

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: AUGUST 6, 2019

FROM: Planning Services Department

DATE: July 26, 2019

SUBJECT: Recommendation Report, Zoning By-law Amendment, Acclaim Health and Community Care Services, 2250 Speers Road, Z.1628.01

LOCATION: 2250 Speers Road

WARD: 1

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RECOMMENDATION:

That Zoning By-law Amendment application Z.1628.01 submitted by Acclaim Health and Community Care Services for 2250 Speers Road, be denied.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The proposed Zoning By-law Amendment is to create a Special Provision to permit a dementia care facility including temporary overnight care as a permitted use and to permit site specific regulations to accommodate the proposed site layout.
- The application was submitted on February 28, 2019 and the *Planning Act* timeframe to review is 150 days (July 28, 2019). A Public Meeting was held on May 13, 2019, wherein Council adopted the following resolution:
 1. That the public meeting report prepared by the Planning Services Department dated April 18, 2019, be received.
 2. That comments from the public with respect to the proposed Zoning By-law Amendment submitted by Acclaim Health and Community Care Services for 2250 Speers Road, (File No.: Z.1628.01), be received.
 3. That analysis of the following matters of interest to Council be included as part of the recommendation report:

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- a) Staff will undertake a peer review of noise studies as part of this review. In addition, staff will consider what local Noise By-law implication there may be.
 - b) Staff will investigate how other jurisdictions have successfully implemented overnight respite care (City of Toronto).
 - c) What Development Charges will be applied to this proposal?
 - d) Staff are to consider the D-6 series Guidelines (MOE) as part of this review.
 - e) Staff are to work to understand how best to characterize this use so as to properly assess it, and how to best determine the appropriate policy response.
 - f) How do OPA 26 and 27 affect this proposal?
- The subject lands are designated Office Employment and zoned E1 by the Livable Oakville Plan and Zoning By-law 2014-014. The use, as proposed, is not permitted in the E1 zone.

The existing Official Plan designation and zoning are consistent with the Provincial Policy Statement 2014, conform to all applicable Provincial plans, the Region of Halton Official Plan and the Livable Oakville Plan as they allow for a range of employment uses, to support viability of the employment area along the Speers Road Corridor, in accordance with the Town's established urban structure.

BACKGROUND:

Proposal

A Zoning By-Law Amendment application was submitted which would allow conversion of an existing building into a dementia care facility (refer to Appendix A – Proposed Site Plan) providing family caregiver support, an adult day program and - temporary overnight respite care. Although office and daycare uses are permitted through the existing E1 (Office Employment) zoning, daycare uses are restricted to 20% of the net floor area of a permitted use and overnight care is not permitted on the subject lands. In order to expand the daycare use to 80% of the net floor area of the building and allow overnight care as a permitted use, a Zoning By-law Amendment is required to amend the E1 zone site specifically. Site specific regulations are also required to accommodate the proposed site layout. The development would re-purpose the existing one storey building, reconfigure the existing parking area that results in the addition of landscape areas along the south and west property lines. Vehicle access from Speers Road to the parking area would continue to be provided by a driveway located on the west side of the property. The proposed parking exceeds the minimum parking requirements of the Zoning By-law.

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The proposed use of the building would be allocated to administrative offices and staff area; Adult Day Program (daycare) area and respite care. The largest portion of the building (80%) would be proposed for the Adult Day Program, which would allow for the care of 30 clients and operates 12 hours per day, seven days per week. The administrative office area would include meeting rooms and a caregiver lounge, to provide for family support and education. The respite care area would include eight beds for clients to use for up to a maximum two weeks consecutively up to 24 days per year, per client. Clients using the overnight respite beds would take part in the Adult Day program, providing for 24 hour care during their stay. In terms of staffing and operations, it is anticipated that a minimum of 22 staff would be employed at the Dementia Care Centre, which is operated by a non-profit organization.

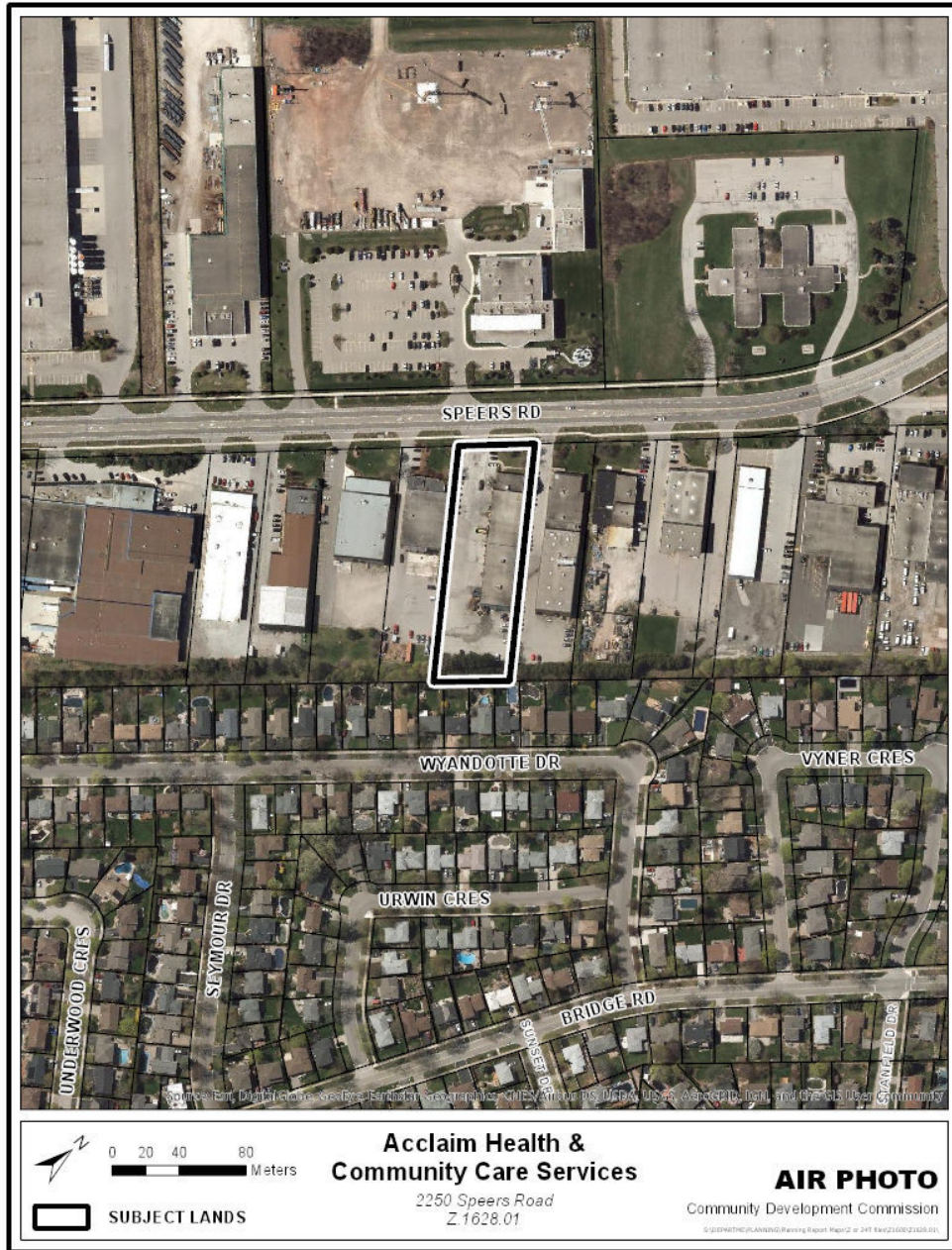
Submission materials are available at the following link on the Town's website:

<https://www.oakville.ca/business/da-32670.html>

Location & Site Description

The subject lands are located on the south side of Speers Road, east of Bronte Road and west of Third Line, as shown on Figure 1. The subject lands are 0.64 ha in size with approximately 45.72 m of frontage on Speers Road. The site is currently occupied by a single storey industrial building and parking area.

Figure 1 – Air Photo



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Surrounding Land Uses

The surrounding land uses are as follows:

East & West: Office and industrial uses

South: Low Density Residential detached dwellings

North: Multi-tenant office building

Timing

The subject application for a Zoning By-law Amendment was received and deemed complete on February 28, 2019, giving Council until July 28, 2019, to make a decision on the application.

A pre-consultation meeting was held on July 4, 2018. The purpose of the pre-consultation meeting is to establish the formal application submission requirements, as well as to provide preliminary feedback on a proposal based on the feedback from staff and external agencies.

A Public Information Meeting (PIM) hosted by the applicant was held on February 6, 2019, where one member of the public and one Ward 1 Councillor attended. Three additional members of the public, who were unable to attend the meeting were provided information by phone and a copy of the proposed site plan by email. Matters raised by the public included concern related to light from the building shining into the residential dwellings located south of the property and potential noise concerns related to the parking lot.

A Public Meeting was held on May 13, 2019, where one member of the public attended. An overview of the comments received from the public at the Statutory Public Meeting with responses starts on page 10 of this report.

Revised Supporting Information

To address comments received from staff, agencies, members of the public and Council, revised information was submitted on May 30, 2019, in the form of an Addendum to the Planning Justification Report, along with an Air Quality Study, Functional Servicing and Stormwater Management Report, Transportation Impact Analysis, Phase one and Phase Two Environmental Site Assessment, Municipal Water Supply and Distribution Analysis

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PLANNING POLICY & ANALYSIS

The property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2014)
- 2017 Growth Plan for the Greater Golden Horseshoe (2007)
- Halton Region Official Plan
- *Livable Oakville Plan*
- Zoning By-law 2014-014

Provincial Policy Statement

The Provincial Policy Statement (2014) ('PPS') is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form.

The subject lands are located within a settlement area, which are to be the focus of growth and development. Specifically, the lands are within an employment area as defined by the PPS, and located within a transit corridor as identified by the Province, Halton Region Official Plan and Livable Oakville Plan. Broadly, the land use patterns within the settlement area are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

An employment area is defined in the PPS as:

"Employment Area: means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities."

Policy 1.3.1 provides that planning authorities shall promote economic development and competitiveness by:

- a) *providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;*
- b) *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*

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- c) *encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and*
- d) *ensuring the necessary infrastructure is provided to support current and projected needs*

Within employment areas, planning authorities are directed to plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs (policy 1.3.2.1).

The proposed dementia care facility represents a sensitive land use as defined by the PPS:

“Sensitive land uses: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.”

Policy 1.2.6.1 of the PPS directs that:

“Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

In accordance with section 3 of the *Planning Act*, all planning decisions “shall be consistent with” the PPS.

The property is zoned E1 (Office Employment) by Zoning By-law 2014-014. The existing zoning is consistent with the PPS 2014 as a mix of uses to support a wide range of economic activities and ancillary uses are permitted. The proposed Zoning By-law seeks to allow for an increase in the percentage of the adult day care component of the Dementia Care Centre is recognized as a Community Use providing a valuable benefit to the community as a whole. The use itself, defined as a Community Use, and being permitted in all land uses designations in the Oakville Official Plan, is appropriate in the Employment District. The immediate concern is one of land use compatibility, given the proximity of the sensitive land use to the existing employment uses in the surrounding area. The submitted Air and Noise Studies submitted in conjunction with the Application, and as peer reviewed by the

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Region, has not satisfactorily addressed that the proposed facility would not detrimentally impact the surrounding employment uses.

Growth Plan (2019)

The 2019 Growth Plan is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, expand convenient access to transportation.

The Province's Growth Plan for the Greater Golden Horseshoe (2019) provides policies that local official plans must conform to when planning for MTSA's. These policies include planning for a minimum density target of residents and jobs of 150 residents and jobs combined per hectare, and the creation of complete, transit-supportive communities where people can live, work and play in one area, unless Provincial policy provides direction otherwise.

The subject lands are located within the built boundary and are within an 'employment area', as defined by the Growth Plan. Further, the subject lands are located along the Lakeshore West GO Line and within the Bronte GO Major Transit Study Area (MTSA), as identified by the Province and Halton Region. Policy 2.2.5 (1) of the Growth Plan provides that economic development and competitiveness in the Greater Golden Horseshoe will be promoted by:

- a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;*
- b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;*
- c) planning to better connect areas with high employment densities to transit; and*
- d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.*

Policy 2.2.5 (7) provides policy direction regarding planning for employment areas by:

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- a) prohibiting residential uses and limiting other sensitive land uses that are not ancillary to the primary employment use;*
- b) prohibiting major retail uses or establishing a size or scale threshold for any major retail uses that are permitted and prohibit any major retail uses that would exceed that threshold; and*
- c) providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility.*

All decisions made on or after May 16, 2019 in respect of the exercise of any authority that affects a planning matter are required to conform to the Growth Plan (2019).

The Town has initiated the Bronte GO MTSA Study, that will fulfil the goals as defined in the Growth Plan to accommodate for the appropriate mix of land uses and densities that will support the guiding principle of achieving a complete community that are to be designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime. It is anticipated that the MTSA OPA will be presented to Council in 2020.

The property is zoned E1 (Office Employment) by Zoning By-law 2014-014. The existing zoning conforms with the Growth Plan, and therefore does not conflict with the Growth Plan, given that a range and mix of employment uses are provided for. As with the PPS, the immediate concern is one of land use compatibility, given the proximity of the sensitive land use to the existing employment uses in the surrounding area. The submitted Air and Noise Studies submitted in conjunction with the Application, and as peer reviewed by the Region, has not satisfactorily addressed that the proposed facility would not detrimentally impact the surrounding employment uses. As such, additional assessment of these studies would be necessary.

Halton Region Official Plan

The subject lands are designated "Urban Area" and included in the "Employment Area" overlay in the Halton Region Official Plan (ROP). Lands within the "Urban Area" are intended for residential and employment growth. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the ROP.

Employment Areas are subject to the objectives and policies for the Urban Area. In addition, the objectives of the Employment Areas are:

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“77.1(1) To ensure the availability of sufficient land for employment to accommodate forecasted growth to support Halton’s and its Local Municipalities’ economic competitiveness.

77.1(2) To provide, in conjunction with those employment uses within the residential and mixed use areas of the communities, opportunities for a fully-diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

77.1(3) To locate Employment Areas in the vicinity of existing major highway interchanges and rail yards, where appropriate, within the Urban Area.”

Further, the Halton Region Official Plan prohibits non-employment uses in Employment areas except under certain circumstances including:

“77.4 (1) b) for institutional uses identified in a Local Official Plan, as a result of a detailed study that sets limits and criteria on such uses based on the following principles:

- i. the use is of small scale and such uses collectively within an Employment Area shall not change the character of that Employment Area;*
- ii. the location and design of the use meet the Land Use Compatibility Guidelines under Section 143(10) of this Plan;*
- iii. the use is located at the periphery of the Employment Area; and*
- iv. such uses do not collectively displace employment from the Employment Area to result in a shortfall in Employment Areas to meet the Local Municipality’s employment forecast in Table 1 and Table 2a”*

The property is zoned E1 (Office Employment) by Zoning By-law 2014-014. The existing zoning conforms to the Halton Region Official Plan, given that the range of uses contributes to providing the opportunity for a diversified economic base.

The Region has submitted comments dated July 17, 2019 (refer to Appendix B) with respect to this applications. In addition, the Region commissioned a Peer Review of both the Air and Noise Studies submitted with the Application. As highlighted in the analysis of both the PPS and the Growth Plan, the Region has concluded that additional assessment of the Air and Noise Studies is necessary in order to substantiate conformance with the Regional Official Plan and the matter of land use compatibility with the surrounding employment uses.

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Livable Oakville Plan (refer to Appendix C)

OP Objectives

Section 2, Policy Framework of the Livable Oakville Plan identifies a mission statement and a number of guiding principles that establishes the basis for the LOP including:

2.2.1 Preserving and creating a livable community in order to:

- a) preserve, enhance, and protect the distinct character, cultural heritage, living environment, and sense of community of neighbourhoods;*
- b) direct the majority of growth to identified locations where higher density, transit and pedestrian oriented development can be accommodated; and,*
- c) achieve long term economic security within an environment that offers a diverse range of employment opportunities for residents.*

Urban Structure

The Livable Oakville Plan is currently undergoing a five year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support the Town's strategic goals, and reflect the visions and needs of the community. Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town. Official Plan Amendment 15 to the *Livable Oakville Plan*, establishes a town wide urban structure in terms of a system of nodes and corridors, where higher intensity forms of mixed use growth are to be accommodated. OPA 15 was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and be consistent with the PPS. There is one appeal pertaining to OPA 15.

The subject lands are identified on Schedule A1 – Urban Structure as being located within Employment Mixed Use Corridor along Speers Road, (which is also identified as a Regional Transit Priority Corridor). In addition, the subject lands are located approximately 440m west of the limit of the Bronte GO Station, which is identified as a Regional Transit Node for further study known as the Bronte GO MTSA Study. Nodes and Corridors are key areas in the Town identified as the focus for mixed use development and intensification.

As part of the town's Official Plan Review, the town has initiated the Bronte GO Major Transit Station Area (MTSA) Study. The study will develop an Area Specific Plan to create a complete, transit-supportive community which accommodates future population and employment growth and development. The study is scheduled to continue through to 2020, with an official plan amendment to follow.

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Land Use Policies

The subject lands are designated Office Employment by Schedule F of the Livable Oakville Plan. Office Employment areas located in areas of high visibility and accessibility and are intended to provide primarily for prestige office uses. The range of permitted uses are identified in Part D, Section 14.3.1 of the Livable Oakville Plan, as follows:

“14.3.1 a) Uses permitted within the Office Employment designation may include major offices and offices, hotels, public halls, light industrial uses and training facilities and commercial schools. Limited convenience retail, accessory retail and service commercial uses, including restaurants, may be permitted in conjunction with the permitted uses.”

To accommodate the town's long-term employment and commercial needs and as part of the Town's ongoing Official Plan Review, land use designations and policies that apply to employment and commercial uses town wide were updated through Official Plan Amendment 26 (OPA 26). In addition, as a result of the Speers Road Corridor Study, specific policies for the Speers Road Corridor Special Policy Area were introduced through Official Plan Amendment 27 (OPA 27). On April 16, 2018, Council passed By-law 2018-054 to adopt OPA 26 and By-law 2018-055 to adopt OPA 27 to the Livable Oakville Plan, which are still awaiting Regional approval.

The subject lands are located between employment uses located on the north side of Speers Road and a Residential Area to the south. OPA 26 has the effect of redesignating certain lands with existing “Office Employment” designations to a “Business Employment” land use designation. Business Employment areas are intended to provide primarily for office uses in a transit-supportive and pedestrian oriented environment with a range of employment-supportive amenities. Although the list of permitted uses was amended with respect to motor vehicle uses in site specific locations (Part D, Section 14.2.1 b and c), the general list of permitted uses outlined in Part D, Section 14.2.1 (a) remained unchanged.

OPA 26 also updated the employment land conversion policies of Part D, Section 14.2.2. However, the proposal is not considered a residential conversion, but rather the introduction of a Community Use, which may be permitted in all land use designations, subject to adherence to specific performance standards.

Although OPA 27 did not change the land use designation on the subject lands, the lands are identified as forming part of the Bronte GO MTSA. OPA 27 acknowledges that further study is required of the Bronte GO Station area, which is taking place through the Bronte GO MTSA Study. In the terms of land use, additional policies apply to lands designated Business Employment located within the Speers Road

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Corridor (26.4.5 c). Neither OPA 26 nor OPA 27 would detrimentally impact how the current zoning amendment application would be assessed from a Livable Oakville policy perspective.

The Bronte GO MTSA Study is to provide updated and new policies to delineate the boundary, the mix of land uses (e.g. employment, commercial, residential) and the intensity and scale of future development.

The requested Zoning By-law Amendment would result in a portion of the building being occupied by a Dementia (Respite) Care Facility use, accessory to office and daycare uses.

The proposed dementia care facility would offer the adult day program and counselling services seven days a week during daytime and evening hours, and overnight care would operate 7 nights a week. The largest portion of the respite care facility will be allocated to the adult day program. The use would also provide space for caregiver counselling sessions as well as eight (8) respite beds (short-term overnight care) for clients' use on a temporary basis to provide temporary relief for caregivers. A survey of prospective clients, as undertaken by the proponent, indicates that the average client stay is likely to be 3 to 4 nights at a time; however, a client would be allowed to stay up to a maximum of two weeks at a time. This service would be provided so that the client's caregivers can take a meaningful break from caregiving, as well as helping people with dementia lead more full and engaging lives. A client would be permitted to stay no more than 24 days per year, within one calendar year. The temporary overnight accommodation would function similar to that of a hotel.

The foregoing description of the Respite (Dementia) Care facility would meet the definition of "Community Uses" under Section 7 of the Livable Oakville Plan, in which such uses are intended to serve and support the health, educational, religious, recreational and cultural needs of the Town, which includes, amongst other uses, day care centres.

Further, uses that are recognized as Community Uses are also required to satisfy specific locational criteria, as defined under Section 7.1.2 c), as follows:

In determining the location for new community uses, the following criteria shall be considered:

- i) the use is intended to serve and support the community and is not more appropriately located in the Institutional designation;
- ii) the use is *compatible* with surrounding land uses;

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- iii) the site is designed to be well integrated with surrounding land uses;
- iv) the site is an appropriate size to accommodate adequate:
 - buffers such as landscaping and fencing to ensure compatibility with adjacent land uses;
 - recreational amenities as necessary;
 - on-site parking;
- v) the use complies with the land use compatibility and appropriate mitigation measures, such as setbacks and buffers, defined by the Ministry of the Environment; and,
- vi) Where permitted in the *Employment Areas*, community uses shall be of a scale that does not adversely impact the existing and planned employment function of the area.

In this regard, the proposed use, being a small scale community use, would not be more conducive to being in an Institutional designation, and can be appropriately integrated onto the site and into the surrounding area through appropriate measures under the site plan process. The scale of the existing building is appropriately proportioned to the size of the property, wherein adequate space can be accommodated for the required amount of on-site parking, and an outdoor courtyard and all-season garden.

However, the peer view of the Noise and Air Quality reports have concluded that there is insufficient analysis to determine that there would be no detrimental impact on the surrounding employment uses. As such, additional analysis would be warranted before a conclusive determination could be made with respect to the issue of the compatibility of the proposed dementia care facility in relation to the surrounding employment uses. It should be pointed out that the concept of the introduction of the dementia care facility in this location is generally supportable, given its function as a necessary and valuable use that services and benefits the broader community. Over the longer term, the findings of the Bronte GO Major Transit Study Area (MTSA) Study may introduce additional land use policies that promote further intensification and a range of mixed uses more supportive and complimentary to the dementia care facility.

Zoning By-law 2014-014 (refer to Appendix D)

Zoning By-law 2014-014, as amended, is the town's comprehensive zoning by-law for the lands south of Dundas Street and north of Highway 407. The subject lands

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are zoned E1 (Office Employment) as shown in Appendix D. A wide range of uses are permitted in the Office Employment zone.

The proposed Zoning By-law Amendment would result in a site specific Special Provision for the subject lands, to allow the use of the site by a dementia care facility providing family caregiver support, an adult day program and short stay overnight respite care. Although office and daycare uses are permitted through the existing E1 zoning, daycare uses are restricted to 20% of the net floor area of a permitted use, where 80% is being sought, and temporary overnight care is not permitted on the subject lands. In addition, the amending zoning seeks to delete the reference to Footnote (17) under the E1 Zoning that does not permit day care uses within 120 metres of an E3 Zone. The proposed by-law also seeks to reduce a minimum interior side yard from 3.0m to 2.8m, and to reduce the minimum required width of a landscape strip from 3.0m to 2.0m.

The general intent of the restriction on daycare floor area is to implement Livable Oakville Employment Area policies, by ensuring that day cares maintain an accessory function in relation to a permitted employment use. Regulations related to limiting the floor area of accessory uses protect the overall viability of the employment area, while providing for limited opportunities for small scale uses complementary to the main function of the employment district. The introduction of a use that provides an adult day program and family caregiver support in the form of counselling is not dissimilar to other office functions that provide various services to clientele for varied and extended periods of time within an office environment. The Acclaim Health is more akin to an office, or commercial school function that provides a service to adult clientele from the broader community on a daily basis.

The 120 metre separation of day care uses from lands zoned E3, as defined in Footnote (17), derives from the OMB appeals and settlements under the approval of Comprehensive Zoning By-law 2014-014. This separation distance is intended to provide a level of protection to employment uses within an employment zone and a sensitive land use. The Noise and Air Quality reports as commissioned by the Applicant was intended to address this issue of compatibility between these uses; however, additional analysis is still required to fully understand these impacts.

The temporary overnight respite care of up to eight individuals is considered an ancillary function to the primary function of the Dementia Care. This service would provide only temporary lodging, is not intended to function independent of the adult day programming, and would not be considered as a residential land use. It has been demonstrated that the overnight respite care of adults with dementia is a vital and valuable function of the Acclaim Health business.

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For reasons stated above, the introduction of a Dementia Care facility, which would provide 80% of the building floor space to services to individuals with dementia, can be considered a relatively small-scaled community use that could be appropriately suited within the Employment District, and particularly in light of the identification of the lands being with the MTSA study area.

With respect to the affected zoning regulations, the minor revisions to the interior side yard and the landscape strip are considered negligible, and would not negatively impact the functionality of the site.

TECHNICAL & PUBLIC COMMENTS

Transportation & Mobility

Engineering and Construction have reviewed the proposal and are satisfied that vehicle maneuvering, and ingress and egress can be accommodated, with site specific details to be refined through the site plan process.

Infrastructure (i.e. Stormwater Management, Servicing, etc.)

Halton Region staff have reviewed the revised Municipal Water Supply and Distribution Analysis, dated May 9, 2109 submitted in support of this application. We can confirm that the revised report includes fire flow testing results and the supporting analysis that demonstrates that the existing water system in the area can accommodate the proposed development. Further, the Region's previous requirement for a revised FSR as a condition of the Holding "H" provision for the subject application is no longer required and may now be deleted.

In addition, Halton Region has clarified that the revised Phase 1 and 2 ESA reports are satisfactory; however, this does not change the Region's requirement for a Record of Site Condition to be included in the H provision, if the application were supported.

Town Council Resolution

At the Statutory Public Meeting held at the Planning and Development Council of May 13, 2019, Council approved a resolution that the following matters of interest to Council be included as part of the recommendation report:

- a) *Staff will undertake a peer review of noise studies as part of this review. In addition, staff will consider what local Noise By-law implication there may be.*

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A Noise Feasibility Study was commissioned by the Applicant, as prepared by HGC Engineering, in support of the Application. The Region retained Dillon Consulting Limited to undertake a Peer Review of the Noise Study. The Peer Reviewer concluded that there were some concerns from a noise perspective that should be addressed.

From the perspective of the Town's Noise By-law, given that the subject lands are within an Employment area, the Noise By-law does not apply insofar as the impact of noise generated by one employment use on another employment use. The Noise By-law does apply where noise emanating from a use within an employment zone negatively impacts a surrounding residential use.

- b) Staff will investigate how other jurisdictions have successfully implemented overnight respite care (City of Toronto).*

The City of Toronto Zoning By-law 569-2013 defines a respite care facility as follows:

“means premises used for the provision of short-term non-emergency services for the supervised care of people of any age, in order to provide relief to their caregivers. A respite care facility may include the provision of services, such as:

- A. preventive medicine,
- B. counselling,
- C. social, recreational or educational programs, or
- D. day or overnight care,

A day nursery is not a respite care facility.”

Staff consulted with City of Toronto staff regarding their experience with respite care facilities. Overall, a respite care facility is permitted in specific commercial and institutional zones, limited in residential zones and not permitted in employment zones. More specifically, a respite care facility is permitted within the ‘Instructional Hospital’, ‘Institutional’, ‘Commercial Residential Employment’ and ‘Commercial Residential’ zones. It is also permitted within the ‘Residential Apartment’ and ‘Residential Apartment Commercial’ zones when this use is combined with a nursing or retirement home. The Toronto Official Plan does not provide specific policy direction on respite care facilities.

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c) What Development Charges will be applied to this proposal?

Acclaim Health has consulted with the Town's Financial Planning Department, who has also communicated with the respective School Boards, to better understand the amount of development charges that would payable by Acclaim Health. Based on preliminary information provided and subject to final review the Public and Catholic School Boards have indicated the internal renovation would not draw an Educational Development Charge per their by-law, and that only the addition to the building would be subject to a new DC charge. Acclaim Health is now aware of these charges, and have incorporated this charge into their business financial proforma.

d) Staff are to consider the D-6 series Guidelines (MECP) as part of this review.

The Provinces D-6 guidelines outline methods to ensure the requirements of the PPS and ROP are fulfilled with respect to noise. The D-6 guidelines is intended to prevent or minimize the encroachment of sensitive land uses upon industrial land use, and visa versa. The Noise and Air Studies, as undertaken by the proponent, have been peer viewed by the Region, and have been evaluated in the context of the D-6 guidelines. The results of the Peer Review is that the studiers have not demonstrated compliance with the D-series guidelines, and that further assessment would be required. .

e) Staff are to work to understand how best to characterize this use so as to properly assess it, and how to best determine the appropriate policy response.

The use of Acclaim Health is categorized as a Community Use, but also as a sensitive use from the perspective of the D6 Guidelines. Again, this has been addressed under the Policy Analysis section of this report.

f) How do OPA 26 and 27 affect this proposal?

As discussed under the policy section of this report, it has been demonstrated that OPA 26 and OPA 27 does not detrimentally impact the assessment of this proposal.

CONCLUSION

A full circulation and assessment of the application was undertaken to ensure that all policy related and technical matters have been satisfactorily addressed. Staff has concluded the following:

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- that the proposed zoning by-law amendment to allow a Dementia Care facility, being a non-profit organization, on lands designated Office Employment is considered a Community Use, which may be permitted in all land use designations, with the exception of the Natural Area designation;
 - that the increase in the net floor area assigned to day care uses from 20% to 80% is considered appropriate, given the nature of the adult day programming is operationally different from a traditional child day care, in that the adult programming is intended to service the broader community needs, wherein a child day care is intended to be a subordinate use to employees of a principle employment use.;
 - that the introduction of a temporary overnight respite care is not considered a residential use, in that it does not provide long term or permanent independent living accommodations. Rather, the respite care is only temporary in nature, provides sleeping accommodations only and not full and independent living accommodations, and is ancillary to the principle use of the Dementia Care facility. As such, this component of the business operation would not be considered a residential conversion;
 - that the proposed site layout, and corresponding modifications to specific zoning regulations are minor in nature, and would not detrimentally affect the functionality of the site;
 - that Halton Region has advised that a Holding "H" provision be attached to any implementing zoning by-law, subject to the completion of a Record of Site Condition (RSC);
 - that Footnote (17) in the E1 zone, requiring a minimum 120m separation of day care uses from an E3 Zone, and fulfillment of the requirements of the D6 Guidelines could be better understood upon the submission of additional technical analysis as outlined in the peer review of the Air and Noise Studies, in order to address the issue of land use compatibility;
 - that the subject lands are located within the Employment Mixed Use Corridor along Speers Rd., which are subject to the Bronte GO Major Transit Station Area (MTSA) Study. The Provincial Growth Plan (2019) has established a target of 150 residents and jobs per hectare within MTSA's. The timing for the Town Study and corresponding OPA to be complete is 2020, which will define and implement to policy goals of the Growth Plan to create a more vibrant, mixed use community in relation to the GO Station; and,

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- that, in conclusion, the submitted zoning amendment application has not satisfactorily addressed the issue of land use compatibility with respect to the impacts of the proposed facilities on the surrounding employment lands, in accordance with the D6 Guidelines, applicable Provincial plans, the Region of Halton Official Plan and the Oakville Official Plan, and would therefore be considered premature at this time.

CONSIDERATIONS:

(A) PUBLIC

In an effort to bring this staff report to Council expeditiously, notice of this meeting was distributed twelve (12) days before the meeting whereas the public notice guidelines adopted by Council through the Public Engagement Procedure recommend the notice be distributed for a minimum of fourteen (14) days. However, the statutory notice requirements of the Planning Act have been satisfied, and to expedite distribution of the notice staff also provided notice to stakeholders that expressed an interest in this application directly by email.

(B) FINANCIAL

There are no direct costs borne by the Town with respect to this application. Certain Development Charges will be payable to the proponent, and they have been made aware of these.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for review and their comments have been reviewed and assessed in the completion of this report.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

The application has been evaluated in the context of the Town's Corporate Strategic Goals to ensure the proposed development addresses the principles of responsible land use planning, managing growth and promoting a community where people want to live, work and play.

(E) COMMUNITY SUSTAINABILITY

The proposal generally complies with the sustainability goals and objectives of the Livable Oakville Plan.

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APPENDICES:

Appendix A – Proposed Site Plan

Appendix B – Halton Region comments dated July 17, 2019

Appendix C – Official Plan schedule

Appendix D – Zoning By-law Schedule

Appendix E – Public Comments

Prepared and Recommended by:
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