of frontage on Montreal Road, and 13 metres on Ste. Anne Avenue.

3. Basis

The site is designated as a Traditional Mainstreet in Schedule B of the Official Plan. Section 3.1, Policy 4 does not specifically identify shelters as uses on Traditional Mainstreets, so the Official Plan is being amended to include a site specific reference to it being permitted.

Policy 1.1.2.5 of the Montreal Road District Secondary Plan states that “New automobile body shops, automobile dealerships, automobile rental establishments, automobile service stations, gas bars or surface parking lots will not be permitted in the District.” The proposed development, which includes surface parking at the front and rear of the property requires an amendment to that particular policy.

4. Rationale

The department is recommending approval of the subject application because the proposed development is a relocation of an existing shelter and not an increase in the number of shelters, the built form has been designed in a manner to mitigate land use and physical compatibility impacts and the subject development does not preclude the ability for Montreal Road to develop in a manner that meets the intention of the Traditional Mainstreet designation.

Lands Affected Map



PART B – THE AMENDMENT

1. Introduction

All of this part of this document entitled Part B – The Amendment consisting of the following text and the attached lands affected map constitutes Amendment No. XXX to the Official Plan for the City of Ottawa.

2. Details

The following changes are hereby made to the Official Plan for the City of Ottawa:

- 2.1 The Official Plan Section 3.1 Generally Permitted Uses is hereby amended by adding a new policy under the heading 4 containing the following:

Notwithstanding the policies of Section 3.1(4), for the lands known municipally as 325, 327, and 333 Montreal Road and 273 Ste. Anne Avenue, a shelter accommodation shall be permitted

- 2.2 The Montreal Road District Secondary Plan Section 1.1.2.5 is hereby amended by adding two new policies under the heading 5:

- Notwithstanding the policies of Section 1.1.2.5, for the land known as 325, 327, and 333 Montreal Road, a surface parking lot is permitted.
- Notwithstanding the policies of Section 1.1.2.5, for the land known as 273 Ste. Anne Avenue, a surface parking lot and loading area are permitted.

3. Implementation and Interpretation

Implementation and interpretation of this Amendment shall be in accordance with the policies of the Official Plan for the City of Ottawa.

Document 3 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law 2008-250 for 325, 327, and 333 Montreal Road, 334 Montfort Street and 273 Ste. Anne Avenue:

1. Rezone the lands shown in Document 1 from TM3 H(42) and R4E to TM3 [xxx1] H(42), TM3[xxx1] H(11), R4E [xxx2], and TM3 [xxx3] H(42).
2. Add a new exception, TM3 [xxx1] H(42) to Section 239, Urban Exceptions, with provisions similar in effect to the following:
 - a. In Column II, add the text, “TM3 [xxx1] H(42)”; and
 - b. In Column III, add “shelter” as an additional permitted use
 - c. In Column V, add the text:
 - Properties zoned as TM3 [xxx1] H(42), TM3[xxx1] H(11), and R4E [xxx2] are one lot for by-law purposes.
 - Despite Subsection 197 (7), for the properties zoned as TM3 [xxx1] H(42), TM3[xxx1] H(11), and R4E [xxx2], a maximum of three private approaches are permitted.
 - Despite Subsections 134 (1) and (5), which regulate the number and separation of shelters, a shelter is permitted on the subject property.
 - A shelter use may not exceed 900 square metres of gross floor area.
 - Clauses 197(1)(b) and (c) do not apply.
 - Zoning Mechanisms 197(3)(c) ,197 (3) (d) (i), 197(3)(g)(i), 197(3)(g)(ii)(2) and 197(3)(g)(ii)(3) in Table 197 – TM Zone Provisions do not apply to a shelter or residential care facility.
 - Despite Section 101, a building containing a shelter or residential care facility, a minimum of 25 parking spaces are required.
 - Notwithstanding Section 197(8) and Section 107, the minimum width of a driveway providing access to a parking lot with 20 or more parking spaces is 4 metres.
 - Notwithstanding Section 109(1), parking is permitted in the provided front yard, provided it is a minimum of 13 metres from the front lot line.

- Notwithstanding Section 113, only one loading space is required and Table 113B does not apply.
- Despite Table 110, The minimum required width of a landscaped buffer of a parking lot is 1.0 metres.
- Where a non-residential building abuts a residential zone, the minimum interior side yard setback is 4.0 metres.
- The minimum width of a motor vehicle parking space is 2.4 metres.

Add a new exception, R4E [xxx2] to Section 239, Urban Exceptions, with provisions similar in effect to the following:

- a. In Column II, add the text, "R4E [xxx2]"; and
 - b. In Column V, add the text:
 - Properties zoned as TM3 [xxx1] H(42), TM3[xxx1] H(11), and R4E [xxx2] are one lot for by-law purposes.
 - Despite Subsection 197 (7), for the properties zoned as TM3 [xxx1] H(42), TM3[xxx1] H(11), and R4E [xxx2], a maximum of three private approaches are permitted.
 - the minimum driveway width of a double traffic lane driveway providing access to a parking lot with 20 or more parking spaces is 4 metres.
3. Add a new exception, TM3 [xxx3] H(42) to Section 239, Urban Exceptions, with provisions similar in effect to the following:
- d. In Column II, add the text, "TM3 [xxx3] H(42)"; and
 - e. In Column V, add the text:
 - Despite Section 110(3)(b), outdoor loading and refuse collection areas may be located within 0 metres of a lot line

Document 4 – Consultation Details

Notification and Consultation Process

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Official Plan and Zoning By-law amendments.

As of the end of August 2017, a total of 347 responses were received, and 310 respondents were opposed and/or had concerns. A total of five were in support and 32 had requested more information or to be kept informed. In addition, 334 names were included on submitted petitions of opposition with some overlap of written comments.

The applicant hosted a public consultation and open house on September 13, 2017 from 1-8 p.m. at the Ottawa Conference and Event Centre located at 200 Coventry Road.

Following the public consultation and open house, comments were received from an additional 88 residents. A total of seven were in support and 81 expressed concern and/or opposition.

One hundred and eighty-one comments were provided directly to the Salvation Army. Comments were similar in nature to those summarized below, but also included concerns over the format of the consultation.

In total, approximately 800 residents have provided comment and/or their contact information to the city in the form of hard copy comment, email, voicemail, or signing a submitted petition.

Public Comments and Responses

Issue A: Facility Location, Built Form, and Programming

1. Comment:

The location is not central to Ottawa.

Response:

The applicant has indicated that the rationale for the selected site includes being in proximity to key services, being centrally located on an arterial road, with two access points, and in an area where clients are located.

2. Comment:

The site location is in an area rife with temptations for those with addictions.

Response:

While planning can regulate land use and built form, it cannot regulate the behaviour of individuals and the behaviour of individuals is not a consideration in making a planning recommendation.

3. Comment:

The shelter should remain in their current location.

Response:

The applicant has indicated that the existing shelter at 171 George Street does not have space to provide supportive programs and services for clients.

4. Comment:

The facility is too large and there are too many beds with 350.

Preference for decentralizing services with smaller sites or a new shelter should not be built anywhere in the City.

Concern with potential expansion of emergency beds within the building.

Preference for affordable or supportive housing.

Response:

The uses proposed on the site include a residential care facility with 5,358 square metres and a shelter with 801 square metres of Gross Floor Area. The shelter constitutes a minority of the complex designed to serve both clients of the shelter as well as the community at large.

In making a planning decision, it is not the role of the department to evaluate the housing model or size proposed by the applicant in a context other than built form and land use. In response to concerns regarding future expansion of the shelter portion of the complex, the zoning details include a maximum gross floor area permitted for the shelter use on the site. The intention of this is to reflect the existing proposed development, with a component of flexibility. Should the applicant wish to increase this gross floor area, they would need to seek further relief from the Zoning By-law.

5. Comment:

Issues experienced at the Booth facility will be amplified with a larger site.

Response:

The applicant has indicated that the intention of relocating the existing shelter to an alternative site is to mitigate existing issues of site design. The expanded site is due to the request for a residential care facility with supportive services.

6. Comment:

The Booth facility should remain and supportive services put in the Montreal Road location.

Response:

The applicant has indicated that the proposed facility will provide programs and services in a healthy and comfortable environment that provides dignity, security and privacy to clients. This model serves clients best as many of them require assistance in multiple ways and have very limited means to travel to various locations to obtain services.

7. Comment:

The western wing of the development is too tall abutting an R4 zone and there will be privacy concerns.

Response:

The existing zoning permits development of a greater scale and density than the proposed development. The highest point of the proposed development is a six-storey portion, which is located close to 7 metres from the closest residential property line. The existing zoning permits a building to be located 3 metres from the closest residential property line to a maximum of 42 metres in height. No balconies are proposed on elevations abutting the lot lines of the closest residential dwellings to reduce privacy impacts. The proposed development has located the tallest portion of the building where it is further from residential properties located on Montfort Street and Granville Street than existing commercial properties located on Ste. Anne Avenue, in order to minimize impacts on adjacent residential properties.

8. Comment:

Courtyards will not keep clientele from wandering the neighbourhoods. The shelter incorporates secure perimeter fencing and surveillance, but this will not keep residents in and is disrespectful to them.

Response:

The department is not able to regulate the movements of clients through a land use planning application. The applicant has indicated that the intention of the secure courtyards is not to keep the clientele in. The spaces have been designed to provide a safe place to stay during the day and evening hours.

9. Comment:

Smoking is not permitted so people will smoke elsewhere.

Response:

The applicant has indicated that Designated Smoking Areas will be provided on the site, in accordance with City of Ottawa By-laws. City of Ottawa By-laws prohibit smoking in public spaces and workplaces (any enclosed area of a building or structure), but cannot regulate smoking on the outdoor spaces of private property.

10. Comment:

Garbage should not be stored outside the building.

Response:

The department concurs that garbage should not be stored outside the building and the applicant has revised the proposed development to move garbage storage internal to the building.

11. Comment:

Lack of servicing to women, youth, indigenous peoples, LGBTQ community, francophone community and families, which is against the Charter of Rights and Freedoms.

The facility should provide programming for youth, seniors, and others.

Response:

The department is also not able to determine who the private facility will serve through a land use planning application.

12. Comment

The proposal does not reflect community culture.

Response:

The applicant has indicated a willingness to examine through the Site Plan Control application, how the proposal can better reflect community culture and most specifically, the history of the French Quarter indicated in the Montreal Road Secondary Plan.

13. Comment:

Short term/emergency housing does not provide solutions to homelessness.

This is an outdated model of service delivery with a low success rate.

Combining a rehabilitation centre with an emergency shelter will put those trying to rehabilitate themselves at increased risk of failure.

This proposal duplicates many services already being offered in Vanier.

There are no precedents for this facility.

Response:

The department is not responsible for determining if the need for the facility is justified. The proposed use is evaluated from a land use perspective and it is the property owner that decides if the use will occur. The Official Plan and Zoning By-law cannot regulate how social services are provided. The applicant has indicated Housing First focused precedents have been reviewed and that as a Housing First focused facility, where appropriate housing and supports are available as part of the facility, success rates are high.

The facility will include the following community focused programs and services:

- Emergency Disaster Services
- Low Energy Assistance Program
- Landlord Partnership Program

- MoneyWise money management program
- A Community room and terrace available for special events and gatherings
- Weekly access to chapel services and pastoral counselling

14. Comment:

Lack of drug/alcohol onsite monitoring programs means that consumption will be done off site.

Response:

The applicant has indicated they provide a Street Outreach Team 16 hours a day, 365 days a year to support those in need in the community. The facility will include 24-hour security services. If a client decides to leave the shelter and criminal behaviour ensues outside of shelter property, this becomes a police matter. Actions of individuals cannot be regulated through land use planning.

15. Comment:

The tree conservation report doesn't include the access point from Montfort

Response:

While the Tree Conservation Report mapping does not include the access located at 334 Montfort Street, the body of the report references this and there are no existing trees in the portion of 334 Montfort Street that will be used for access.

16. Comment:

The servicing report is based on an outdated concept and the Geotechnical Study and Environmental Site Assessments contain reference errors

Response:

The Functional Servicing and Stormwater Management Report, Geotechnical Study and Environmental Site Assessments have been reviewed internally, based on the proposed land use and are acceptable for the purposes of the Official Plan and Zoning By-law amendments.

17. Comment:

The Noise Study should include reference to the outdoor balconies of living quarters

Response:

Placement of balconies, requirements for noise mitigation, and outdoor spaces will be further reviewed through the Site Plan Control process.

18. Comment:

The site is an excellent choice and will provide services to those in need.

Moving the shelter out of the market area and into Vanier is long overdue.

The Booth facility lands should be sold to rebuild a larger facility in Vanier and help many more people.

Beautiful building.

Response:

The department's recommendation is that the proposed shelter use be permitted in this location in combination with other supportive programs and services. Details of the building such as materiality, articulation, fenestration, and colours are being reviewed through the Site Plan Control process.

19. Comment:

The bicycle rack blocks access to a door to the six-storey building.

Response:

This will be reviewed further through the Site Plan Control process.

20. Comment:

No indication is provided that the garbage will be internal.

Response:

The applicant has indicated garbage will be stored internal to the site and this will be reviewed further as part of the Site Plan Control process.

21. Comment:

The elevations don't include multiple access points at the front of the building as referred to in the CPTED report.

Response:

The south elevations include two front doors. The primary entrance is located in the northwest corner of the entrance plaza, west of the secure courtyard and the second entrance is located in the northeast corner of the entrance plaza, east of the secured courtyard. Each door serves different parts of the building.

22. Comment:

Snow storage has not been addressed.

Response:

The private parking areas will require on-site snow storage or removal off-site. The Site Plan Agreement would reflect requirements for this.

23. Comment:

The Elevations show the central part of the building as four storeys.

Response:

The communal area central to the project is two storeys in height.

24. Comment:

Access for the mobility impaired is not possible.

Response:

The grading plan shows a depressed curb between the shared access and the pedestrian entrance. This will be reviewed further through the Site Plan Control process.

25. Comment:

The sunken terrace does not contain sufficient drainage or area for snow accumulation.

Response:

This will be reviewed further through the Site Plan Control process.

Issue B: Safety and Neighbourhood Impacts

26. Comment:

Concern with potential increased drug trafficking, drug abuse, break-ins, panhandling and homeless people on private property.

Studies of similar shelter projects demonstrated that violent crimes rose.

Since the announcement of the project, criminal incidents have increased.

Vanier already has issues with crime, gangs, drugs, arson, poverty, prostitution, graffiti, violence, and panhandling.

The Wabano Centre already creates nighttime violence and noise.

A few homeless people on the Vanier Parkway are causing danger to the drivers.

Women, seniors, and children and in particular Indigenous woman and children will feel unsafe because of the male-only clientele.

Concern with proximity to elementary schools and parks.

24/7 security should be provided and the proposal does not include security off-site.

Individuals will loiter and litter on Montreal Road.

The proposal will drive out existing community businesses, deter new ones and create jeopardize the French culture.

This facility would be convenient for drug users.

Response:

Many of the above concerns surround the potential for increases in criminal behaviour of individuals. While sympathetic to concerns raised regarding crime, these are not considerations in determining land use compatibility and the department is not in a position to conclude that a homeless individual will engage in criminal behaviour.

Criminal or by-law issues that are occurring presently are not the subject of the application. The correct enforcement agency whether it be the Ottawa Police or the City's Bylaw and Regulatory Services may be contacted with regard to present issues.

The applicant has submitted a memo prepared by a Crime Prevention Through Environmental Design consultant, which indicated security strategies incorporated into

the design of the new facility, including an approximately 30 metre setback from Montreal Road to minimize loitering potential on the public right-of-way, secure perimeter fencing, multiple access points to allow for separation of uses, safe and secure outdoor spaces for clients, interior separation of uses, strategic positioning of staff offices, and electronic access control and CCTV camera systems. Issues of police enforcement will be part of effective implementation of this development moving forward, just as it is part of the existing Booth facility shelter use.

27. Comment:

The proposal should include an 8' to 10' wall to separate the facility from abutting residential backyards for privacy and safety.

Response:

The details of the perimeter fencing are being reviewed through the Site Plan Control application. Any proposed fencing must be in conformity with the Fencing By-law.

28. Comment:

Concern with increased noise, emergency vehicles and traffic.

Response:

The noise and traffic studies have been reviewed as part of the application process. The noise study was done in order to calculate the future noise levels on the subject building produced by road traffic. The study concluded that building components can be included to ensure that noise levels in the building are not exceeded. Conditions related to the noise study will be included as part of any subsequent site plan agreement.

Noise created by people talking or shouting is not part of any stationary noise review. Ottawa's Environmental Noise Guidelines specifically exempt noise created by people. Noise generated by people talking or shouting is governed by the City of Ottawa Noise By-law. The proposed facility will include supervision at all times. Other permitted land uses for the subject site including hotel or restaurant could create noise related to human activity, but with little supervision of individuals.

The traffic study concluded that site-generated vehicle traffic volumes are expected to be low, approximately 30 vehicles to access/egress the site per hour or less during the morning and afternoon peak hours.

29. Comment:

There will be increased visits to the Montfort Hospital.

Response:

This is outside of the department's review of Official Plan and Zoning By-law amendments.

30. Comment:

Concern for diminished property values.

The proposal will not contribute to the financial, social and economic well-being of the community.

Vanier, Overbook, and Cummings are in need of something such as this. It would help create jobs within the Vanier area.

The needs of the poor outweigh concerns about property values.

Concern that the proposal will lead to lower incomes of the neighbourhood, which will impact longevity of the residents, and youth living in poverty-stricken areas which are more likely to drop out of school.

Response:

An Official Plan or Zoning By-law amendment can deal with matters as described in the *Planning Act*, which do not include matters of human behaviour or impacts on property values. Section 22 (5) of the *Planning Act* limits the ability to request materials of an applicant outside of what is specified in the Official Plan. Studies such as economic analysis including property value review, job creation, and social impact are outside of materials reviewed as part of the Official Plan and Zoning By-law amendment.

31. Comment:

The proposal is not an appropriate anchor business for Montreal Road.

Response:

The existing Traditional Mainstreet designation permits a broad range of land uses including a residential care facility, which constitutes the majority of the proposed development. The subject site will have limited site frontage on Montreal Road and built

form has been designed so as to not preclude the ability for Montreal Road to develop as per the intention of the Traditional Mainstreet policies.

32. Comment:

The proposal will negatively affect the rehabilitation prospects for people in pre-existing community support services in Vanier.

Response:

While it is not the department's role to determine how social services are provided, the applicant has indicated their intention to continue to work in partnership with other organizations to serve the community's vulnerable people.

33. Comment:

The City should distribute service delivery equally among communities.

The facility would cause an area of dense urban poverty.

This move would prioritize one neighbourhood over another.

Vanier has its share of affordable city housing options.

Vanier will be further stigmatized by crime, poverty, and violence.

Response:

While it may be desirable to distribute social services equally throughout the City, the applicant has advised that this strategy does not align with where the need for service exists. It is the department's opinion that the subject application is a relocation of an existing shelter to a location outside of the current concentration of shelter uses, in keeping with the intention of Section 134 of the Zoning By-law.

34. Comment:

The development will encourage more money lenders, pot shops, drugs, sex trade workers, an above average level of refugees that are not yet stable, and more rental accommodations.

Response:

See responses above. Speculation on potential increases in rental accommodation based on the proximity of the shelter use is not part of an Official Plan or Zoning By-law amendment.

35. Comment:

It makes no sense to have all our homeless shelters in and around the market, which is the most visited and high-profile neighbourhood in the city.

Welcome addition to the Montreal Road Streetscape.

Response:

It is the department's opinion that the subject application is a relocation of an existing shelter to a location outside of the current concentration of shelter uses, in keeping with the intention of Section 134 of the Zoning By-law. The built form has been designed so as to not preclude the ability for Montreal Road to develop as per the intention of the Traditional Mainstreet policies.

36. Comment:

Residents like to extol that they are 'progressive' and supporters of 'social justice' but that only prevails in the abstract, the tone shifts when the site is in immediate context.

Response:

The department has respectfully reviewed all comments provided through the application process and appreciates the time residents have taken to comment.

Issue C: Transportation

37. Comment:

Transit on Montreal Road is currently inadequate and will be overloaded.

Homeless people don't take the bus.

Response:

Montreal Road is an identified transit priority corridor in the Transportation Master Plan. Currently, local bus routes run along Montreal Road adjacent to the development. As part of the future reconstruction, 'transit only' lanes are planned in the westbound

direction along Montreal Road within the vicinity of the site. If further service is required, OC Transpo will evolve and address as necessary. The applicant has indicated that direct transit accessibility is a requirement not only for clients of the shelter, but for those who use the other land uses within the subject development as well as employees.

38. Comment:

Montreal road is too narrow for this many new people in the community.

There is already too much traffic on Montreal road.

Concern with increased traffic on Montfort.

Response:

The traffic study has concluded that site-generated vehicle traffic volumes are expected to be low, approximately 30 vehicles per hour or less during peak hours. The proposed land use will generate less traffic than many of the permitted uses on the site currently.

39. Comment:

More parking should be provided, or people will park on surrounding streets. The proposal should factor in visitors using the Grotte Notre Dame De Lourdes and those parking impacts.

Response:

The applicant has indicated that the number of parking spaces proposed exceeds the number of spaces currently provided at the Booth Centre. The existing Booth Centre has 130 employees and the proposed development will have 150 employees. At the most staffed time, approximately 60 staff will be present at any one time. Montreal Road is a transit priority corridor in the Transportation Master Plan and the future reconstruction will encourage alternative modes of transportation such as cycling and walking in the vicinity. Grotte Notre Dame De Lourdes contains a dedicated parking lot. Public streets in the vicinity which permit on-street parking are available for any member of the public and can't be assigned to any one particular land uses or to people who already reside in the surrounding area.

40. Comment:

Concern with impact of trucks and access on Montfort Street.

Side streets should not be used for commercial deliveries.

Concern with loading on St. Anne where there is no traffic light and minimal room.

Response:

The site requires loading access at some location on the site, regardless of the request for a Zoning By-law amendment. There are three different frontages where that might be possible, Montreal Road, Ste. Anne Avenue or Montfort Street. Montreal Road is a Traditional Mainstreet in the City's Official Plan. An important part of what we're trying to achieve on Traditional Mainstreets such as Montreal Road is to make them into very pedestrian friendly places. In the Urban Design Guidelines for Traditional Mainstreets, a basic premise is to minimize the disruption of a sidewalk by cars driving across that sidewalk. This in turn minimizes points of conflict between pedestrians and cars. To that end, staff encourage access from alternate side streets wherever possible, and feel that access to the parking area and loading zone from a side street is appropriate. Deliveries to the loading area are anticipated to be minimal, with approximately 3 vehicles per hour anticipated during the morning peak hour and no deliveries during the afternoon peak hour or weekends. Large truck movement related to the proposed development is anticipated twice a month. The department will work with the applicant through the site plan process to look at issues such as signage and mirrors to minimize potential conflicts as much as possible.

41. Comment:

The shared space in front is not suitable for emergency vehicles to enter and turn around.

Response:

The recommended zoning details do not permit parking within 13 metres of the front lot line to address the concern of cars backing up onto Montreal Road. A garage has been provided for the Canteen Truck and Ambulance on the east side of the six-storey building. Fire Services have reviewed the proposed plan and no concerns have been identified.

42. Comment:

The turning template does not consider the left turn required from Montreal Road for vans or an ambulance.

Response:

Transportation staff had initially requested the turning templates to respond to concern regarding how larger transport trucks would access the site. If road modifications are required to accommodate access, this will be addressed through Site Plan Control.

Issue D: Zoning and Policy Context

43. Comment:

The City report from 2008 speaks to locating shelters on properties other than Traditional Mainstreets and to the negative impacts of shelters.

Shelters are not permitted or appropriate on Traditional Mainstreets.

Response:

The intention of the 2008 study was to increase the overall pool of lands available for shelter use and to regulate the current concentration. As part of the 2008 study, there was no further review or analysis on the exclusion of shelter use on a Traditional Mainstreet in the Official Plan and this was simply carried forward in the Zoning By-law. This application analyzes the appropriateness from a land use perspective, whether a shelter should also be a permitted use on the lands.

44. Comment:

This would set a precedent for other Traditional Mainstreets.

Response:

Every application is considered on its own merits and will be reviewed as such in reference to applicable policy documents and site context.

45. Comment:

This type of shelter was not proposed in the Montreal Road Secondary Plan.

Response:

The Montreal Road District Secondary Plan was undertaken in order to update an outdated Secondary Plan, but was not a complete review of all policies and did not specifically review the exclusion of shelter as a permitted use. The intention of the Montreal Road Secondary Plan was limited to removing outdated policies and include policy direction for intensification. It was not a full Community Design Plan or new Secondary Plan exercise.

46. Comment:

The proposed site is incompatible with local commercial uses.

Response:

The shelter land use is one component of the proposed development. The other primary land use on the site of a residential care facility and this is currently permitted on Traditional Mainstreets. The Traditional Mainstreet designation speaks to accommodating a broad range of uses. Additionally, the site has limited frontage on Montreal Road and the built form has been designed so as to not limit the potential for adjacent sites on Montreal Road to redevelop into the future.

47. Comment:

Vanier already has more than four/more than four shelters and there are shelters within 500 metres of the property.

Response:

The City had identified four shelters in Ward 12 in 2008, three of which currently exist in the By-Ward market and the other outside. The Salvation Army is included in these four and so by moving it to another location in Ward 12, the intention of Section 134. (5) of the Zoning By-law that restricts the number of Shelters within Ward 12 to four is maintained. Review of each of the other identified sites has concluded that they fall under the zoning definitions for community health and resource centre, hotel, group home, or residential care facility.

48. Comment:

The proposed facility is not consistent with complete street designs.

Response:

Complete street design for Montreal Road is still anticipated as part of reconstruction in 2019. Detailed design for this Montreal Road reconstruction will commence in 2018. The applicant has included the proposed roadway geometry as part of the reconstruction in their site plan. The site plan will implement the intended arrangement of components of the future right of way or if the Montreal Road street is completed in advance of potential development of the site, the site plan agreement would require the applicant reinstate any elements within the Right-of-Way.

49. Comment:

This proposal is not in keeping with the public health and safety objectives under the *Planning Act* and Official Plan.

Response:

Public health and safety objectives within the *Planning Act* and Official Plan are in reference to land uses themselves and not the behaviour of individuals. Natural hazards in the *Planning Act* are things like flooding or erosion, human made hazards are things like lands affected by mines, oil or gas, contaminated sites. Section 4.8 of the Official Plan references the Protection of Health and Safety in the context of environmental conditions such as natural hazards or contaminated sites. Section 4.8.8 of the Official Plan does reference Personal Security in public spaces and matters for Crime Prevention Through Environmental Design review, which has been submitted as part of the proposed development application.

50. Comment:

This proposal is not in keeping with Ottawa's 10-year Housing Plan

Response:

"Our Ten Year Plan, A Home for Everyone: 2014-2024" includes specific reference to shelters including ensuring people who become homeless are safe and receive adequate temporary shelter and support to find housing. Reference is made to improving shelter by addressing such issues as building conditions and overflow accommodations. Part of the goals of this plan include ending chronic homelessness

by stabilizing individuals' situations and providing supportive environments. While it is not the responsibility of the department to determine how housing is provided, colleagues in the Housing, Community and Social Services Department have confirmed that the proposed development is consistent with the Ten Year Plan.

51. Comment:

What does R4E mean?

Response:

R4E means Residential Fourth Density, Subzone E and is a zoning designation with applicable components within the Zoning By-law.

Issue E: Process

52. Comment:

It is unfair the Salvation Army has been working on the project for seven years and people are just finding out now.

Indigenous organizations within Vanier were not contacted by the Salvation Army and should be consulted.

Response:

As part of pre-consultations staff hold with potential applicants, they are encouraged to speak with relevant community associations and councillors, but this is not a requirement prior to the submission of an application.

The applicant has indicated that they have been actively contacting Indigenous organizations in Vanier and is committed to collaborative consultation with these organizations. Ongoing contact is currently being attempted.

53. Comment:

The City should accept feedback after July 27th, 2017.

Response:

Feedback was accepted up to the time that the report was finalized prior to Planning Committee.

54. Comment:

The City Auditor should conduct an internal audit of the project and the Provincial Auditors should also be paying attention.

Response:

It is up to the City Auditor to decide the audits that will be carried out.

55. Comment:

Documents prepared by the Salvation Army should be available in French.

Response:

There is no mandatory requirement that consultants submit materials as part of a subject application in both French and English. The City of Ottawa circulation materials and website created for the project are available in both official languages, as is the information on the website created by the applicant.

56. Comment:

There has been no community discussion or engagement.

Response:

Community consultation as part of the application process has been described previously in this report. The open house was hosted by the Salvation Army and is not a mandatory requirement for the process of this Official Plan and Zoning By-law amendment. The statutory public meeting under the *Planning Act* is Planning Committee.

57. Comment:

Toronto has implemented an engagement and planning process for the development of shelters. The City should consider adopting a similar approach.

Response:

The City of Toronto has a Municipal Shelter By-law, which contains zoning provisions for supervised residential facilities operated by or for the City of Toronto. In Toronto, there are about 45 shelters, and given the City of Toronto's involvement, this likely necessitated the need for a specific planning process. It is noteworthy that sixteen shelters in Toronto exist within the Commercial Residential (CR) Zone, which most

closely resembles the Traditional Mainstreet designation in Ottawa. Should the requirement for shelter facilities increase significantly, there may be merit to reviewing the planning process associated with this land use, but for the current application, the standard process for Official Plan and Zoning By-law amendments is applicable.

58. Comment:

Suggestions for alternative uses for the site.

Alternative location suggestions.

Response:

It is not the role of the department to advise of alternative privately owned sites. The review of the proposed land use at this location is the subject of this report.

59. Comment:

Concern with location and format for open house.

Response:

The open house held September 13th was done at the request of the department and Ward Councillor and is not a required consultation under the *Planning Act*. The location was chosen based on size, availability, proximity to the subject site, and accessibility to transit and vehicles. The intention of the open house was to have representatives from the Salvation Army, subject matter experts and City staff available to answer questions and receive comments directly.

60. Comment:

Request for Planners to attend the Ottawa Symposium on Housing First

Response:

Planners were unable to attend the Housing First Symposium due to workload demands, but have turned to colleagues in Housing, Community and Social Services Department for discussion surrounding the proposed size and scale of the proposed uses as part of the subject redevelopment.

61. Comment:

The proposal should go before the Urban Design Review Panel for formal review

Response:

The UDRP will be providing design guidance at the Site Plan Control stage, which would not be moving forward until a decision has been made by Council on the Official Plan and Zoning By-law amendments.

62. Comment:

The Application Summary was altered partway through the process.

Response:

Following the open house, a resident pointed out that the application summary should include reference to the zoning for the parts of the property on Montfort Street and Ste. Anne Avenue. So the application summary that is posted on the Development Application website was updated to include that reference. The addresses were always included on the application, the location map includes them and the applicant's planning rationale references the specific zoning. This is a document for information purposes and so it was determined that where there was an opportunity to improve upon the information provided to the public, it should be done.

63. Comment:

The Site has archaeological potential and this should have been reflected in the application.

Response:

The subject site does not qualify as a site of archaeological significance or potential as it is not identified in the screening tool the City uses to do so.

64. Comment:

The owner is incorrectly listed as the Governing Council of the Salvation Army of Canada.

Response:

The Governing Council of the Salvation Army of Canada has indicated they are the site owner through a conditional purchase and sale agreement.

65. Comment:

The elevations don't show internalized garbage or private balconies.

Response:

There is a roof terrace and balcony on the west side of the east wing. These are shown on the North Elevation and the North Section Elevation. These are to provide outdoor space for the Anchorage and Stabilization floors. Internalized garbage would not be visible on the elevations.

66. Comment:

The grading plan shows 4.98 metres access from Montfort Street, where 5.0 metres is required.

Response:

The applicant has revised the request for driveway width to 4.0 metres. The access from Montfort Street has a total width between 4.98 and 5.03 metres, however with fencing and curbing, the driveway is expected to have an approximate width of 4.1 metres.

67. Comment:

Erin O'Connell's email address is listed differently in some materials and this may discourage citizens from submitting their comments.

Response:

Erin O'Connell's email address works both as erin.oconnell@ottawa.ca or as erin.o'connell@ottawa.ca. Both work and both are correct.

Questions

68. Question:

Did the Salvation Army consult its clients on the location?

Response:

The applicant has indicated that they did hold client consultations at the Ottawa Booth Centre.

69. Question:

Is there a plan for when clients reach the end of their permitted stay?

Response:

The applicant has indicated that when clients reach the end of their permitted stay, the applicant works closely with its partners to ensure that the people who are served are not left without an option, regardless of the length of the stay.

70. Question:

Will the shelter be permitted to allow drug and alcohol consumption on site?

Response:

The applicant has indicated that should a client require supervised injection or alcohol consumption, they will connect the client with a partner agency and provide transportation for them.

71. Question:

Ottawa has a plan to eliminate homelessness in 10 years. If the city achieves that target, what then will be the use of this new facility?

Response:

If homelessness is eliminated, the applicant has indicated the facility has been designed to be flexible into the future to accommodate future unknown needs.

72. Question:

Has any research been done into the success rate of these types of large centralized facilities? Are there any precedents?

Response:

The applicant has indicated the facility will be a Housing First focused facility and that where appropriate housing and supports are available as part of the facility, success rates are high.

73. Question:

If men are turned away from the shelter for being violent, drunk, disorderly, or miss curfew, where will they then go?

Response:

The applicant has indicated aggressive behavior will not be tolerated. When a client becomes aggressive, the Ottawa Police are contacted. Front line workers and case workers are trained in understanding and managing aggressive behavior before it escalates. If a client leaves the facility, the applicant cannot intervene, but can call Police for assistance.

74. Question:

Where will the Salvation Army clientele go during the day?

Response:

As part of the facility, the applicant has indicated a component will be Life Skills and Addictions services program, which offer an anger management component.

The applicant has indicated as part of client intake, counselling and case workers conduct comprehensive assessments on these clients and when issues of anger are noted, steps are taken to address those issues as part of the client's care.

The applicant provided the following information regarding the typical day for clients:

"The clients in our longer-term programs will be participating in classes and counselling sessions daily. On any given day, there will be staff from partner agencies such as mental health workers, public health workers and pharmacy services on site to meet with clients as necessary. Shorter term clients will be working with their caseworkers on a variety of goals in an attempt to get more stabilized and eventually referred to one of the in-house programs or to another partner agency program/service. There will also be access to Art Therapy classes, daily chapel services and pastoral counselling services by one of the spiritual care chaplains. It is the intention of the applicant to keep all clients as busy and focused as possible. Both temporary and longer-term clients will also have access to lounges, outdoor spaces, quiet rooms, television and computer room space throughout the day".

75. Question:

Does the Concorde Motel have historical significance?

Response:

Heritage staff have reviewed the subject property and do not feel it warrants heritage designation.

76. Question:

Will services offered be in both official languages? Will employees at the proposed new location be bilingual?

Response:

Services will be offered in both official languages. While not all employees will be fully bilingual, there will always be bilingual staff members available to assist people in both English and French.

77. Question:

What did the SA learn from residents following the open house?

Response:

The applicant has indicated that they were very pleased with the consultation and dialogue that took place at the Open House event held on September 13th. The Salvation Army learned more about the concerns that exist surrounding the proposal, including community safety and security, the size of the facility, and concerns that property values would decline. The Salvation Army also heard a number of people comment that they did not realize that The Salvation Army's Ottawa Booth Centre provided so many programs and services, including a dedicated Housing First Response Team, homelessness prevention, and homelessness supports. The Salvation Army has updated its Frequently Asked Questions on the dedicated 333MontrealRoad.ca website and has indicated they are committed to addressing these concerns over the coming weeks and months.

78. Question:

The Booth Centre currently has a Food Line with 16,500 per month according to their web site. That's an average of 550 additional visitors per day to Montreal Road in addition to the residents. How are these additional visitors accommodated?

Response:

The applicant has indicated that the community line is part of the Community and Family Services within the building. 50% of the people served by the food line currently live in Ward 12. In the proposed facility, there are indoor spaces where people can read, watch TV or look for information on a computer, should they arrive early for the meal as well as other available services. Space will be provided within the building for

people to wait and there are also heated terraces proposed should a client wish to use them before or after the meal.

Community Organization Comments and Responses

The Vanier Community Association was circulated and provided the following comments:

General Comments:

- The application makes no reference to the multitude of social service agencies including treatment centres, health and resource centres and group homes already existing in the neighbourhood, yet proposes a mega-centre (350 beds) that will over-burden the Vanier community.
- The application does not indicate if other similar large facilities exist elsewhere and what lessons have been learned from such.
- The existing SA Thrift Store is not part of the application – a missed opportunity to integrate into the block, it will stick out like a sore thumb.
- The close proximity to existing residential dwellings on all sides makes the proposal inappropriate given its scale and intended use.
- The proposal states that the new centre will act “as one of the catalysts for the continued renewal of the Vanier neighbourhood” (p. 2), presumably with the architecture. The use however (350 beds for men at risk) will undermine economic development of the community. It also acknowledges that it must address “real and perceived security concerns”.
- The statement that “the new facility becomes a community facility for all” is unrealistic, given that the majority of its clients are men at risk which will intimidate many.
- Question accuracy of Figure 1: Where SA clients come from.
- Are all shelters in Ward 12? If so the development should not proceed without serious consideration of other urban wards.
- The proposal summary indicates that Roadway Modifications may be required but does not indicate which.

- The SA's desire to offer a variety of services to men at risk is laudible, however the scale of the development (350 beds) and the inclusion of emergency accommodation in the facility creates the greatest security impact on the surrounding community.
- Should the application be approved as submitted, any subsequent amendment should be subject to community input.

Official Plan Amendment:

- The proposed development speaks of 4 different housing models however it is clearly an institution that offers beds with stays of varying length not un-similar to a hospital and should not be promoted as 'affordable housing' as stated on page 12.
- **Official Plan Section 2.5.1:** the development will cause "undue adverse impact on surrounding properties" given its intended use.
- It **will not** enhance the sense of community in the neighbourhood for either the business or residential sectors.
- While the SA hopes that the courtyard will facilitate community interaction there is no guarantee that this will be a reality. The CPTED report states that the front courtyard is intended to reduce loitering on the public sidewalk. However, the surrounding community perceives "opportunities for community interaction adjacent to the street" (page 14) as meaning increased pan-handling and drug trafficking in addition to prostitution along the street; this will cause undue adverse impact in the neighbourhood.
- Additional security cameras should be aimed at the sidewalk in this block.
- **Policy 7 regarding interruption of building continuity along the street frontage:** The proposed building format does not enclose and define the street edge desired to reinforce the Traditional Mainstreet. The treatment along the street should be architectural and not a landscape treatment. This could be accomplished if the existing thrift store was part of the development, and **no vehicular access should be allowed from Montreal Road.**
- **Section 5.2.3 Land Use Designation:** Given the nature of the proposed facility and the programs and services offered, this **should not be permitted use** on Traditional Mainstreets regardless of the similar characteristics of Traditional

Mainstreets to other designations, and especially in this case where the site is surrounded by residential units.

- Contrary to the statement made on page 16 that the site “could easily be considered part of the General Urban Area designation”, **in no circumstance** should any proposed development weaken the basic premises that define a Traditional Mainstreet.
- **Section 5.4:** While stating that the proposed development is located in the Central Sector of Vanier referred to as the French Quarter, its purpose and function will not contribute to the cultural identity of the neighbourhood and if anything will weaken it.
- **Section 5.5 A Home for Everyone:** The 2016 Progress on Ending Homelessness in Ottawa notes that there has been a rise in the individuals using emergency accommodation. This could result in an increase in emergency beds at the proposed facility should the trend continue.
- The garbage **must** be enclosed within the building given the current situation with arson fires.
- **Section 5.7.1:** Is there not a desire to reduce the number of shelters in Ward 12 vs maintaining the existing number? The concerns noted in the study apply to Vanier where increased prostitution activity has already been the result of de-concentration in the Byward Market.
- **Council members should seriously consider whether they would welcome this type of facility on Traditional Mainstreets in their own ward.**

Response:

The applicant has confirmed that the multitude of social service agencies in the area is part of the rationale for them locating there, to ensure easy access to complementary services.

The applicant has indicated that other facilities were researched as part of the design process including models implemented in Toronto, Vancouver, and Portland. One lesson learned from other facilities is that when quality private outdoor space is provided on site adjacent to other amenities such as food, services, security and programs, clients are more likely to stay on site rather than on the street.

While the Salvation Army Thrift store does not form part of the subject Official Plan and Zoning By-law amendment, the applicant has indicated that part of future improvements to that building will include a social enterprise café adjacent to the Thrift Store. The café will provide an opportunity for people going through the Salvation Army or Ottawa Mission's Life Skills program to access workplace training such as barista or service associates.

Please see responses above regarding proposed built form, economic analysis, security concerns and community focused programs and services.

The applicant has indicated that 52 per cent of their clients who access the broad range of services live in the K1N, K1L, and K1K postal codes. Clients who are homeless or unable to provide a home address, and make up an additional 15-20 per cent of their clients are within walking distance.

All shelters in the City are not located in Ward 12. The City has identified four shelters within Ward 12.

Roadway modifications will be required to Ste. Anne Avenue to accommodate the proposed loading area. Roadway modifications are reviewed as part of the Site Plan Control process.

Any subsequent application for Zoning By-law amendment would be subject to public consultation.

The department respectfully disagrees that the proposed development will cause undue adverse impact on surrounding properties, as described in the body of the report.

The applicant has indicated that the front courtyard will be supervised and form part of the private development. The applicant has indicated that security cameras will be provided as part of the development and can be aimed at the sidewalk on this block.

The access to the subject site for pedestrians and vehicles does not provide continuity of built form along the Montreal Road frontage, however it will provide an important vehicular and pedestrian access to front doors of the facility, allowing other accesses to be focused on employee parking and loading zones. The department is of the opinion that limited interruption to the continuity of built form will not prevent the remainder of Montreal Road from developing as intended. The Thrift store will continue to exist and be renovated including a social enterprise café as described above.

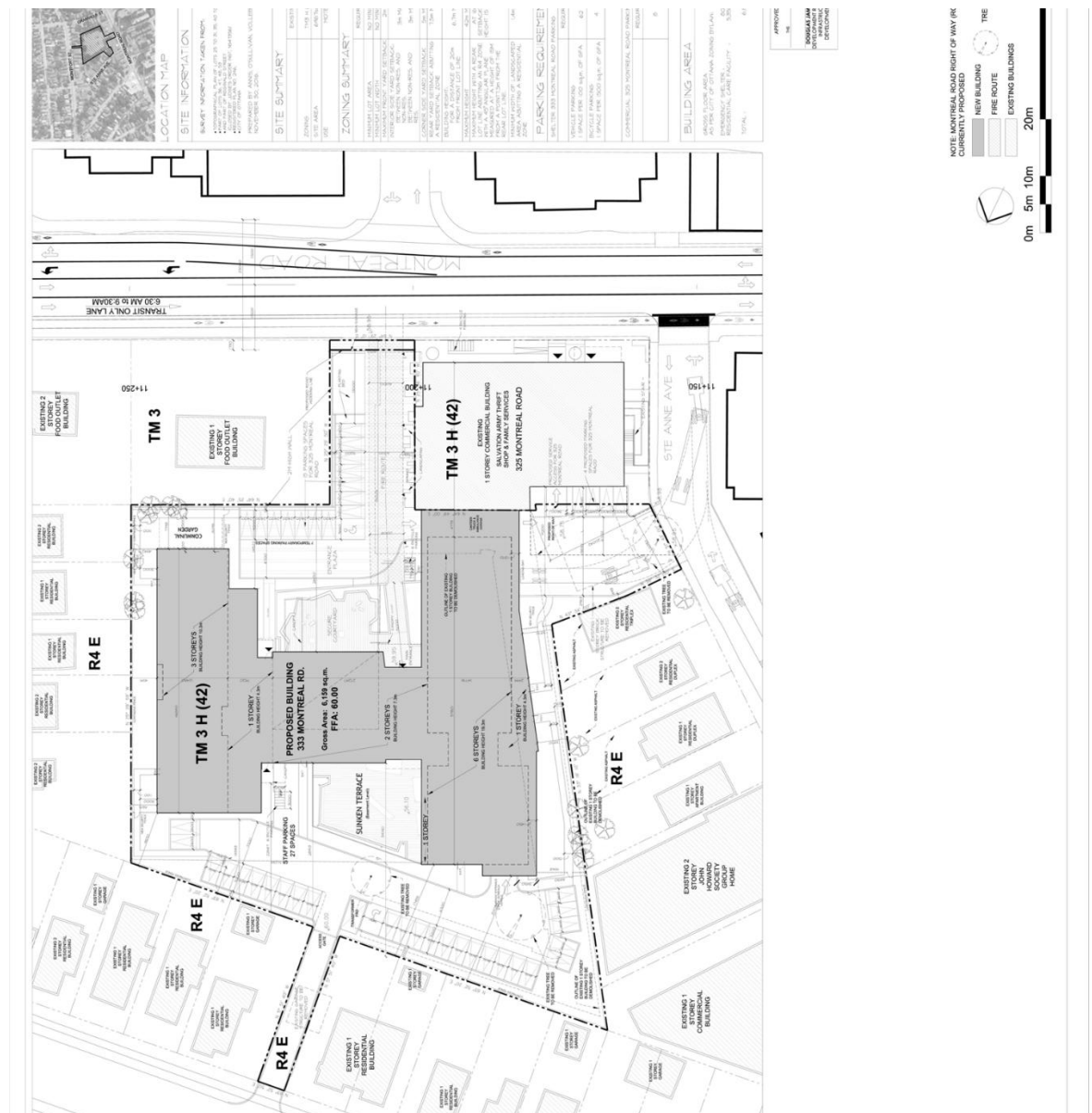
The department concurs that the site is a designated Traditional Mainstreet site in the Official Plan.

Please see the reference to French Quarter policies of the Secondary Plan in the body of the report.

The department notes that the shelter component of the facility is 801 square metres, while the residential care facility comprises 5,358 square metres. The recommended Zoning By-law amendment is to limit the shelter facility 900 square metres. If an expansion to the shelter component was proposed in the future, it would require either a Zoning By-law amendment or Minor Variance application, both subject to public consultation.

The department concurs that garbage should be stored internally to the site and associated plans been amended as such.

There is a desire to reduce the number of shelters within Ward 12, as per Section 134 of the Zoning By-law. This has to be balanced against the applicant's criteria for site selection, which corresponds with the requested site, as well as the Council approved "Our Ten Year Plan, A Home for Everyone: 2014-2024" which focuses on prevention and support through system integration and includes reference to ensuring people who become homeless are safe and receive adequate temporary shelter and that shelter building conditions and overflow accommodation issues are addressed.



Document 6 – Memorandum to Mayor and Members of Council

To / Destinataire **Mayor and Members of Council**

From /
Expéditeur **M. Rick O'Connor, City Clerk and
Solicitor**

Subject / Objet **2008 Interim Control By-law
Study for Ward 12 and its
relevance to the proposed site-
specific Official Plan Amendment
and Zoning By-law Amendment
for the Salvation Army
Relocation** Date: November 2, 2017

This memorandum is being provided to address the formal and informal requests received by my office to date, including the questions raised at the City Council meeting of October 25, 2017 in regards to Councillor Fleury's Notice of Motion, attached as Document 2. Several Members of Council have also requested a legal opinion with respect to the status of the Council policies adopted on June 25, 2008 as part of Council's consideration of the "*Rideau-Vanier Ward 12 Interim Control By-law Study and Zoning By-law Amendment*" (ACS2008-PTE-PLA-0011) report ("the 2008 Report), attached as Document 1, as they relate to the upcoming "*Official Plan Amendment and Zoning By-law Amendment – 325, 327 and 333 Montreal Road, 334 Montfort Street and 273 Ste. Anne Avenue*" (ACS2017-PIE-PS-0126) staff report ("the Salvation Army Relocation Report").

Summary

The fundamental question being asked is whether or not any of the recommendations approved by the 2006-2010 City Council as part of the 2008 Report prohibit or impede approval of the staff recommendations in the Salvation Army Relocation Report that will be before Planning Committee and Council in the immediate future.

Legal staff has reviewed both documents, as well as relevant court cases and can advise that there is no legal impediment to Council considering and approving the staff recommendations in the Salvation Army Relocation Report, as follows:

- The current City Council is not bound by the policy decisions or directions of a past Council;

- The City's current Official Plan allows for the creation of shelters (Section 3.1.4);
- There is no provision in the City's Comprehensive Zoning By-law 2008-250 or the Official Plan that prohibits shelters on Traditional or Arterial Mainstreets (Council can permit such use as part of a site-specific application even though it is not a permitted use);
- There is no maximum shelter cap highlighted within the Official Plan;
- There are no prohibitions or restrictions on shelters in the Montreal Road District Secondary Plan; and
- The site-specific rezoning being requested addresses the relocation of an existing shelter and is not related to a new shelter, so there is no impact on the shelter cap established for Ward 12 in the City's Comprehensive Zoning By-law 2008-250.

With respect to the decisions made in the 2008 Report, staff advise the following:

- The 2006 Interim Control By-law (2006-452) referenced in the 2008 Report was explicitly repealed by City Council on September 10, 2008;
- Council approval of the recommendations in that report did not prohibit shelters on Traditional or Arterial Mainstreets;
- Prior to the adoption of the 2008 Report, shelters were only permitted within the bounds of the old City of Ottawa – the 2008 Report removed that geographic restriction; and
- The direction provided during Council consideration of that report is "that the prohibition of shelters on Main Streets in the Official Plan be reviewed", not that they be prohibited.

With respect to the relevance of the consideration of the City's Affordable Housing Strategy and Ten-Year Housing and Homeless Plan to Planning Committee and Council's consideration of the Salvation Army's planning application, staff advise as follows:

- Consideration of the Salvation Army relocation recommendations must be based on planning principles and not policy considerations with respect to social housing, supportive housing and homelessness, the efficacy of existing shelter facilities and/or the appropriate use of funding for people experiencing homelessness.
- Such considerations are outside the jurisdiction of Planning Committee, as noted in a companion memorandum from the City Clerk and Solicitor to the Chairs of the Planning Committee and the Community and Protective Services Committee.

Based on the above-stated facts, staff offer the following with respect to Councillor Fleury's Notice of Motion:

- The fourth recital, which summarizes the recommendations adopted in the 2008 Report, are taken from the Executive Summary of that Report. In hindsight, that Executive Summary might best be described as a 'plain-language' effort to describe the effect of the recommendations as opposed to being "recommended regulations"; and
- Noting that only the resolution portion of a motion is a matter for debate (and not the recitals), with respect to the effect of Council "reaffirm[ing] its support" for the recommendations and amendments approved by Council as part of its consideration of the 2008 Report, staff is of the opinion that this is out of order as currently drafted because:
 - Robert's Rules of Order state that, "Motions to "reaffirm" a position previously taken by **adoption of a motion or resolution are not in order**. Such a motion serves no useful purpose because the original motion is still in effect;...if such a motion failed, it would create an ambiguous situation";
 - The recommendations related to the Comprehensive Zoning By-law are currently in force and, should the motion to 'reaffirm' fail, there will be a question as to Council's direction with respect to those zoning provisions should Council knowingly reject their reaffirmation. Staff believes that Council would be best served by having a formal understanding of the implications of a failed motion and next steps
- Finally, should a revised Notice of Motion be presented related to the 2008 Report that is in order, such would have no impact on the recommendations in the Salvation Army Relocation Report, as Council must consider the Salvation Army Report based on the rules that were in place at the time of the organization's application.

Detailed Information

The sections below provide Legal Services' opinion with respect to how any of the recommendations approved by the 2006-2010 City Council as part of the 2008 Report prohibit or impede approval of the staff recommendations in the upcoming Salvation Army Relocation Report.

City Council is not bound by the policy decisions or directions of a past Council

For the reasons set out below, Legal Services advises that the decisions of a prior municipal council cannot bind those of a different sitting municipal council, in the absence of a legally binding instrument (e.g. a contract). In other words, policies made by past councils may be revisited by this Council without impediment. The only restriction is where a past council may have entered into legal agreements which may have financial and legal impacts on a future council. In those cases, a current or future council may be able to revisit them, but would also need to account for contractual penalties or other considerations.

The decision in the case entitled, *PROUD Port Dalhousie v. St. Catharines (City)*, [2009] O.M.B.D. No. 170 provides a direct reference to the questions considered here. In this case, a past municipal council established a policy direction on a proposal which was ultimately considered by a subsequent council. The council decision was appealed to the Ontario Municipal Board (OMB). In considering this issue, Vice-Chair Campbell stated as follows:

That Council, duly elected by the citizens of the City, had every right to view the PDVC proposal differently than the previous Council. It was entitled to decide that the PDVC proposal was not appropriate for Port Dalhousie. It was given options by staff on how to proceed, including the cost of each option. The Board finds that the option that would have allowed for a fair, transparent and thorough process was that involving the repeal of the by-laws. Such a process would have required a public meeting, and if followed properly would have required a comprehensive review of *inter alia* the City Staff Planning Report of May 15, 2006.

The current Montreal Road applications are being brought forward by a third party exercising their rights under the Planning Act, through a fair, transparent and thorough process, consistent with what is being referenced in the OMB decision cited above. The City is following its standard process for Official Plan and Zoning by-law amendments, which includes public notice, a public meeting and comprehensive review and recommendations from staff to be publicly considered and debated by Planning Committee and Council. Ultimately, City Council will then make a decision on the applications. These applications will carry the right of appeal under the *Planning Act*, meaning that Council's decision will be appealable to the OMB.

The City's current Official Plan allows for the creation of shelters

Section 3.1.4 of the Official Plan states that shelters are permitted "Where the Zoning By-law permits a dwelling in areas designated as General Urban Area, Developing Community, Central Area, Mixed-Use Centre and Village, the by-law will also permit shelter accommodation. Shelter accommodation shall be designed in a manner compatible with the general area. The Zoning By-law may include provisions to regulate the size and location of this use."

Council may wish to note that this provision was adopted by the 2006-2010 Council on August 4, 2010, after that Council had considered the 2008 Report. This demonstrates that Council considered the restrictive direction in the 2008 Report and adopted a more permissive one prior to the end of that term.

There is no provision in the City's Comprehensive Zoning By-law 2008-250 or the Official Plan that prohibits shelters on Traditional or Arterial Mainstreets (it is not a permitted use, which is different, and Council can permit such use as part of a site-specific application)

The "*Rideau-Vanier Ward 12 Interim Control By-law Study and Zoning By-law Amendment*" (ACS2008-PTE-PLA-0011) report considered by the 2006-2010 Council on June 25, 2008 and adopted as amended ("the 2008 Report") made detailed changes to the City's Comprehensive Zoning By-law (Zoning By-law 2008-250). Document 1 to the 2008 Report outlined the details of the recommended zoning in four columns. The first column contained Regulations, which were comprised of definitions, as well as zoning permissions and provisions for group homes, shelters, residential care facilities, community health and resource centres, parking requirements and the requirement for a schedule depicting the boundaries of Ward 12. The second column contained proposed amendments to the former City of Ottawa Zoning By-law (93-98), the third column contained recommended changes to the former City of Vanier By-law (2380) and the fourth column proposed amendments to the City Council Draft-approved Comprehensive Zoning By-law, which were adopted and became part of Zoning By-law 2008-250.

While the column relating to the former City of Ottawa Zoning By-law (93-98) indicates where shelters should be prohibited, this prohibition was not carried over to the fourth column of recommendations relating to the new comprehensive Zoning By-law (2008-250) and as such, was not included when said by-law was passed. This prohibition was understood not to have been included, as Councillor Holmes provided a direction to

staff, "That prohibiting of shelters on Main Streets in the Official Plan be reviewed." No blanket prohibition on shelter uses have been passed by City Council since that date.

Therefore, there is no provision in the City's Comprehensive Zoning By-law 2008-250 that prohibits shelters on Traditional or Arterial Mainstreets nor is there a similar provision in the City's Official Plan.

Rather, the adoption of the recommendations in the 2008 Report removed "shelter" as a permitted use in the Comprehensive Zoning By-law (2008-250) in an RC and LC zone.

Section 24(4) of the *Planning Act* provides that a by-law is deemed to conform to an Official Plan once the plan or an amendment to the plan is adopted. Accordingly, in the absence of a prohibition of shelters in the Comprehensive Zoning By-law, and considering the permissive approach to the creation of shelters Council approved in Section 3.1.4 of the Official Plan, it is staff's opinion that the zoning is deemed to permit a shelter where dwellings are permitted in the designated zones under Section 3.1.4. The amendments being applied for in the Salvation Army Relocation Report, therefore, are being brought forward to explicitly codify what is already permitted.

There is no maximum shelter cap highlighted within the Official Plan

As noted, Section 3.1.4 of the Official Plan is permissive rather than restrictive. There is no maximum shelter cap.

The approval of the 2008 Report did establish a four-shelter cap in Ward 12 in the Comprehensive Zoning By-law. This cap indicates that any additional shelters should be encouraged to be built outside of Ward 12. Staff further understands that there is some confusion regarding the number of shelters located within Ward 12. The 2008 Report spoke to five shelters in Ward 12. City staff is of the opinion that there are currently four establishments within Ward 12 that meet the definition of shelter in the Comprehensive Zoning By-law (2008-250), including the Salvation Army facility.

There are no prohibitions or restrictions on shelters in the Montreal Road District Secondary Plan

There are no prohibitions or restrictions on shelters in the Montreal Road District Secondary Plan. The application for the Salvation Army Relocation is site specific. It should be noted that the 2008 Report advised that the existing shelters had reached their respective capacities, and any new additions would require site-specific exceptions to various zoning provisions; this is consistent with what is being proposed for the Salvation Army.

The site-specific rezoning being requested addresses the relocation of an existing shelter and is not related to a new shelter, so there is no impact on the shelter cap established for Ward 12 in the City's Comprehensive Zoning By-law 2008-250.

The four shelter cap adopted as a result of the recommendations in the 2008 Report indicates that any additional shelters should be encouraged to be built outside of Ward 12. However, as the Salvation Army application is not for an additional or new shelter but rather for a relocation of the existing shelter included in the original four shelter cap, staff is of the opinion that the relocation does not trigger an increase in the number of accepted shelters within Ward 12.

The 2008 Report

Legal Services has received a number of specific requests to clarify what was (and was not) approved by the 2006-2010 Council as part of the 2008 Report, and what is still in effect and relevant. Some of these questions have been addressed in the previous section, so the majority of the responses in this section are brief. With respect to the decisions made in the 2008 Report, staff advise the following:

The 2006 Interim Control By-law (2006-452) referenced in the 2008 Report was explicitly repealed by City Council on September 10, 2008

The Interim Control By-law (2006-452), which was adopted by City Council on November 22, 2006, prohibited certain uses within a subject area in Ward 12, namely: Special Needs Housing, Retirement Homes (new and converted), group homes, a complex of dwelling units for the elderly and or handicapped persons and homes for the aged. This by-law was put in place while staff conducted a study to review the land use planning policies concerning special needs housing in the area bounded by Laurier East on the north, Chapel on the east, Somerset East on the south and Henderson on the west, excluding 433 Nelson in 2005 (the "Interim Control By-law Study").

In 2007, Council passed By-law 2007-443 to extend the interim control period from November 22, 2007 to November 22, 2008, in keeping with the jurisdiction under the *Planning Act* for interim control by-laws outlined in Section 38 (1) of the *Planning Act*.

The 2008 Report presented the results of that study and recommended a number of amendments to the draft, and later final, Comprehensive Zoning By-law, which is in effect today.

Interim Control Bylaw 2006-452 and the By-law 2007-443, which extended it, were repealed on September 10, 2008 by By-law 2008-341, in accordance with the recommendations of the 2008 Report.

Council approval of the recommendations in the 2008 Report did not prohibit shelters on Traditional or Arterial Mainstreets

As noted in more detail in the previous section, there is no provision in the City's Comprehensive Zoning By-law 2008-250 that prohibits shelters on Traditional or Arterial Mainstreets nor is there a similar provision in the City's Official Plan. Rather, the adoption of the recommendations in the 2008 Report removed "shelter" as a permitted use in the Comprehensive Zoning By-law (2008-250) in an RC and LC zone.

Prior to the adoption of the 2008 Report, shelters were only permitted within the bounds of the old City of Ottawa – the 2008 Report removed that geographic restriction

Prior to the adoption of the recommendations in the 2008 Report, the City's Zoning By-law limited the location of shelters to the geographic bounds of the former (pre-amalgamation) City of Ottawa. The report removed that restriction in order to "increase the pool of appropriately-zoned lands across the city for [shelter] use".

This is the first planning application involving a major shelter use outside of the bounds of old Ottawa since the adoption of the Comprehensive Zoning By-law changes put in place following the adoption of the 2008 Report.

The direction provided during Council consideration of that Report is "that the prohibition of shelters on Main Streets in the Official Plan be reviewed", not that they be prohibited

As noted in the previous section, on August 04, 2010, the 2006-2010 Council adopted the Official Plan, including Section 3.1.4, which states that shelters are permitted "Where the Zoning By-law permits a dwelling in areas designated as General Urban Area, Developing Community, Central Area, Mixed-Use Centre and Village, the by-law will also permit shelter accommodation. Shelter accommodation shall be designed in a manner compatible with the general area. The Zoning By-law may include provisions to regulate the size and location of this use."

This permissive section of the Official Plan was considered and adopted after that Council had considered the 2008 Report and the direction that the prohibition of shelters on Mainstreets in the Official Plan be reviewed.

Consideration of the Salvation Army relocation recommendations must be based on planning principles and not policy considerations with respect to social housing, supportive housing and homelessness, the efficacy of existing shelter facilities and the appropriate use of funding for people experiencing homelessness.

First, as noted in a companion memorandum from the City Clerk and Solicitor to the Chairs of the Planning and Community and Protective Services Committees, policies related to social housing, supportive housing and homelessness, the efficacy of existing shelter facilities and the appropriate use of funding for people experiencing homelessness fall solely within the jurisdiction of the Community and Protective Services Committee. That memorandum outlines staff's opinion that the **report addressing the Salvation Army Relocation falls solely within Planning Committee's Terms of Reference and that there are no considerations that would warrant a Joint Meeting of the two Committees on that report.**

With respect to whether or not Planning Committee and Council should incorporate considerations of how the Salvation Army shelter will be funded once it is built, or the City's allocation of its resources to the Shelter once it has relocated and added new services, Council should be aware that these are not planning considerations. Planning Committee and Council are obliged to deal with all applications brought before them. The individual Applicant is responsible for obtaining funding independent of the Planning application process.

While the distinction between planning considerations and policy considerations may seem subtle, it is an important one as all planning decisions must be founded on a solid planning rationale and not incorporate extraneous considerations.

If Council were found to have based its decision on housing policy considerations instead of or in addition to, planning considerations, that decision may be found to be outside of Council's *Planning Act* jurisdiction. **Staff believes such a decision would be likely to be overturned by the Ontario Municipal Board, if an appeal is brought.**

Councillor Fleury's Notice of Motion

Councillor Fleury presented a Notice of Motion related to the 2008 Report at the October 25, 2017 City Council meeting, for consideration at the City Council meeting of November 8, 2017. Legal staff was asked to provide their opinion on this Notice of Motion in advance of its consideration by City Council. Staff has conducted their review and offers the following opinion:

The fourth recital reflects language in the Executive Summary of the 2008 Report.

The wording in the fourth recital is taken from the Executive Summary of the report, which might best be described as a 'plain-language' effort to describe the effect of the recommendations as opposed to being "recommended regulations". The previous sections of this report have identified the effect of the recommendations in the 2008 Report.

Motions "reaffirming" Council decisions are out of order

Noting that only the resolution portion of a motion is a matter for debate (and not the recitals), with respect to the effect of Council "reaffirm[ing] its support" for the recommendations and amendments approved by Council as part of its consideration of the 2008 Report, staff is of the opinion that this is out of order as currently drafted.

The City's *Procedure By-law* does not explicitly address motions that "reaffirm". In such cases, Subsection 1(1) of the *Procedure By-law* provides that, except as modified by such by-law, the proceedings of Council are to be governed by Robert's Rule of Order.

Considering motions of reaffirmation, Robert's Rules of Order (11th edition, p. 104) provides the following:

Motions to "reaffirm" a position previously taken by adoption of a motion or resolution are not in order. Such a motion serves no useful purpose because the original motion is still in effect;...if such a motion failed, it would create an ambiguous situation

The recommendations related to the Comprehensive Zoning By-law are currently in force and, should the motion to 'reaffirm' be considered and then fail, there will be a question as to Council's direction with respect to those zoning provisions should Council knowingly reject their reaffirmation. Should Council, against staff advice on this matter, suspend the Rules of Procedure to consider the Notice of Motion as drafted, staff believes that Council would be best served by having a formal understanding of the implications of a failed motion and next steps.

Finally, should a revised Notice of Motion be presented related to the 2008 Report that is in order, such would have no impact on the recommendations in the Salvation Army Relocation Report, as Council must consider the Salvation Army Report based on the rules that were in place at the time of the organization's application.

Noting that the final Report on the Salvation Army relocation has not yet been provided to Members of Council and the public, I trust the above is satisfactory.

cc: Senior Leadership Team

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