

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Mayor and Council Members	Priority:	<input type="checkbox"/> High <input checked="" type="checkbox"/> Low
Submitted by:	Rob Franklin, MCIP, RPP Manager of Planning rfranklin@cobourg.ca	Meeting Type:	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
Meeting Date:	February 16, 2021		
Report No.:	Planning File: Z-04-20 PLL File: ZB-2020-003 (4085)		
Submit comments to Council			

Subject/Title: Application for Zoning By-law Amendment, Weston Consulting Inc. on behalf of 2759655 Ontario Ltd./Canadian Centre For Addictions, 420 Division Street, Cobourg

RECOMMENDATION:

THAT Council receive this Report for information purposes; and

FURTHER THAT Council endorse the By-law attached as **Appendix VI** which re-zones the 0.38 ha (0.94 ac) parcel of land at 420 Division Street from “District Commercial Exception 2 (DC-2) Zone” to “District Commercial Exception 29 Holding [DC-29(H)] Zone” to permit the adaptive re-use of the former Inn/Hotel and restaurant as a Rehabilitation/Detox Treatment Centre with site specific zone provisions governing the proposed land use, facility capacity and parking.

1. STRATEGIC PLAN

N/A

2. PUBLIC ENGAGEMENT

An application for Zoning By-law Amendment was submitted by Weston Consulting Inc. on behalf of the 2759655 Ontario Ltd./Canadian Centre For Addictions in September 2020 for the Subject Lands.

On October 13, 2020, Council formally received the application for Zoning By-law Amendment. The application was referred to the Planning Department for a report, and a Public Meeting was held on November 30, 2020 in accordance with the provisions of the *Planning Act, RSO 1990, c.P.13*, as amended. The applicant also convened a

virtual Public Information Meeting/Open House on November 18, 2020 in accordance with Council's procedures for public engagement.

Section 34 of the *Planning Act* prescribes Statutory notice requirements for a complete Zoning By-law Amendment application, and for the scheduling of a Public Meeting. Notice of a complete Zoning By-law Amendment application and notice of a public meeting can be provided together. The Municipality is required to give notice by *either*:

- a) publication in a newspaper that is of sufficient circulation in the area which the application applies; *or*
- b) personal or ordinary service mail to every land owner within 120 metres of the subject land, and by posting a notice, clearly visible from a public highway or other place the public has access on the subject land, or a location chosen by the municipality.

The Municipality's notification procedures for complete applications and public meetings included both a) and b) above, including the posting of signs on the frontages of the property (Division Street and John Street), which met and exceeded the notice requirements prescribed by the *Planning Act*. In addition, the Town provided an information and application receipt memo to Council for information purposes in open session and posted relevant information regarding the development on its Planning Applications page of the municipal website (Planning & Development). Members of the public on record as making submissions to the Town will be notified when the application

3. PURPOSE

To re-zones the 0.38 ha (0.94 ac) parcel of land at 420 Division Street from "District Commercial Exception 2 (DC-2) Zone" to "District Commercial Exception 29 Holding (DC-29-H) Zone" to permit the adaptive re-use of the former Inn/Hotel and restaurant as a Rehabilitation/Detox Treatment Centre.

4. ORIGIN AND LEGISLATION

An application for approval of a Zoning By-law Amendment was submitted by Weston Consulting Inc. on behalf of 2759655 Ontario Ltd. and the Canadian Centre For Addictions (CCFA) in September of 2020. At its meeting held on October 13, 2020, Council moved that the application be received and referred to the Planning Department for a report, and further directed that the Public Meeting be scheduled. A virtual Open House was convened by Weston Consulting Inc. on November 18, 2020 and a Public Meeting of Council was convened on November 30, 2020 regarding this application. A number of public submissions have been received by the Municipality regarding the application.

In accordance with the *Planning Act*, if Council has not made a decision within 90 days of its receipt as a Complete Application by Council, the applicant may appeal the application to the Local Planning Appeal Tribunal (LPAT).

5. BACKGROUND

5.1 Owner

2759655 Ontario Ltd., o/a Canadian Centre for Addictions (CCFA)

5.2 Applicant/Agent

Ryan Guetter – Weston Consulting Inc.

5.3 Property Address

The subject lands front onto Division Street and are located just north of University Avenue East at 420 Division Street (see Figure 1 – Site Location Map below).



Figure 1 – Site Location Map

5.4 Existing Land Uses

The subject lands are currently occupied by a vacant commercial Inn and restaurant with eighteen (18) rooms/suites.

5.5 Surrounding Land Uses

The land uses in the vicinity of the subject property generally consist of a mix of residential, institutional and commercial land uses.

- North: commercial
- East: medium density residential, institutional
- South: commercial, low-medium density residential
- West: low-medium density residential, commercial and institutional

5.6 Proposal

The subject lands are currently occupied by a vacant Inn consisting of eighteen residential suites, a dining room/restaurant, meeting room, bar and commercial kitchen (formerly known as the Woodlawn Inn). Based on the information supplied by the proponent, the proposal is to convert the existing 18 guest room Inn into a privately-owned, fee-based treatment centre with a maximum of forty (40) client beds plus staff, for treatment and counselling of those dealing with drug and alcohol addiction. No exterior changes are proposed to the building or property other than signage and security/fencing.

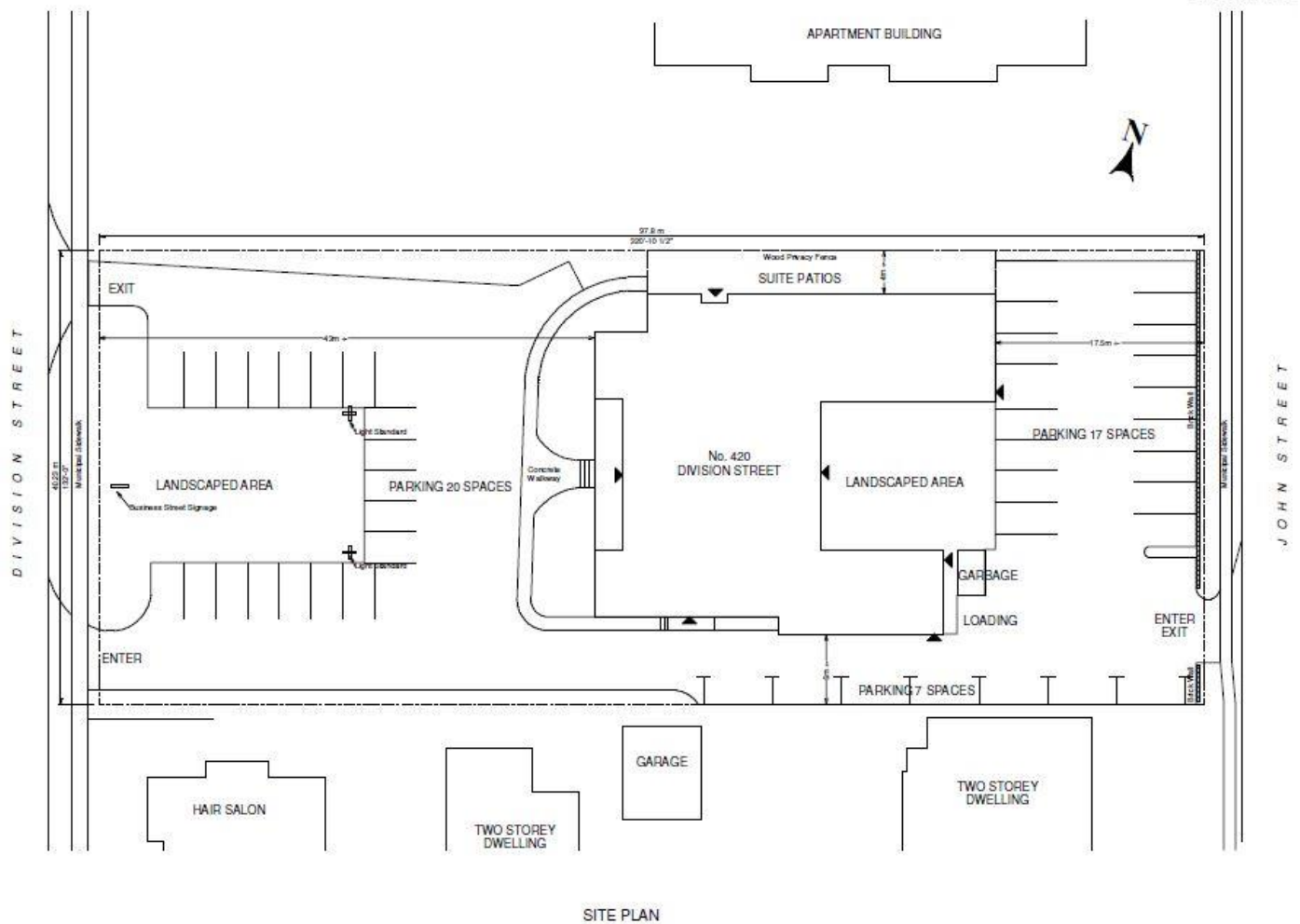
Specifically, the background information indicates that CCFA is a company that specializes in helping those who suffer from addiction to learn the skills required to successfully live an addiction-free lifestyle. The proposed facility would accept patrons on a private, appointment-only and "fee-for-service" basis – it is not publicly-funded nor do they accept referrals from the judicial system. Patrons will occupy the centre full time for a period ranging from several weeks to a number of months and obtain various levels of treatment from a team of addiction counsellors and therapists based on their individual needs. The information supplied indicates that the facility is not a safe injection site nor a drop-in centre, although some limited daily rehabilitation counselling services may be provided on a fee basis should there be a need in the community.

CCFA currently operates a similar facility on Dorset Street in Port Hope. The following treatment programs are being offered by CCFA:

- Detox and Withdrawal Management Services;
- Mental Health Support;
- One-on-One Counselling;
- Family Program and Counselling;
- Lifetime Aftercare;
- Relapse Prevention Program Guarantee; and,
- Evidence-based Statistical Reporting.

The proposed facility at 420 Division Street will house a maximum of 40 persons exclusive of staff, although 100% occupancy is not often attained. CCFA will staff the facility 24 hours per day, including 12 staff during the day and 6 overnight. The patients are not permitted to leave the facility (with the exception for extenuating circumstances ie. medical) and typically do not bring their own vehicles. Entry to the facility is voluntary and, thus, they are free to leave at any time however there are no In/Out privileges and once they have left the facility they are not permitted to re-enter with the exception of the aforementioned exceptional circumstances. Patrons leaving the facility are either picked up by receiving friends/family, or are transported by facility staff via arrangement.

Special COVID-19 protocols for both staff and patrons are proposed which meet and exceed public health guidelines, including mandatory negative testing/screening, PPE, social distancing and personal/facility hygiene and cleaning measures, to provide necessary infection and prevention controls. Video and tele-conferencing services are now being offered in lieu of in-person counselling as a result of COVID-19 based on the nature and extent of the patron's individual needs.



SITE PLAN

Figure 2 – Concept Site Plan

The subject lands are presently designated “Mixed Use Area” in the Cobourg Official Plan (2017) and zoned “District Commercial Exception Two (DC-2) Zone” in the Comprehensive Zoning By-law. The mixed use designation and commercial zoning permits an assortment of commercial uses, institutional uses, light industrial uses in an enclosed building, offices, and medium to high density residential uses or secondary residential uses in a commercial building.

The applicant submitted supporting studies in conjunction with the proposal, including:

- Planning Justification Report, Weston Consulting Inc., September 2020, revised November 2020;
- Fulsome Response to Comments, Weston Consulting Inc., December 2020;
- Comment Response Matrix, Weston Consulting Inc., December 2020;
- Architectural Drawings, Bruce MacNeil Architect, April 2020, updated December 2020;
- Traffic and Parking Brief, Trans-Plan Transportation Engineers, June, 2020;
- Sanitary Servicing Brief, Crozier Consulting Engineers, May 2020.

The above reports were circulated to and reviewed by municipal departmental staff and partner review agencies, including the Ganaraska Region Conservation Authority (the

“GRCA”), Cobourg Police Services (CPS), Lakefront Utility Services Inc. (LUSI), and the County of Northumberland (the “County”), as part of the development proposal review process.

For the purposes of the land use planning review and due to size, only the Planning Justification Report, Fulsome Response to Comments and a Comment Response Matrix have been appended to this Report. The following Appendices are attached:

- **Appendix I** – ***Weston Consulting Planning Justification Report, Sept. 2020*** (hereinafter referred to as the “Weston Planning Report”);
- **Appendix II** – ***Public Meeting Notes of November 30, 2020***;
- **Appendix III** – ***Weston Fulsome Response to Comments, Dec. 22, 2020*** (hereinafter referred to as the “Weston Response Letter”);
- **Appendix IV** – ***Weston Comment Response Matrix***;
- **Appendix V** – ***Agency Comments***;
- **Appendix VI** – ***Draft Zoning By-law Amendment***.

Copies of the relevant background reports may be found on the Planning & Development webpage at <https://www.cobourg.ca/en/business-and-development/Planning-Applications.aspx>.

6. ANALYSIS

In considering the subject application, an understanding of the applicable provincial legislation and local policies is beneficial when reviewing applications for approval of a Zoning By-law Amendment. The following provides an overview of the relevant background and commentary where required.

The background reports submitted with the subject application, particularly the Weston Planning Report, provide an overview of the subject application relative to relevant provincial and local policies and provide conclusions and opinions relating to conformity therewith. It is not the intent of this Planning Report to duplicate the review and analysis provided in these reports, however the following sections provide a general ‘high-level’ summary of the relevant background and commentary submitted by the applicant from a municipal planning staff perspective and are intended to complement and be read in conjunction with the submitted reports.

6.1 Planning Act, RSO 1990, c.P. 13, as amended

In accordance with the approval process of the *Planning Act*, the requirements for considering an application for approval of a Zoning By-law amendment include public notification, convening a Public Meeting, and awaiting an appeal period.

As referenced above, the Municipality shall have regard to matters of Provincial interest under Section 2 of the Act, and in considering the proposed land use, the following Provincial interests are relevant:

- The orderly development of safe and healthy communities - ***because the location of these uses should be compatible with adjacent land uses***

and the planned function of an area with public safety being a consideration while considering the needs of those who require these facilities in our society;

- The adequate provision and distribution of educational, health, social, cultural and recreational facilities - **because there is a general need for these facilities (public or private) to support social and physical well-being of residents;**
- The resolution of planning conflicts involving public and private interests - **because of the potential conflicts that may exist when these facilities are sited near certain sensitive land uses;**
- The protection of public health and safety - **because of the need to ensure that those members of our society that require health services can access them with public safety always being a consideration;**
- The appropriate location of growth and development - **because there is a need to ensure that all land uses are located in appropriate areas that are suitable for the use with minimal impacts on the adjacent area.**

Comment/Opinion

Municipal planning staff has reviewed the application in light of the aforementioned items of Provincial interest. The intended re-use of the subject building proposes to preserve the existing heritage building, would offer health and social service supports for individuals in need in a location that balances public safety and society's needs for rehabilitation services, and is located in a commercial district on a major arterial road in close proximity to transit and other community services. The site of the proposed use and the arrangement of the existing structure and parking facilities are compatible with adjacent land uses with the inclusion of appropriate buffering and security measures (ie. fencing) as part of any future site plan and development agreement.

In my planning opinion, the proposed Zoning By-law Amendment has appropriate regard to matters of Provincial interest under Section 2 of the *Planning Act*. Section 6.2 below provides further commentary of the proposal relative to matters of Provincial interest.

6.2 Provincial Policy Statement (PPS), 2020 & Growth Plan, 2019

The *Planning Act* requires that the Council of a local Municipality shall make decisions on development applications which are consistent with the Provincial Policy Statement (PPS) and conform to the Growth Plan. The PPS was issued by the Ministry of Municipal Affairs and Housing under the *Planning Act* and the Growth Plan was issued under the *Places To Grow Act*.

The Weston Planning Report provides an overview of the key policies and principles as outlined by the Province in Sections 7.2 and 7.3 (pages 23-29).

In general, the primary directives of the documents include such issues as:

- fostering the development of complete communities which are strong, sustainable, liveable, healthy and vibrant, and which enhance human health and social wellbeing by accommodating a range and mix of uses, including institutional uses, to meet long-term needs;
- promoting efficient, cost-effective and transit-supportive land use and development patterns to minimize land consumption and servicing costs and support active transportation;
- facilitating intensification, redevelopment and compact built form;
- directing growth and development to urban settlement areas with full municipal services;
- conserving significant cultural heritage resources;
- improving social equity and overall quality of life, including human health, for people of all ages, abilities and incomes;
- avoiding development and land use patterns which may cause environmental or public health and safety concerns; and,
- protecting public health and safety from risk or damage associated with natural and human-made hazards;

The Growth Plan directs that the vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. In addition, the Plan provides direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form. The urban built form shall include a diverse range and mix of land uses to accommodate the needs of the community, including affordable housing, institutional uses, and community facilities, with convenient access to a range of transportation and public open space options, including the safe, comfortable and convenient use of active transportation and publicly-accessible parks, trails, and other recreational facilities.

Comment/Opinion

The subject site is located within an urban, serviced settlement area and is considered part of the “built boundary” of the Town of Cobourg as established by the Growth Plan and the municipal Official Plan. Accordingly, the proposed development is considered *intensification* within the existing built-up area of the municipality as it involves the conversion and intensive re-use of an existing building.

In accordance with applicable Provincial and County policies, the Town of Cobourg is expected to grow by approx. 6,000 residents (to 26,105) and approx. 1,700 employees by 2034. Maintaining a commercial/institutional presence and adding professional service jobs as part of this development would count towards achieving the Town’s and County’s employment *intensification* targets as per the County Official Plan and Provincial Growth Plan.

A key component of the PPS 2020 is support for the Provincial goal to enhance the quality of life for all Ontarians, which includes accommodating a range of uses

to meet long-term needs. In this regard, Section 1.1.1 b) of the PPS states the following:

"Healthy, livable and safe communities are sustained by: ... (b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;"

As per the above section, the proposed uses could be considered as 'institutional uses', which are not limited in scope by the examples listed in the above policy.

Based on my review of the application for Zoning By-law Amendment, including the supporting background information, it is my opinion that the application is consistent with the PPS and conforms to the Growth Plan. Specifically, the proposal provides for intensification within the urban, serviced area of the municipality and makes effective use of existing infrastructure and buildings which will serve to reduce costs and the consumption of land and maintain and enhance service jobs. The proposed amendment will also introduce a land use which will assist in addressing the growing need for a specific health support service in the community and region by helping individuals battling addictions to chemical substances and alcohol and, thus, improve the overall health and safety of the public.

Therefore, I concur with the conclusions and opinions contained in the Weston Planning Report regarding conformity to matters of Provincial interest as reflected in the PPS and Growth Plan.

6.3 County of Northumberland Official Plan, 2016

The County of Northumberland Official Plan (the "County OP") was approved by the Ministry of Municipal Affairs and Housing on July 29, 2015 and finally approved by the Ontario Municipal Board on November 23, 2016. In general, the purpose of the County OP is to:

- Establish a broad, upper tier policy framework intended to guide local municipalities in the preparation of their Official Plans, Official Plan Amendments and zoning by-laws;
- Implement the PPS and Growth Plan at the County level; and,
- Establish a framework for coordination and cooperation amongst local municipalities and the County on planning and development issues that cross municipal boundaries.

The County OP is not intended to duplicate the policies of local Official Plans, and recognizes that certain land use planning responsibilities are vested with local municipalities. Accordingly, the County OP provides over-arching guidance necessary to formulate detailed strategies, policies and land use designations at the local level. Thus, the land use designations and policies in the Cobourg OP essentially remain

intact, but would need to be monitored and regularly updated to ensure conformity with the County OP.

The County OP encourages each of the six (6) urban areas in the County to become complete communities, including the provision of convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, health, transit, recreation and open space for their residents. From this perspective, it is the objective of the County OP to:

- Protect, enhance and maintain existing urban areas as diverse, livable, safe, thriving and attractive communities;
- Promote the efficient use of land and infrastructure by directing most development to urban areas where full services are available;
- Encourage a range of complementary and compatible land uses in residential areas, including community facilities, schools, small-scale commercial uses and recreational open space areas;
- Provide opportunities for a diversified economic base, including an appropriate mix of employment and institutional uses to meet long term needs;
- Establish an integrated transportation system that safely and efficiently accommodates various modes of transportation including public transit, cycling and walking;
- Provide for an interconnected system of public spaces that offer convenient and comfortable access and promote safe and healthy environments; and,
- Encourage a high standard of urban design;

In addition to the above, the County Official Plan also encourages each of the six urban areas to become complete communities where there is:

- a) A strong live/work ratio, where the majority of residents are employed in the community in which they live;
- b) Choice in the market place, in terms of obtaining goods and services;
- c) A range of educational and training opportunities;
- d) A range of housing types for all levels of income and ages;
- e) A range of health care services for the majority of the residents;
- f) A range of community and social services to assist the majority of those in need in the community;
- g) A range of cultural and recreational opportunities and facilities; and,
- h) A population level and density that supports the provision of public transit, where feasible.

Comment/Opinion

In my opinion, the County Official Plan encourages the type of use proposed because it is one component of a range of community and social services to assist the majority of those in need in the community.

It is also my opinion that the proposed land use provides a desirable, adaptive change of commercial use to an institutional use which is appropriate for its locational context and is consistent with the Province's goal of intensifying growth and development within urban serviced settlement areas. The proposed re-use promotes the efficient use of existing infrastructure. In addition, the proposal integrates well with adjacent forms of development that exist in the general neighbourhood. The Subject Lands are located in a commercial area in close proximity to existing community services and transit facilities.

As referenced in Section 6.2 above, the proposed land use would assist in achieving the Town's and County's employment intensification targets as set out in the County Official Plan and Provincial Growth Plan.

Based on my review of the application and supporting documentation, I concur with the conclusions of the Weston Planning Report and it is my planning opinion that the application would conform to the County Official Plan.

6.4 Town of Cobourg Official Plan, 2017

The Official Plan is a broad policy document that establishes an overall planning framework or vision for the community, including policies for maintaining and enhancing the existing community structure and for managing change, and for guiding the municipality in implementing the planning process through a variety of mechanisms and approaches.

Section 7.5 (pgs. 32-34) of the Weston Planning Report provides an overview and analysis of relevant OP Plan policies and provides opinion on conformity with municipal policies.

i. General

To a very large extent, the vision in the Cobourg OP recognizes Cobourg's role as a regional centre and economic hub in Northumberland County. Section 2.5 contains a principle and a number of objectives under the heading: '*Healthy and Economically Viable Community*'. In this regard, the principle does broadly refer to 'social health' and a 'safe community' as per below:

"Principle: Decisions made with respect to the future of the Town of Cobourg will reflect the need to maintain a healthy and economically viable community.

The intent of this principle is to encourage a broadly based planning approach which will maintain and, where feasible, enhance the social and economic health of the Town and its residents. Components of this healthy community include economic vitality (e.g. provision of a wide range of employment opportunities, strong core area); lifestyle choices for residents (e.g. housing and service

opportunities for seniors, youth and young families); the availability of community services and facilities (e.g. access to recreation); a safe community; and general liveability."

To a large extent, rehabilitation/treatment centres and crisis care facilities support the above principle. One of the objectives under this principle supports safety and security as per below:

"vii) To ensure that all changes to the community promote safety and security through the use of appropriate design strategies".

Consistent with Provincial and County policies noted above, some of the key objectives of the Official Plan include the promotion of compact, walkable and mixed use neighbourhoods, the effective use of existing municipal piped infrastructure, transit and other services, high quality design, and integrating new development with existing neighbourhoods. More intensive development is encouraged along major transit and transportation corridors to promote alternative forms of transportation, including transit and active transportation modes. Compatibility and high-quality architectural design are also important principles of the Plan. In addition, the Official Plan recognizes the need to maintain and enhance the social and economic health and well-being of the community through appropriate land use mix and design strategies.

As referenced in Section 5.6 above, the Subject Lands are designated "Mixed Use Area" in the Official Plan (see [Figure 3](#) – Official Plan Designation below). The property forms part of the commercial node commonly referred to as Midtown. The Mixed Use Area designation permits a variety of commercial, office, institutional, light industrial, recreational and high density residential uses with a minimum FSI of 0.3. The aforementioned uses reflect the intent of the Plan to facilitate development on major transportation corridors which is compact, intensive, varied and of a larger scale than other land use designations.

The Official Plan does not specifically define an addiction rehabilitation treatment centre, but rather provides for institutional uses in a more generic capacity, such as hospitals, educational facilities, and supportive housing (large-scale group homes, long term care). Institutional land uses are found in a number of designations, including the Major Institutional Area, Mixed Use Area, Main Central Area and other commercial designations. Typically, the implementing Zoning By-law would more closely define specific institutional uses.

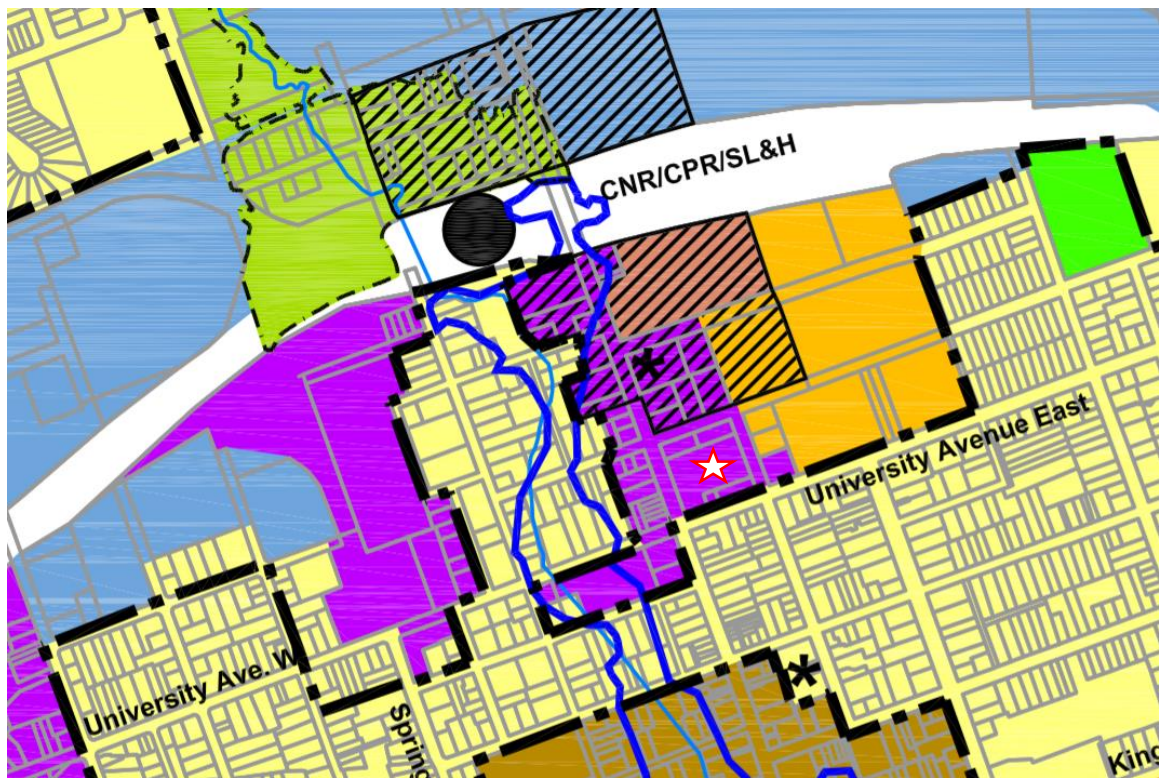


Figure 3 – Official Plan Designation

Comment/Opinion

The proposed development constitutes the conversion and re-use of the existing building, formerly used as an Inn/Hotel, for a privately-owned, fee-based treatment facility for persons suffering from addiction to drugs and/or alcohol (see *Figure 2 – Concept Development Plan above*). The site is located within the Mixed Use Area designation which recognizes those commercial areas that are oriented to the service of vehicular traffic and require direct access from arterial roads and the exposure afforded by such a location. It is also designed to transition these traditional commercial areas to a mixed use development form by encouraging the introduction of a range of additional compatible non-commercial uses to intensify and enhance the use of these areas.

In considering how to categorize the proposed use, it is my opinion that it is an institutional and while it is similar in some respects to a group home, it is different from a Group Home primarily because a Group Home is required to be licensed or approved for funding under Provincial Statute whereas the proposed addiction treatment centre is a private, commercial “for-profit” operation. In addition, those living in a Group Home are living under supervision in a single housekeeping unit, whereas the proposed addiction treatment centre is not proposed to be set up as a single housekeeping unit by virtue of the number of patients and staff. Lastly, Group Homes are permitted as-of-right in most land use designations (including Residential Areas), and typically involve permanent residential accommodations (ie. form the primary address or place of residence for its clients) and are integrated into residential neighbourhoods. Thus, a Group Home is considered a residential use.

The proposed rehabilitation treatment centre is designed as a closed (self-contained) facility, with limited to no interaction with the neighbourhood or community, and has limited-term accommodations (stays measured in weeks/months, and not primary place of residence). Thus, it is my opinion that a rehabilitation treatment centre is an institutional use.

ii. Cultural Heritage

Section 5.5 of the Official Plan outlines the general policies associated with cultural heritage preservation. A key principle includes the Town recognizing the significance of these resources and provide for their conservation, including adaptive re-use, in accordance with the provisions of the Planning and Heritage Act.

Comment/Opinion

The site at 420 Division Street is not designated under Part IV or V of the *Heritage Act* (Individual or District) but is on the Municipal Heritage Registry. This provides additional notification process in case a property is requested for demolition. The proposed development plan is for the re-use of the building with limited visible changes (signage and security/fencing).

Based on a review of the proposed draft plan and supporting documentation, it is my planning opinion that the proposal satisfies the heritage conservation policies of the Official Plan.

iii. Sustainability

The Cobourg Official Plan contains a number of references to sustainable community design, including the Vision, Section 2.7 – Community Design Principles, Section 4.0 Greenlands System and Section 5.0 Community Design & Improvement (to name a few), however the key initiative is found under Section 4.8 – Sustainability Strategy.

The purpose of the Strategy is to foster a “*culture of conservation*” which reflects the principle of sustainable development – “*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*”. The policies contained within the Strategy, and the supporting guidelines in the Town’s Urban & Landscape Design Guidelines, are aimed at encouraging development which is based on this principle and set the framework for the creation of an Integrated Community Sustainability Plan (ICSP).

In particular, the Town shall encourage development designed to:

- i) reduce the consumption of energy, land and other non-renewable resources including support for energy efficient building and opportunities for co-generation;
- ii) minimize the waste of materials, water and other limited resources;
- iii) create livable, healthy and productive environments;
- iv) reduce greenhouse gases; and,
- v) enhance biodiversity, ecological function, and the natural heritage system, including the provision of wildlife habitat and linkages.

Comment/Opinion

The development plan envisioned by the zoning amendment is an adaptive re-use of an existing building served by existing municipal infrastructure and facilities. This

project will be encouraged during the interior modification to follow the key directions of the Town's sustainability strategy such as water conserving plumbing fixture and taps, energy conserving LED light bulbs, etc.

In my planning opinion, the re-development plan envisioned by the zoning amendment responds to the principles of sustainable development in conformance to the policies of the Official Plan and Urban & Landscape Design Guidelines.

iv. Community Design & Improvement

The policies of Section 5.0 of the Official Plan provide direction for evaluating development from an urban design and improvement perspective, and are to be read in conjunction with the Urban and Landscape Design Guidelines. Key themes include streetscape design, building design, significant views, heritage conservation, landscape design, community design, community improvement, accessibility/visitability, commercial/mixed use development design, and active transportation.

Comment/Opinion

The proposal involves the adaptive re-use of an existing commercial Inn/Hotel building into a rehabilitation treatment facility. There will be little change to the existing streetscape or site design and the heritage attributes of the building will be conserved. The re-development will be subject to the Site Plan Approval (SPA) process where additional measures for potential site and building alterations, landscaping, and screening will be addressed. In response to security and public safety concerns, the operation is intended as a "closed facility" where little to no interaction with the balance of the community or neighbourhood will occur, and site security will be addressed via 24 hour supervision, controlled access and perimeter fencing. The provision of external facilities for enhancing accessibility and visitability will be examined during the detailed site design process for the re-development.

In my opinion, the proposal satisfies the community design and improvement policies of the Official Plan and Urban & Landscape Design Guidelines.

v. Transportation

The transportation strategy of the Official Plan is based on the principle of providing a safe, economic and efficient transportation system while offering a balance of transportation choices that reduces reliance on a single mode and promotes transit, cycling and walking and other active transportation modes. The policies also speak to integrating land use and transportation system planning to optimize support for alternative modes of travel.

A Traffic and Parking Brief was submitted in support of the proposed treatment centre. The Trans-Plan Traffic and Parking Brief concluded that there will be minimal impacts to the existing road system and intersections as a result of the proposed re-use of the former Inn/restaurant. The primary traffic affecting the site will be from vehicles dropping off patrons and for staff parking. The Brief also concludes that there is an adequate supply of parking on-site to serve the proposed use.

Comment/Opinion

The subject site is proposed to transform from a publicly-accessible Inn/Hotel serving the travelling public and a full-service restaurant to a private, fee-for-service rehabilitation treatment centre. The site is situated on a major arterial road in close proximity to municipal transit and regional rail service. Traffic and parking impacts should be minimal. In my opinion, the proposed re-development plan conforms to the transportation policies of the Official Plan.

vi. Municipal Servicing Infrastructure

All new development/re-development in the community shall be serviced by full municipal services. A Functional Servicing Brief was prepared by Crozier Consulting Engineers in support of the re-development plan which demonstrates that the proposal can be appropriately serviced with existing municipal infrastructure in accordance with relevant criteria of authorities having jurisdiction.

Comment/Opinion

The Crozier Servicing Brief and related engineering documentation confirms that the necessary infrastructure is in place to service the Subject Lands and that runoff can be contained on the site and accommodated to meet all relevant criteria of authorities having jurisdiction (GRCA, Town Engineering/Public Works, County). There will be an increase in maximum daily and peak hourly water usage with subsequent increases in sanitary design flows, however existing pipes and road connections are appropriately sized to accommodate this. It is my opinion that the servicing infrastructure policies of the Official Plan are satisfied.

From an analysis of the proposal relative to the policies of the Official Plan, planning staff concludes that the proposal satisfies the requirements of the Plan and that the general intent and objectives of the Plan are maintained. Thus, in my opinion, the proposed Zoning By-law Amendment conforms to the Official Plan.

6.5 Zoning By-law:

Section 7.6 (pg. 35) of the Weston Planning Report provides a summary of the zone provisions and a zoning analysis. The site is presently zoned "District Commercial exception Two (DC-2) Zone" which permits a range of service commercial and institutional uses, including office, personal service, clinics, wellness centres, vehicle-related uses, hotels/motels, places of entertainment, clubs and institutional uses. An addiction rehabilitation treatment centre is not defined as a specific use in the current Zoning By-law, however a business that caters to the general health and wellness of individuals (ie. clinics, counselling, therapy) and other personal service uses is permitted.

Weston Consulting has proposed that a new definition be added to the Zoning By-law, as follows:

"Residential Treatment Facility -- A privately owned, fee-based premises, used for the care or treatment of individuals suffering from a substance addiction, which provides treatment in the form of lodging, meals and therapy (counselling, yoga, exercise). Said facility contains administrative offices to house facility staff."

Comment/Opinion

As indicated above, the current Zoning By-law definitions for Clinic, Medical Clinic, Institutional Use, Group Home, Private Hospital or Emergency Care Establishment do not capture the requested land use. Many of these definitions date from the 1987 Zoning By-law and have not been amended since. The subject application proposes to add a specific definition for a residential treatment facility (noted above) for this site.

The Zoning By-law is presently under a comprehensive review process with Meridian Planning Consultants (Meridian), including a specific review of rehabilitation treatment centres at the direction of Council. Municipal staff consulted with Meridian during the examination of the re-zoning application by CCFA.

Over the last several months, Meridian conducted a detailed background review and environmental scan of zoning provisions from a number of small to medium municipalities, including Whitby, Kingston, Burlington, Oshawa, Port Hope, Belleville and Brockville. Based on the municipal scan, it is evident that different municipalities address social service type land uses in their own way, although similar themes were noted. Interestingly, none of the scan results showed a specific definition for rehabilitation treatment centre. Most municipalities categorize social service support uses in their land use definitions using some of the following sample terms:

- i) Crisis Care Shelter – short term emergency accommodation and support services as a result of crisis situation, but is not a municipal shelter
- ii) Emergency Care Establishment – short term emergency accommodation for persons experiencing homelessness or crisis, with or without referral (may overlap with Item i above).
- iii) Transitional Home/Shelter – provides specialized client programming and requires referral from an emergency shelter or from an agency, and typically longer term accommodation to help clients address their housing and service needs.
- iv) Detoxification Centre – an institution that provides treatment to persons who are addicted to chemical substances and/or alcohol under strict and responsible 24 hour supervision, and must be licensed, funded or approved by the Province and registered with the municipality.
- v) Recovery Home – provides short to long term continuum of care, rehabilitation, therapy and support for those discharged from detoxification centres under regular 24 hour supervision.

The results of the municipal scan have pointed to the City of Kingston as having a very comprehensive land use and regulatory framework for social service support and care facility uses. This was derived in part due to the significant number of large institutions that exist in that region. Based on our review and as noted in Section 6.4 i) above, it is my opinion that a rehabilitation treatment centre is an institutional use as opposed to a residential use given the primary activity involves medical treatment and counselling services for those suffering from addictions to drugs and/or alcohol, and involves temporary accommodation away from their primary residence.

A crisis or emergency care establishment would also be considered an institutional use as well, because they provide temporary shelter, protection and support to those who have a primary address elsewhere or are homeless and do not have a fixed address. In addition, the occupants of a crisis centre or emergency shelter

may reside on the premises for only short periods of time and may in some cases be accessed at any time of the day or night depending on the purpose of the facility. Notwithstanding the above, a small-scale crisis centre could be integrated within a residential area provided the number of occupants did not exceed what is permitted in a Group Home and provided the occupants were living as a single housekeeping unit, albeit on a more temporary basis.

From the best practices scan, there were no examples of zone provisions which specify minimum distance separations for such uses as the one proposed for the Subject Lands, crisis care centres or emergency care establishments to sensitive land uses (ie. schools, daycares, park/playgrounds) or to residential uses. Some municipalities have included provisions which separate similar and like uses from one another to avoid undue or over-concentrations of such uses so as to minimize impacts on the character of residential/non-residential neighbourhoods. These separation distance requirements, however, have been successfully challenged at the Human Rights Tribunal of Ontario on the basis that it discriminates against persons with disabilities.

The proposed CCFA rehabilitation treatment centre is located within a mixed-use/commercial designation and zone and on a major arterial corridor. St. Michael's elementary school is currently located approx. 75 m from the subject property. The Separate School Board approved its closure in 2018 by way of an accommodation review subject to Ministry capital funding approval for the re-location, however no specific timeline has been confirmed.

There has been no data, guidance or evidence found which identifies what a reasonable distance setback for such a use would be, nor demonstrates that a setback would provide an enhanced level of compatibility between uses. Much will depend on the unique nature of each of these types of uses (programming, operations, nature of clientele, fee based or not fee based, self-contained, drop-in) and the unique circumstances associated with each site. It may be reasonable to conclude that a rehabilitation treatment centre should not be situated *adjacent to* or *abutting* sensitive land uses such as schools, daycares and parks and playgrounds. It is my opinion, however, that a rehabilitation centre could be located on a lot that abuts residential uses.

The subject property is located in a designated mixed use and commercial land use category and is of sufficient size to offer reasonable setbacks and buffering opportunities from adjacent land uses, including the existing residential land uses to the north and south (which are also within the Mixed Use designation) and those to the east. The operation of this facility is completely self-contained and does not rely on community facilities and support systems of the community. In addition, there is no interaction of patrons of the facility with the surrounding neighbourhood. As such, the proposed use is not anticipated to create any significant negative impacts on surrounding residential, non-residential and sensitive land uses. Conversations with Port Hope Planning staff have indicated that there has been no evidence of adverse impacts on the neighbourhood or complaints as a result of CCFA's rehabilitation treatment facility in their community.

Thus, in collaboration with Meridian, the following definition has been prepared for the proposed rehabilitation treatment centre by CCFA at 420 Division Street:

“Rehabilitation/Detox Treatment Centre – a private, fee-based facility that primarily offers secure, supervised specialized care, treatment and/or

rehabilitation services on an in-patient basis for individuals who are addicted to chemical substances and/or alcohol. Services shall generally include 24-hour accommodation for a period equal to or greater than seven (7) consecutive days, where meals are served to patrons. The premises may also include accessory offices, lounges and meeting rooms. A Rehabilitation/Detox Treatment Centre shall not include a Group Home I or II, Emergency Care Establishment, Medical Clinic, Clinic, Wellness Centre, Boarding or Lodging House, or Hotel/Motel. For the purpose of this use, "secure" shall mean monitored and controlled ingress and egress to the facility at all times."

It should be noted that zoning by-laws in Ontario are only permitted to regulate the *use* of land, not the *user*. The Courts have decided that by-laws which are designed to control the user and require separation distances between certain types of uses based on the people who occupy the uses constituted "people zoning" and are therefore invalid. The *Planning Act* has been structured to be consistent with these Court decisions. The OMB (now LPAT) determined that municipalities must also consider the discriminatory implications that a municipal by-law or planning instrument has in relation to the Ontario Human Rights Code, and if the effect of the by-law is discriminatory and therefore subject to challenge before the Human Rights Tribunal of Ontario and/or contravene the Canadian Charter of Rights and Freedoms.

Notwithstanding the above, separation distances are reasonable in certain circumstances to help alleviate impacts of a particular use on an abutting or nearby use. There has been no data, guidance or planning rationale found which identifies what a reasonable distance setback for such a use would be – the separation distances would need to be assessed based on the specific facilities, activities and functions associated with the specific land use(s) and their impacts. Given that it is considered an institutional use, a rehabilitation/detox treatment facility should only be permitted in commercial and institutional zones and only after the consideration of site specific variables via a Zoning By-law Amendment.

In the case of the proposed rehabilitation/detox treatment centre at 420 Division Street, it will be completely self-contained, secured and supervised on a 24 hour basis and patrons of the facility will not interact with the surrounding neighbourhood. As such, the proposed use is not anticipated to create any significant negative impacts on surrounding residential, non-residential and sensitive land uses (daycare, park/playground/ school).

Accordingly, it is my opinion that the proposed operation is not anticipated to create any significant negative impacts on surrounding residential, non-residential and sensitive land uses, and that a minimum setback from sensitive uses is not required. It is however, recommended that such a facility should not be situated immediately *adjacent to or abutting* a sensitive land use. The latter scenario does not apply to 420 Division Street.

Therefore, in consultation with Meridian, the following specific regulations governing the proposed rehabilitation/detox treatment centre are proposed to be included in the zoning by-law amendment (in addition to the proposed definition):

- Centre Capacity: 40 beds/patrons maximum, exclusive of staff;
- Parking: 0.5 spaces/bed minimum.

Included in **Appendix VI** to this Report is a draft implementing Zoning By-law Amendment to Comprehensive Zoning By-law No. 85-2003.

6.6 Department & Agency Comments

The application for Zoning Amendment was circulated to municipal departments and external partner review agencies, including Engineering/Public Works, Police, Fire, Parks, Lakefront Utility Services Inc., the Ganaraska Region Conservation Authority (GRCA) and the County of Northumberland. No major concerns or comments were submitted with respect to the re-development plan and request for Zoning By-law Amendment. Comments from the Cobourg Police Service (CPS) are affixed to this Report as **Appendix V**.

Comment/Opinion

The Department and Agency comments submitted demonstrate that the proposed re-use of the former inn/hotel and restaurant for a Rehabilitation/Detox Treatment Centre is appropriate and should not impose any significant negative impacts on municipal infrastructure, transportation, and services, or on the surrounding neighbourhood or community based on CCFA's operational model. Additional review and comment on the detailed design of the proposed facility will occur during the Site Plan Approval (SPA) process and prior to the removal of the Holding (H) Symbol.

6.7 Public Submissions

A number of submissions were made to the Municipality by members of the public regarding the subject application prior to and during the Statutory Public Meeting held by Cobourg Municipal Council on November 30, 2020. The submissions primarily identified concerns over neighbourhood security and risk, comparisons to Transition House, COVID-19 issues, impacts on local emergency services, and laundry facilities. There were two (2) submissions in support of the proposed amendment.

A copy of the Public Meeting Notes is attached as **Appendix II**, together with Weston's Fulsome Comment Response and Comment Response Matrix, attached as **Appendix III** and **Appendix IV** respectively. The Weston responses provide itemized commentary and information regarding the public submissions, and it is not the intent of this Report to duplicate these responses, however the following provides a general overview of the key land use planning issues submitted and a brief commentary in response:

i) Community Safety & Risk

From a community safety, security and risk perspective, the information from CCFA specifies that patrons will be confined to the property for the entire duration of their stay, will not interact with the surrounding neighbourhood, and will not be able to leave the grounds once admitted (ie. no In/Out privileges). Staffing will be provided 24 hours/day to ensure the patrons receive structured treatment and counselling and are subject to appropriate levels of site supervision and security.

Comparisons have been made of the proposed facility to Transition House. It should be noted that the proposed rehabilitation/detox treatment centre by CCFA is not an emergency homeless shelter or similar transient housing operation, a drop-in centre or safe-injection site. This was clearly communicated during public consultation meetings held in November, 2020. It is a private, fee-based counselling/treatment centre for

those battling addictions to substances and alcohol, which is supervised 24 hours per day in a contained, well-structured environment. The patrons are there voluntarily, and not required to be there as part of any judicial, medical or agency referral program.

The proposed rehabilitation/detox treatment centre land use has been evaluated in a comprehensive manner within the context of Provincial, County and local policies and regulations and in accordance with the provisions of the *Planning Act*. This analysis included an assessment of the land use, its activities and functions, and its compatibility with and impact on adjacent land uses from a public health, safety and risk perspective.

In light of the specific activities and functions of the rehabilitation/detox treatment centre proposed by CCFA, it is my opinion that there will be minimal impact with no interaction of the patrons with the surrounding neighbourhood and impacts and risk to public safety should be minimal. A similar private facility has been located in a heritage structure in Port Hope since 2014. No planning issues or concerns relating to public safety, security or other impacts on the neighbourhood have been identified by Port Hope's municipal planning staff. The proposed use will in fact serve a benefit to the health and well-being of the public within the community and surrounding region. Thus, it is my opinion that a formal "risk assessment" is not warranted or required.

ii) Security Measures and Fencing

From a site security and fencing perspective, the applicant indicates 6-foot wood perimeter fencing will be installed, with decorative metal fencing in the front yard area. Fencing already exists on the north and south property lines and along the rear open space. Any changes to the site will be reviewed with municipal staff once those details are known during the Site Plan Approval (SPA) stage of the process.

iii) Impacts on Local Emergency Services

In response to comments from the public about the potential drain or impact on local emergency services, the applicant has indicated that only a few visits per year are expected from emergency services based on experiences with the Port Hope facility. The Cobourg Police Service has commented that, based on the operational model proposed by CCFA, the re-zoning should have minimal impact on adjacent land uses and neighbourhoods from a policing perspective.

iv) COVID-19 Issues

A number of questions arose regarding the operation's response to COVID-19 health and safety protocols. While not a land use planning ground on which to base a planning decision, the proponent responded with details associated with the operation's COVID-19 procedures, including active screening, testing, social distancing, PPE, and personal/environmental hygiene. Refer to **Appendix III**.

v) Laundry Services/Facilities

The applicant has confirmed a preference to use existing laundry machines and set-up for on-site laundry facilities.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

There are no anticipated negative financial implications imposed on the Municipality as a result of this application. The developer will be responsible for all costs associated with converting the building for the proposed use. The applicant submitted the requisite \$7,000.00 in application fees and deposit.

8. CONCLUSION

Based on an evaluation of the application relative to the applicable Provincial and Municipal policy and regulatory framework, it is my planning opinion that the proposed Zoning By-law Amendment is appropriate, desirable and represents good planning for the following reasons:

- i) The proposal will satisfy the key policy and regulatory directives of the Planning Act, Provincial Policy Statement, A Place To Grow Growth Plan, County of Northumberland Official Plan and the Cobourg Official Plan, most notably that it constitutes an adaptive re-use of an existing heritage building within the existing urban, serviced area of the municipality, and introduces a land use which will assist in providing a specific health support service in the community/region for persons struggling with addictions to chemical substances and alcohol and, thus, helps improve the overall health, safety and well-being of the public.
- ii) The proposal will enhance the social and economic health of the Town and its residents by providing opportunities to residents and others to improve their lives by overcoming addictions to drugs and/or alcohol, which in the overall public interest;
- iii) The proposed institutional use is not anticipated to impose any significant impacts on the surrounding neighbourhood or community in general as the use will be largely contained within the existing building (no interaction of patrons with the general community), is staffed and supervised 24 hours/day and offers services in a well-structured, secure environment with minimal external alterations to the building or property;
- iv) The proposed institutional use is located within an existing mixed use/commercial node on a major arterial and is compatible with adjacent land uses;
- v) The proposed Zoning By-law Amendment in Appendix VI contains special provisions governing the land use definition, facility capacity and parking, and represents good planning.

Report Approval Details

Document Title:	Application for Zoning Amendment - 420 Division Street.docx
Attachments:	<ul style="list-style-type: none">- APPENDIX I Planning Justification Report_420 Division Street.pdf- APPENDIX II - Public Planning Meeting Nov30.pdf- APPENDIX III Weston response to comments Dec 22.pdf- APPENDIX IV - Comments Response Matrix.pdf- APPENDIX V- Agency CPS.PDF- APPENDIX VI - By-law xx-2021 Approve a ZBA-420 Division.pdf
Final Approval Date:	Feb 5, 2021

This report and all of its attachments were approved and signed as outlined below:

Rob Franklin - Feb 5, 2021 - 12:51 PM

Glenn McGlashon, Director of Planning and Development - Feb 5, 2021 - 1:05 PM

Tracey Vaughan, Chief Administrative Officer - Feb 5, 2021 - 2:57 PM