



Report to: Council

Meeting Date: November 13, 2019

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<b>SUBJECT:</b>	Amendment for Fees associated with Respite Day Care Facilities
<b>WARD:</b>	City Wide
<b>PREPARED BY:</b>	Brad Roberts, Manager of Zoning and Special Projects, Planning and Urban Design Ron Blake, MCIP, RPP - Senior Development Manager, Planning and Urban Design Biju Karumanchery, MCIP, RPP - Director, Planning and Urban Design

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**RECOMMENDATION:**

- 1) That the report titled “Amendment for Fees associated with Respite Day Care Facilities” be received; and,
- 2) That fee by-law 211-83 be amended to define and apply an alternate fee rate for applications for minor variance to permit Respite Day Care facility uses, and variances to the required parking standards for Respite Day Care facilities, and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to recommend a reduced fee associated with minor variance applications to permit Non-Profit and Non-Commercial Respite Day Care Facilities and any associated parking variances associated with the proposed uses.

**BACKGROUND:**

Opportunities for older adults or persons with disabilities to remain in their homes, or in their communities as long as they wish, or are able, is a desirable goal for the City. Increasingly, family members or support workers have relied on Respite Care, or other similar day programs, to provide a level of supervision, education, or training, to improve or maintain the quality of life for persons in their care.

None of the City’s current Zoning By-laws define Respite Care Home, or Respite Day Care Facility, nor do they provide a defined term that could be interpreted to be similar to these uses. Staff have had difficulty providing justifiable planning rationales for either supporting or not supporting such uses when applications for variances to a given by-law are made.

Respite Care has evolved into three main forms: At home assistance; Respite Care Home; and Respite Day Care Facility.

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At home assistance involves support workers visiting the home of a participant to ensure their activities of daily living such as bathing, eating, dressing, or toileting, are conducted safely and with dignity. At home care occurs within the home of the participant, and is indistinguishable from the use of the dwelling in which the participant resides.

The second form of respite care is short term stay, or a Respite Care Home. This form is where a participant is provided overnight accommodation and day programs that are supervised for a limited period of time. Applications for Respite Care Homes have previously raised concerns from a land use compatibility and life safety perspective, particularly when located near or within industrial areas of the City, where established industrial uses may disrupt the overnight stay of participants. Further, where a Respite Care Home is proposed in an existing building that was not designed to accommodate overnight stays, compliance with the Building Code and Fire Code may require significant modifications to ensure the safety of the participants and their caregivers.

The third type is commonly referred to as an Adult Day Program or a Respite Day Care Facility. This form consists of a facility that offers day programs which include supervision, education, or training, to participants without overnight care. Respite Day Care Facilities, where only day programming is offered to participants, is generally compatible with Mixed Use, Commercial, Institutional, and Employment Designations within the City's 2014 Official Plan. The notable exception being the General Employment designation.

Through Phase 3B of the Comprehensive Zoning By-law Project, Staff will be proposing to permit Respite Day Care Facilities with no overnight stays as of right within many areas designated Mixed Use, Commercial, or Employment in the City's Official Plan. If approved, this will present further opportunities for the use without requiring an application under the Planning Act. Until such time as the Consolidated By-law is passed, and subject to Council's support of Staff's recommendations, Staff are proposing an amendment to Table 6 of By-law 211-83 (The Fee By-law) to provide for a reduced fee for applications to permit these uses through minor variance, provided the subject project meets certain requirements outlined below.

### **OPTIONS/ DISCUSSION:**

Section 69 of the Planning Act authorizes the City to charge a fee or tariff to recover the cost of administering development applications. Staff are proposing an additional fee under By-law 211-83 for Minor Variance applications to permit Respite Care Facilities in the amount of \$1,903 for 2019. This fee is consistent with the fee for a "technical" Minor Variance application. The fee as proposed by Staff will not capture the full cost recovery of this type of Minor Variance application at our current level of service which typically involves site visits, coordination with other internal departments and external agencies, and a detailed planning report.

As indicated above, Staff are proposing the following restrictions to the scale of Respite Care Facilities for which the proposed alternate fee may be applied.

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A Respite Day Care Facility shall:

- 1) not provide for overnight accommodations;
- 2) not exceed 1000 square metres in gross floor area for the unit; and,
- 3) provide a minimum of 2 parking spaces, plus one space for every 50 square metres of gross floor area for the unit in which the use is located.
- 4) Shall be operated by a non-profit, non-commercial organization

Should an application meet the above requirements, Staff will provide abridged comments to the Committee of Adjustment (COA) and will advise the COA if the proposed use conforms to the applicable Official Plan policies. Staff will provide a scoped planning report advising of compliance or non-compliance. It will be the responsibility of the applicant to provide support for the proposal, and demonstrate how it conforms to the four tests for minor variance under Section 45 of the Planning Act.

Any proposed Respite Day Care Facility that exceeds the definition of such as facility as discussed in this report including proposing overnight accommodation, or does not comply with the requisite parking rate, would be subject to the full applicable fee for use, or development standards as outlined in Table 6 of Schedule 'A' to by-law 211-83.

**FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Planning Staff are proposing to offset any reduce revenue with a commiserate streamlined level of service for this application type to offset any potential loss of revenue.

**HUMAN RESOURCES CONSIDERATIONS**

Not Applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The proposed amendment supports the goal of developing a Safe, Sustainable, and Complete Community.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Development Services

**RECOMMENDED BY:**

Ron Blake, MCIP, RPP  
Senior Development Manager  
Planning and Urban Design

Biju Karumanchery, MCIP, RPP  
Director, Planning and Urban Design

**ATTACHMENTS:**

Draft By-law

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