

# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 15, 2021
<b>SUBJECT/REPORT NO:</b>	Public Engagement Results Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091(a)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Joanne Hickey Evans (905) 546-2424 Ext.1282
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

On April 30, 2019, Planning Division staff presented the “Residential Care Facilities and Group Homes - Human Rights and the Zoning By-Laws within the Urban Area - March 2019” Discussion Paper to Planning Committee. The Discussion Paper included preliminary recommendations for Zoning By-law changes to certain regulations (e.g. radial separation distance, capacity) and the definition relating to residential care facilities (RCF) as part of the on-going Zoning By-law reform project. The April, 2019 staff report also sought authorization for public engagement on this matter.

The following recommendations were approved by the Planning Committee and Council:

- “(a) That Report PED19091 (City Initiative CI-19-B), including the Discussion Paper titled Residential Care Facilities and Group Homes - Human Rights and the Zoning By-Laws within the Urban Area - March 2019, attached as Appendix “D” to Planning Committee Report 19-007, be received;
- (b) That the Residential Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper be posted on the City’s website and invite written submissions on the proposed Zoning By-law regulation and

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

definition changes for a period of 30 days, with staff reporting back to the Planning Committee on the written submissions received. In the event that additional public engagement is necessary, it would be included with other housing issues as part of the residential zoning project; and,

- (c) That staff report back to the Planning Committee summarizing public input and identifying the preferred zoning definition and regulations for residential care facilities and group homes to be incorporated into the new residential zones in Zoning By-law No. 05-200.”

## **INFORMATION**

The purpose of this Report is to report back to Planning Committee as directed in recommendation (b) above.

### **1.0 Background**

Prior to the development of the new Residential Zones for Hamilton Zoning By-law No. 05-200, staff identified three distinct issues that are more complex than standard Zoning By-law regulations (i.e. setbacks, height, etc.) that warrant public input prior to completion of the new zones. The issues are:

- Residential Care Facilities;
- Secondary Dwelling Units (completed); and,
- Residential Parking (fall 2021).

The purpose of the April, 2019 Discussion Paper on RCFs was to present a review the Zoning By-law regulations (e.g. radial separation distance, capacity) and definition of residential care facilities (RCF) within the urban area and seek public feedback on options for regulating RCFs in the Zoning By-law. This review was initiated by City Council in response to a specific OMB hearing (Lynwood Charlton) and the Ontario Human Rights Commission (OHRC) concerns respecting Zoning By-law regulations for RCFs. The review will be used as input into the new residential zones for Zoning By-law No. 05-200 and is consistent with the principle of developing harmonized City-wide zoning regulations.

### **2.0 April 30, 2019 Planning Committee Meeting**

At the April 30, 2019, Planning Committee staff presented the RCF Discussion Paper Residential Care Facilities and Group Homes – Human Rights and the Zoning By-laws within the Urban Area Discussion Paper and included a public engagement approach for this topic.

**SUBJECT: Public Engagement Results - Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091(a)) (City Wide) – Page 3 of 5**

---

Public engagement on secondary units was combined with residential care facilities for a more robust and comprehensive public engagement process. The engagement was held throughout the City. A variety of techniques (i.e. open houses, web presence, etc.) were used.

After a discussion at Planning Committee, the public engagement approach approved by Council was:

- “(b) That the Residential Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper be posted on the City’s website and invite written submissions on the proposed Zoning By-law regulation and definition changes for a period of 30 days, with staff reporting back to the Planning Committee on the written submissions received. In the event that additional public engagement is necessary, it would be included with other housing issues as part of the residential zoning project; and,
- (c) That staff report back to the Planning Committee summarizing public input and identifying the preferred zoning definition and regulations for residential care facilities and group homes to be incorporated into the new residential zones in Zoning By-law No. 05-200.”

Appendix “A” to Report PED19091(a) includes a summary of the preliminary recommendations to Zoning By-law No.05-200 respecting changes to the RCF definition, capacity limits (both minimum and maximums), deleting the radial separation distance and moratorium areas (Zoning By-law No. 6593) and allowing a social services establishment (i.e. counselling services) as an additional use within certain zones.

### **3.0 Public Engagement Methods and Results**

#### **3.1 On-line Material:**

The online material included both an Executive Summary – Summary of Preferred Regulations and the full Residential Care Facility/Group Homes in the Urban Area Discussion Paper. These materials were posted on the Residential Zoning Web page on April 19, 2019 and remain there to date. The on-line survey was posted on August 16, 2019.

Staff undertook the on-line and stakeholder public consultation between August 19 and September 27, 2019.

**SUBJECT: Public Engagement Results - Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091(a)) (City Wide) – Page 4 of 5**

---

### 3.2 Notification of stakeholders and the Public

Notification to the public and the RCF operators was undertaken as follows:

<b>Date:</b>	<b>Action</b>
July 27, 2019	Email to all Councillors advising of the start of the on-line Engagement, and the date the ad was going into the Spectator
August 16, 2019	½ page ad in the Hamilton Spectator, attached as Appendix “B” to Report PED19091(a)
	Email to 14 institutional organizations and operators, as well as the second level lodging home coordinator advising of the Discussion Paper, on-line survey and stakeholder meeting.
	On-line Survey posted on the Residential Zoning page of the City’s website
September 11, 2019	Stakeholder Meeting – Presentation and Discussion

### 3.3 Engagement results

#### 3.3.1 Stakeholder Meeting

Five representatives of the RCF Operators attended the stakeholder meeting. The operators were generally satisfied with the approach proposed in the Discussion Paper.

#### 3.3.2 Survey and Written Correspondence:

An online survey was conducted. The response rate was low with 4 respondents. Responses to the survey are attached as Appendix “C” to Report PED19091(a).

The responses were generally in support of the recommendations, but the sample size is too small to draw a strong conclusion.

One letter was received from the operators of Lynwood Charlton seeking clarification on the zoning for their facilities as well as some concern about the definition of RCF (see Appendix “D” to Report PED19091(a)). They operate the following facilities:

- 185 Collinson, Flamborough

This facility is within the rural area and is subject to the current Agricultural (A1) Zone. It complies to the Zoning By-law.

**SUBJECT: Public Engagement Results - Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091(a)) (City Wide) – Page 5 of 5**

---

- 526 Upper Paradise and 121 Augusta, Hamilton

Both facilities have site specific zoning which will be retained as part of the residential zones in Zoning By-law No. 05-200.

- 135 Forest, Hamilton

This facility is within the “E-3” (High Density Residential) District in Zoning By-law No. 6593. It appears the facility conforms to the current zoning. A zoning verification would be required to ensure conformity.

Some of the commentary on the proposed definition relates to their operations. Two of their properties have site specific zoning that addresses their concerns. Further, the proposed definition is being clarified and still allows for on-site supports (i.e. classrooms).

**CONCLUSION:**

Based on Council’s recommendations regarding public engagement for RCF’s, staff will be including the RCF proposed regulations and definition within the public engagement materials for community consultation planned for the low density residential zones in the Fall of 2021. It will also be included as part of future engagement for both the medium and high density zones in subsequent phases, as the updated RCF regulations will be implemented through future residential zones.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” - Preliminary Zoning By-law 05-200 Amendments for Residential Care Facilities

Appendix “B” - The Spectator Newspaper Ad – August 16, 2019

Appendix “C” - Survey Results

Appendix “D” - Letter from Lynwood Charlton Centre