

Report to/Rapport au :

Planning Committee
Comité de l'urbanisme

and Council / et au Conseil

October 31, 2012
31 octobre 2012

Submitted by/Soumis par : Nancy Schepers, Deputy City Manager/Directrice municipale adjointe, Planning and Infrastructure/Urbanisme et Infrastructure

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SOMERSET (14)

Ref N°: ACS2012-PAI-PGM-0251

SUBJECT: TEMPORARY ZONING BY-LAW AMENDMENT - 140 LAURIER AVENUE WEST

OBJET : MODIFICATION TEMPORAIRE DU RÈGLEMENT DE ZONAGE – 140, AVENUE LAURIER OUEST

REPORT RECOMMENDATIONS

That the Planning Committee recommend Council:

1. Approve an amendment to the Zoning By-law 2008-250 to change the zoning of 140 Laurier Avenue West from Mixed Use Downtown, Schedule 51 (MD S51) Heritage Overlay to Mixed-use Downtown Exception, Schedule 51 (MD[xxxx] S51) Heritage Overlay, to permit a supervised overnight accommodation for a period not to exceed one year, as detailed in Document 2 and as shown in Document 1; and
2. Direct staff to undertake a detailed zoning study on occasional overnight accommodation and report back to Planning Committee no later than October, 2013, with the aim of establishing permanent provisions to regulate this use.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil :

- 1. D'approuver une modification au Règlement de zonage 2008-250 afin de faire passer le zonage du 140, avenue Laurier Ouest de Zone d'utilisations polyvalentes de centre-ville, comportant une annexe 51 (MD S51), dans un secteur à désignation patrimoniale à Zone d'utilisations polyvalentes de centre-ville, dotée d'une exception et comportant une annexe 51 (MD[xxxx] S51), dans un secteur à désignation patrimoniale, et ce, afin de permettre un hébergement supervisé durant la nuit pendant une période d'une année au maximum, comme l'explique en détail le document 2 et comme le montre le document 1; et**
- 2. De charger le personnel d'entreprendre une étude de zonage détaillée sur l'hébergement occasionnel pendant la nuit et d'en faire rapport au Comité d'urbanisme au plus tard en octobre 2013, et ce, dans le but d'instaurer des dispositions permanentes visant à régler ce genre d'utilisation.**

BACKGROUND

Staff were approached with a request that the First Baptist Church, located at 140 Laurier Avenue West, be allowed to provide a portion of its basement for the provision of food and overnight accommodation to a small number of homeless youth, one night per week. This request is based on the "Out of the Cold" program, which is popular and successful in many municipalities across Ontario, and elsewhere in Canada.

The "Out of the Cold" program originated following the death of a homeless man in the 1980s. Each night from October through March, a different place of worship opens its doors to the homeless. This grassroots program is fully financed and run by volunteers with no involvement on the part of the Municipal Government.

This is the first time the City of Ottawa has been approached by a group, Restoring Hope Ministries, who wishes to use a portion of the place of worship basement to establish a six-bed (or cot) area, with a separate sitting room area with TV, as well as a table and chairs that would be used to house a few homeless youth one night per week. While the program is modelled on the "Out of the Cold", the request is to operate the overnight program once per week, though year round. The beds, table and chairs would be removed following the overnight stay and stored on-site for the following week. There would be no cooking on-site, with the food for dinner and breakfast brought in for the youth. The place of worship has indicated that it supports fully this idea and is willing to provide the space for this venture.

DISCUSSION

Recommendation 1

The City has chosen to initiate this temporary rezoning to ensure that the Out of the Cold program may be established in time for the coldest months of the year. The site is the First Baptist Church located at 140 Laurier Avenue West. It is centrally located and zoned Mixed-Use Downtown (MD S51) Heritage Overlay, which permits a place of worship, with the Schedule indicating the maximum heights permitted on-site. The proposal to use a portion of the basement includes set-up and storage of six beds or cots for the youth, plus any additional cot or bed for the volunteer supervisors, in addition to a sitting area with television and a table and chairs. This proposed use does not constitute development under the *Planning Act*. No building permit or site plan control approval is required to permit this ancillary use.

The “Out of the Cold” program originated in the City of Toronto and is now well recognized and organized in cities such as Hamilton, Barrie, Sudbury, Ste. Catharine’s, Woodstock, Kitchener-Waterloo, Windsor, Bracebridge, Peterborough, Niagara Falls, Markham, Halifax, St. John, Calgary, Kamloops, and Vancouver.

The Knox Presbyterian Church, located just southeast of the site, at 120 Elgin Street, has a dinner program that it offers to all homeless persons during the winter months, known as ‘Centre 120’. However, it does not provide overnight accommodation.

This proposal is the first of its kind in the city though it is hoped by the operator of this site that his youth program and other “Out of the Cold” programs will grow, and that one day it will rival those municipalities with overnight accommodation offered at a number of sites, every night of the week. With numerous places of worship offering one night per week, the homeless have a place to eat and sleep, particularly during the coldest months of the year. This helps to offset overcrowding of existing over-capacity shelters, and relies on trained volunteers rather than staff.

The program is so unique in that little money or resources are required. Unlike a shelter, it is a temporary set-up that does not result in the typical concerns that affect the large homeless shelters, including safety, security, loitering, and noise, amongst other matters. Owing to its portability, it is simple to dismantle, store the furniture and move the program to the next place of worship interested in participating in the “Out of the Cold” program.

Of importance, in this instance, is the idea of offering the City’s homeless youth an alternative to the large, adult or family shelters. None of those types of shelters reflects the unique needs of youth, who often feel ill-at-ease in the adult shelters. The proposed program offers an informal setting with one’s own age group and provides a sense of community, comfort and belonging to youth, some of whom may be newly homeless.

Initially, staff considered the proposed use to fall under the term ‘shelter’, which is a permitted use in the MD Zone. The creation of a shelter at this site would require a minor rezoning to reduce the minimum distance separation of 500 metres required

between shelters, with two shelters already close to this site. A stand-alone shelter would also require Site Plan Control Approval as its creation would constitute 'development' under the *Planning Act*.

To a great extent, the reason this use is proposed to be permitted as an ancillary use within a place of worship is due to its small size and infrequency of operation at any one location. These unique characteristics, and its location restricted to the basement of the main use, suggest that this secondary and occasional use should not fall under the zoning term 'shelter'.

Given the small scale at which this use is being proposed, in addition to the occasional use that does not involve any 'development', and the overall purpose and intent of the program modelled on the "Out of the Cold", this secondary use resembles most the current Zoning By-law 2008-250 Minor Institutional Zone (I1) permission of "three ancillary rooming units" within places of worship. Three rooming units are allowed as occasional, emergency accommodation to visitors, congregation members, and others on a short-term basis, although historically, the rooms were located in the ecclesiastical residence on the same site as the place of worship, and not in the church itself.

In addition, formal recognition has been given in the Zoning By-law 2008-250 to the Day Programs that are made available, to homeless persons, by a number of places of worship. The City subsidizes these Day Programs, which provide a number of services, including laundry and shower facilities, sewing and computer lessons, life skills, and similar services. The Zoning By-law recognizes these Day Programs by permitting "community health and resource centres" within places of worship. As such, there is precedence for permitting secondary uses within places of worship, to serve homeless persons.

The small scale of this operation, combined with volunteer supervisors who must receive police training, indicate that this occasional use should pose little risk to surrounding properties, and will not affect the heritage designation of the building. Moreover, recommending that a temporary, one-year, Zoning By-law amendment be adopted will allow for monitoring and additional study to determine the best long-term zoning that should be applied for this type of outreach, grassroots program.

Recommendation 2

It is recommended that staff undertake a zoning review of other municipalities where the "Out of the Cold" program is well-established and operated, while also monitoring the operation at 140 Laurier Avenue West, and report back to Planning Committee by October 2013 with a recommended general strategy to regulate the use. As there are numerous municipalities where this program occurs successfully each winter season, research as to how other municipalities deal with this secondary use in their land use documents would be useful. This review will be important, given the temporary nature of and portability of this program, which is distinct from the operation of a permanent shelter that provides lodging to large numbers of people and operates year-round seven nights a week.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

As this is a City-initiated temporary rezoning and the cold months are immediately ahead, public consultation was limited to communications and a meeting with the operator of the proposed, modified “Out of the Cold” Program at the site, as well as with the First Baptist Church. The Board of Deacons of First Baptist Church is in favour of permitting a portion of the Church basement to be used for a six-bed supervised occasional overnight accommodation for homeless youth, having had extensive consultation with the Restoring Hope Ministries who will operate the temporary accommodation.

Notification was given to all landowners within 120 metres of the subject property, as well as within the Ottawa Sun and Le Droit newspapers.

COMMENTS BY THE WARD COUNCILLOR

The Ward Councillor is aware of and concurs with this temporary Zoning By-law amendment.

LEGAL IMPLICATIONS

There are no direct legal implications associated with this report.

RISK MANAGEMENT IMPLICATIONS

The small scale of this operation, combined with trained supervisors, indicates that this occasional use should pose little risk to surrounding properties. The temporary nature of the Zoning By-law amendment will allow the use to establish, but will allow for monitoring and additional study to determine the best long-term zoning strategy that should be applied for this type of outreach, grassroots program.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

With respect to Recommendation 2, accessibility impacts will be fully considered in the detailed zoning study on occasional overnight accommodation and will be outlined in any recommended permanent provisions to regulate this use.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

TERM OF COUNCIL PRIORITIES

Healthy and Caring Communities: Help all residents enjoy a high quality of life and contribute to community well-being through healthy, safe, secure, accessible and inclusive places.

This also meets Strategic Objective HC3 – Improve social and affordable housing. While the “Out of the Cold” program does not provide permanent housing, this proposal will provide support and temporary accommodation to homeless youth.

APPLICATION PROCESS TIMELINE STATUS

The application was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments.

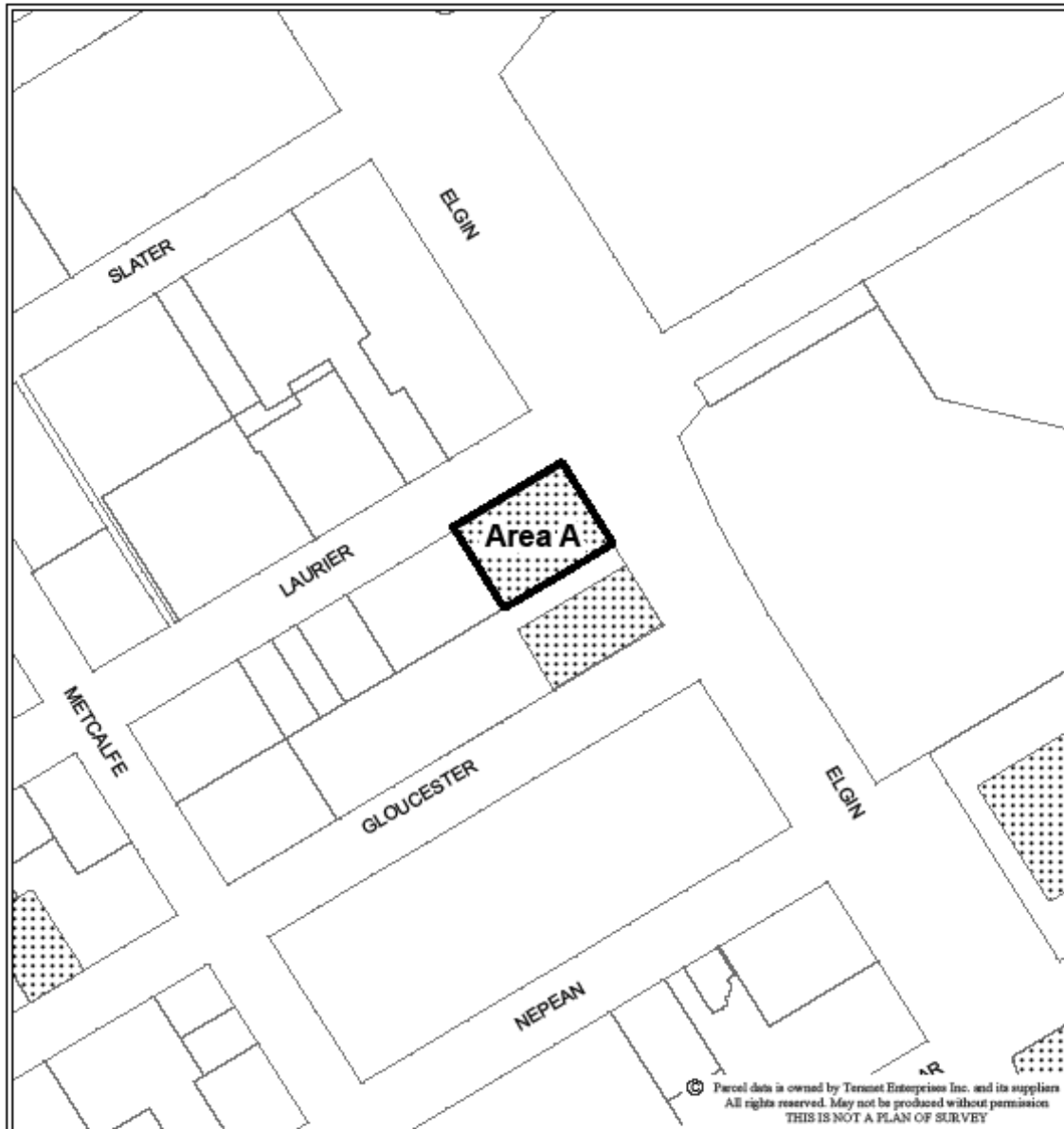
SUPPORTING DOCUMENTATION




- Document 1 Location Map
- Document 2 Details of Recommended Zoning

DISPOSITION

The Planning and Growth Management Department to prepare the implementing Zoning By-law, forward it to Legal Services Branch, and undertake the statutory notification.

Legal Services Branch to forward the implementing By-law to City Council.



 <p>Produced by Infrastructure Services and Community Sustainability Produit par Services d'infrastructure et Viabilité des collectivités</p>	<p>Location Map / Plan de révision Zoning Key Plan / Schéma de zonage 140 Laurier Avenue West</p>	<p>Échelle N.T.S. Mètres</p>
<p>ACS2012-PAI-PGM-0251 12-1510</p> <p>E:\CO\2012\ZONING\LAURIERW140</p>	<p> Area A to be rezoned from MD S51 to MD-xxxx S51</p> <p> Heritage (Section 60) Patrimoine (Article 60)</p> <p>041150135 Denotes Teranet-Polaris Parcel Identification Number</p>	<p></p> <p>Scale N.T.S. Mètres</p>
<p>2012 / 10 / 22</p> <p>REVISION DATE DE RÉVISION</p>		

DETAILS OF RECOMMENDED ZONING

DOCUMENT 2

Proposed Changes to the Comprehensive Zoning By-law

1. Amend the Zoning Map to rezone the lands shown on Document 1 and known municipally as 140 Laurier Avenue West, from MD S51 to MD-[XXXX] S51, to permit the basement of the place of worship to be used for occasional supervised overnight accommodation with a maximum of six beds or cots for guests, for a period of one year.
2. Amend Part 15, Section 239, Urban Exceptions, to create a new Exception as follows:
 - i) Add the code "MD-[xxxx] S51 to Column II
 - ii) Add the use "supervised occasional overnight accommodation" as an additional permitted use in Column III
 - iii) Add the following to Column V:

A supervised occasional overnight accommodation of up to six beds or cots for guests is permitted for a period commencing December 12, 2012 and ending on December 12, 2013.