

MISCELLANEOUS	ITEM NO: 19	
	FILE NO:	M-2008-012
	CPC DATE:	2008 March 06
	COUNCIL DATE:	2008 April 14

CITY WIDE
(All Aldermen)

PROPOSAL: Planning Principles and Additional Measures to Guide the Location of Special Care Facilities, Shelters, and Non-market Housing.

RECOMMENDATION:

CALGARY PLANNING COMMISSION RECOMMENDATION TO COUNCIL:

That Council:

1. **ADOPT**, by resolution, the Planning Principles to guide the location of special care facilities and shelters as set out in Appendix I.

Moved by: B. Barrington **Carried: 8-1**

Opposed R. Clark

2. **DIRECT** the Administration to investigate and bring forward amendments to the Land Use Bylaw 1P2007 as set out in Appendix IV.

3. **ADOPT**, in principle, by resolution the additional measures for action as set out in Appendix II, subject to resources being available within existing work programs and budgets.

Moved by: B. Barrington **Carried: 9-0**

4. **ADOPT**, by resolution, the Locational Principles for Non-market Housing as set out in Appendix III to this report.

Moved by: B. Barrington **Carried: 8-1**

Opposed: R. Clark

5. **DIRECT** the Approving Authority to have regard to these principles when considering discretionary development applications for non-market housing.
6. **DIRECT** the Affordable Housing Section of Corporate Properties and Buildings to prepare an "Affordable Housing Development Best Practices Manual" to be presented to City Council no later than early 2009.

Moved by: B. Barrington

Carried: 9-0

CALGARY PLANNING COMMISSION DIRECTION TO ADMINISTRATION:

1. **DIRECT** Administration to add a definition and location criteria for "Sobering Centre" clearly differentiating "Sobering Centre" from "Detoxification Centre" under the heading A. Overall Policy in Appendix I as A.1 and renumber the rest accordingly, prior to M-2008-012 being forwarded to City Council.

Moved by: G. Lowe

Carried: 9-0

2. Motion to amend the definition of Residential Care by the substitution of the sentence, "...women and children fleeing violence..." with the sentence, "...individuals and children fleeing violence...". And in all other instances where this sentence appears in the report.

Moved by: R. Clark

Carried: 9-0

3. Motion to amend the definition of Residential Care by the substitution of the sentence, "...women and children fleeing violence..." with the sentence, "...individuals and children fleeing violence...". And in all other instances where this sentence appears in the report.

Moved by: R. Clark

Carried: 9-0

4. **REQUEST** the Calgary Planning Commission to split up the sections and vote on them separately.

Moved by: R. Clark

Carried: 9-0

5. The Calgary Planning Commission **DIRECTED** Administration to forward this report to the 2008 April 14 meeting of City Council, for a non-statutory public hearing.

Moved by: B. Barrington

Carried: 9-0

1. Council Direction

On 2007 February 26, City Council directed the Administration to report to City Council through the Calgary Planning Commission (CPC) by 2007 July 31, on planning principles regarding siting, design, and neighbourhood interface for specific uses such as affordable housing, hostel, shelter, emergency shelters, group homes and special care facilities. (NM 2007-06).

On 2007 May 07, City Council approved the Administration's recommendations to include as part of the future Land Use Bylaw sustainment work and pending the outcome of the above Study, two motions affecting these types of uses. One of these motions, by Alderman Erskine, was to direct Administration to report to City Council on the implications of listing "temporary shelters" as a discretionary use in all districts where the previous "special care facility" uses was listed. The other, by Alderman Burrows, directed the Administration to discuss the implication of removing "custodial care" and "addiction treatment" as discretionary uses in all residential and multi-residential districts and require a land use redesignation for these uses.

An interim report was brought to the CPC on 2007 July 12 and to City Council on 2007 July 23, after it became apparent that this study could not be completed within the time frames set by City Council, because all information from external sources was not available in time, and because community associations were requesting additional time for public engagement purposes. At that time, City Council approved interim principles for special care facilities and non-market housing. City Council also agreed to widen the scope of the study to include:

- (a) The planning process for development applications for these uses;
- (b) Other means to promote neighbourhood interface with respect to special care facilities, shelters, and non-market housing;
- (c) Consideration of social agencies' concerns regarding definitions and rules in the proposed Land Use Bylaw 1P2007, prior to this Bylaw coming into effect; and
- (d) Inclusion of to the Notices of Motion, dated May 07, from Alderman Burrows and Alderman Erskine as part of the consideration of (c) above.

2. Background

In 2007, considerable public debate was generated by a development permit application by the John Howard Society to relocate its half-way house from Victoria Park to a multi-family area in Sunalta. Although the Administration recommended approval on the basis that it complied with existing criteria to guide the location of special care facilities, residents expressed concerns about potential safety issues for women and children, and the suitability of the site for this specific use. After considering these concerns, the Subdivision and Development Appeal Board upheld the appeal and denied the development permit. Although the proposal complied with the general intent of the planning regulations, the Board decided that the development would adversely impact on the quality of life of community residents and would not be in the greater public interest. This raised the question of whether the existing criteria are adequately serving their purpose.

Calgary's 10 Year Plan to End Homelessness has just been released by the Calgary Committee to End Homelessness. It calls for the "housing first" approach of moving homeless people into housing, with the support necessary to sustain that housing. Its ambitious targets include eliminating family homelessness in two years, retiring 50 percent of Calgary's emergency shelter beds within five years, and complete elimination of chronic homelessness in seven years. It identifies a need to move 1200 chronically homeless and near chronically homeless people into housing in the next seven years.

3. Contents Of And Definitions Used In This Report

This report is a summary of the consultant's report, which is included as Appendix V.

This CPC report is divided into two parts: Part A relates to special care facilities and shelters, and Part B relates to non-market housing.

For the purposes of this report, a special care facility is defined as providing for the accommodation and care or rehabilitation of individuals and includes facilities such as nursing homes, group homes, half-way houses and shelters, but does not include hospitals, hostels, day care, or assisted living. It applies only to facilities which provide accommodation.

It is understood that "affordable housing" in the context of City Council's direction, applies to "non-market housing", i.e. housing subsidized by governments and/or not for profit organizations.

4. Current Planning Principles/Regulations

The following overall policies guide the development of planning policies in Calgary regarding special care facilities, shelters, and non-market housing:

- a) The Canadian Charter of Rights and Freedoms states that every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and in particular without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.
- b) The *Calgary Plan* contains a number of policies regarding the provision of special needs and non-market housing:
 - Section 2-3.2.1 references working towards creating an inclusive social environment which fosters capable and diverse communities, supports processes for meaningful citizen participation in decision making, and promotes social justice and equitable access to resources and opportunities for individuals.
 - Section 2-3.2.2C encourages a more varied social composition in all parts of the city by locating social housing projects in a variety of areas throughout the city, and states that these housing projects should be small scale in nature.
 - Section 2-3.2.2D encourages the provision of an adequate supply of rental accommodation for different socio-economic groups in all parts of the city.
- c) *Interim Planning Principles for Special Care Facilities and Non-market Housing* were approved by City Council in 2007 July, to provide site selection and site development criteria to address potential neighbourhood interface and impact issues, pending completion of this current study.
- d) The new Land Use Bylaw 1P2007 has a range of uses and districts that are intended to be more detailed and specific than those in Bylaw 2P80. In terms of special care facilities, the new Land Use Bylaw provides for the following uses, largely reflecting operational practices and experience in recent years:

- **Addiction Treatment**– one or more persons with alcohol, drug, or similar issues, living under the care or supervision of professional health or counseling care providers.
- **Custodial Care** – one or more persons who have been placed in custody by court order residing under on-site professional supervision.
- **Residential Care** – social, physical or mental care is provided to five or more persons who live full-time at the facility.

All three special care facility uses are listed as discretionary uses in most residential and some commercial land use districts (subject to density, site development and building rules), as well as the Special Purpose Community Institution District. Custodial Care is also listed as a discretionary use in the Special Purpose City and Regional Infrastructure District.

All three of the above uses are also subject to the following rules:

- having at least one staff person (a professional in the case of addictions and custodial care) at the facility at all times.
- may have a maximum of 10 residents when located in a low density residential area.
- parking requirements of 1 space per 3 residents, except custodial care where it is 1 space per 2 resident staff plus an allowance for visitors.

All three uses require notice posting on site, to make neighbours aware of any development permit application.

An **Emergency Shelter** is defined as a use that may provide transitional housing for people in need of shelter. It is provided for long-term or permanent facilities and is only allowed through a Direct Control District designation approved by City Council.

A **Temporary Shelter** is defined as the use of an existing building to provide temporary sleeping accommodation for persons in need of short-term accommodation. A Temporary shelter is allowed as a permitted use in an existing government-operated building in the Special Purpose – City and Regional Infrastructure (S-CRI) District, to provide an opportunity for a rapid response to short-term “crisis” situations.

Additional information is provided in Appendix V, the consultant’s report.

- e) With respect to non-market housing, Calgary is similar to most municipalities in that it does not generally distinguish “non-market” affordable housing from “market” housing in either land use policy or in the Land Use Bylaw. City Council has, however approved a Policy for Acquisition of Affordable Housing Lands for Municipal Purposes (LA2005-123). This policy states that “determining suitable locations for affordable housing must balance quality of life considerations for both the occupants of the units and the surrounding community to ensure that healthy community environments are developed and sustained. This recognizes that each affordable housing project should be reviewed on its own merits for the specific geographic location for which it is proposed. As a guideline, The City of Calgary will consider the location of both land acquired and lands selected from the City of Calgary inventory of surplus lands for the purpose of affordable housing to be managed by the Calgary Housing Company, based upon, but not limited to the following:

- Locational guidelines criteria established by the Calgary Housing Company;
- The housing needs of clients on the Calgary Housing Company waiting list;
- Broader community and municipal needs related to affordable housing;
- Existing distribution of non-market housing;
- Population and employment growth projections of the City of Calgary;
- Economic viability of maximizing the number of units developed and operating efficiencies;
- Existing land use planning policy; and
- A risk management decision-making analysis based on a triple bottom line approach.

5. Investigation

Part A: Special care facilities and shelters

(a) Research findings:

The study included an extensive search of the literature and of the practices of other municipalities and other levels of government. The main findings are:

- Throughout the western world, special care facilities are regarded as suitable for location in residential areas, although often with some limitations regarding type or size.
- The research findings that are available suggest that in general, there is little empirical evidence that these uses have negative impacts on residential neighbourhoods.
- It is not unusual for neighbourhood residents to have strong beliefs that there could be community impacts and loss of property values, particularly if half-way houses for those on parole or addiction treatment centres are to be located in their neighbourhood.
- Emergency shelters were not included in the above studies and appear to be a major cause of public concern. They are not usually permitted except by redesignation/rezonings.
- In Calgary, about 20 percent of planning applications for special care facilities and shelters are objected to. However, once in place, there are few complaints to the police or bylaw or development enforcement officers concerning their operations. Furthermore, it seems that many who complained, later withdrew their objections after the facility established itself.
- A review of the location of existing facilities did not indicate any over-concentrations in one area, other than shelters in East Village (see Maps 1 and 2 of Appendix V).

(b) Community Engagement:

Discussions have taken place with other business units at City Hall, about 30 agencies providing residential care, six federal or provincial government agencies, and representatives of 32 community associations, and 3 business revitalization zones. The stakeholders were provided with a series of papers setting out research results and with options for potential planning criteria.

Meetings were held with each sector of agencies providing these services, relevant provincial departments, community associations, and business revitalization zones. This process resulted in the formation of a combined stakeholders group with representation from all sectors of interest, which met five times to provide input to the Administration. The following opinions represent a high degree of accord between the agencies and community representatives engaged in this process, but do not necessarily represent the views of the consultant, the Administration or all community associations and agencies in Calgary:

1. A collaborative approach is needed towards the location of special care facilities and shelters, with the city, agencies, and community residents working together to encourage and facilitate neighbourhood integration.
2. While all parties agree that some concerns about location of special care facilities and shelters in residential areas are valid, it felt that most objections raised by community residents are issues of perception rather than of fact.
3. Each proposal should be judged on its merits after a review that involves all parties.
4. Special care facilities should be allowed in residential, commercial, institutional, and industrial areas subject to conditions which emphasize a public engagement process and fit with the neighbourhood. The process is more important than any division into types of facility.

(c) Recommendations:

(i) Policy Approach and Planning Principles:

After an examination of all research and analysis, current policies, and taking into account the results from the community engagement process, the Administration recommends that special care uses continue to be defined and grouped in a way that differentiates those which generate the lowest level of public concern and potential community impact, from those with higher levels of concern and potential risk.

While there is considerable evidence to indicate that most special care facilities do not have much, if any, negative effects on neighbourhoods, caution is necessary because the evidence is not completely conclusive and many residents have very great concerns about the compatibility with residential areas of some facilities, particularly, half-way houses and detoxification centres. Shelters are also considered higher risk. With a monitoring system to establish a stronger factual basis and with increased public awareness and education, Calgary should be able to move towards a greater degree of social inclusion, in the longer term.

The detailed planning principles proposed in this study (see Appendix I) are based on revising the City's current approach to provide for four types of special care use in the Land Use Bylaw, (as opposed to the three uses now defined): Residential Care, Addictions Recovery Home (for those recovering from addictions that have completed detox programs), Detoxification Centre (where those with addictions go through withdrawal and which is regarded as an institutional use), and Halfway House (for adults leaving correctional institutions). The two Shelter use definitions contained in the new Land Use Bylaw (Emergency Shelter and Temporary Shelter) are retained.

It is proposed that:

- a **Residential Care** facility shall be allowed as a discretionary use in residential, and appropriate commercial, special purpose and downtown districts. This use provides for a range of facilities to provide care for persons with disabilities and mental illnesses, seniors, youth (including those assigned by court order), and women and children fleeing violence, and similar uses;
- an **Addiction Recovery Home** shall be allowed as a discretionary use in residential, and appropriate commercial, special purpose and downtown districts, and by policy supported redesignation in other land use districts;
- a **Halfway House** for adults shall be allowed as a discretionary use in multifamily residential, and appropriate special purpose and appropriate commercial and downtown districts;
- a **Detoxification Centre** is regarded as an institutional use and is allowed as a discretionary use in appropriate special purpose, commercial and downtown districts;
- for uses where occupants reside there for a temporary period, e.g. an Addiction Recovery Home, Detox Centre, or Halfway House, policies supporting redesignation in districts where residential uses are not usually permitted have been developed (Appendix 1), subject to conditions regarding the area being safe for such use and nor adversely impacting on nearby businesses; and
- **Emergency and Temporary Shelters** would only be permitted by redesignation (except for Temporary Shelters in appropriately designated government buildings).

The combined stakeholders group had considerable discussion about the division of special care facilities into the above uses. Their preference would be for a single special care use that would provide for all types of facilities (other than shelters) in a consistent and equitable manner. However, they appreciated that this approach has raised significant community concerns in the past and can result in an application for any type of facility being evaluated in terms of the highest potential risk, regardless of the actual intent. For example if all types of special care facilities were grouped under a single use, even though an application may be intended for a group home, it could later be converted to a halfway house or detox centre without necessarily requiring any planning review, development permit or community consultation.

The combined stakeholders group was also interested in considering an alternative of defining every distinct type of facility as a separate use (e.g. distinguishing group homes for disabled adults, vs. group homes for youth, vs. nursing homes, etc.). However, this option appears to be unnecessary because the types of facilities that are currently grouped together under the Residential Care use are very similar in locational needs and with very low potential for neighbourhood concern or impact. A division of Residential Care into eight or more separate uses appears to be unnecessary at this time.

Other proposed Planning Principles for special care facilities and shelters are basically a reworking of those approved by City Council in the Interim Planning Principles in 2007 July and are contained in Appendix I. They retain the minimum radius of 300 metres within which a cumulative impact is required, and also encourage the provision of smaller scale facilities, to a maximum size of 150-200 beds (which now does

not apply to seniors projects). The requirement of any special care facility being on the periphery of a neighbourhood has been removed at the request of the agencies.

The above system of uses and districts responds to former Alderman Burrow's motion regarding the implication of removing "custodial care" and "addiction treatment" as discretionary uses in all residential and multi-residential districts and requiring a land use redesignation for these uses, by proposing an intermediate solution. Removing these uses entirely from all residential districts would significantly reduce the opportunities to meet these needs in Calgary and could substantially increase both the cost to agencies and the time associated with gaining planning approvals.

In terms of former Alderman Erskine's motion, providing for Emergency Shelters and Temporary Shelters as discretionary uses in all districts where special care facilities were allowed under the Bylaw 2P80 is not recommended. This would suggest that shelters are appropriate uses in all residential districts, including low density districts, in the same manner and with a similar level of potential community concern and impact as other care facilities.

(ii) Recommended Land Use Bylaw Changes

Potential revisions to the Land Use Bylaw 1P2007 are outlined in Appendix IV. It is recommended that the Administration be directed to investigate and bring forward appropriate amendments to address the following:

- amending the uses and use definitions to reflect the above policies, which include:
 - dividing the current Addictions Treatment into Detoxification Centre and Addiction Recovery Home;
 - revising the current Custodial Care use to provide specifically for Halfway House for adults and removing this use from low density residential districts; and
 - revising Residential Care to provide for youth placed under court orders (which include youth under the Child Welfare Act).
- amending the requirements for 24 hour care for all facilities, plus professional care for custodial care and addictions to a requirement that better fits the new definitions and which better reflect normal operating practices and agreements with funding agencies.

In addition, a number of specific suggestions concerning possible changes to the minimum and maximum size provisions of Bylaw 1P2007 were raised by the combined stakeholders group. The Administration believes there is merit in pursuing these suggestions further. However since they have not been assessed in detail, in terms of potential unintended impacts and technical linkages to other provisions of the LUB, it is recommended that further investigation be undertaken on the following:

- reviewing the minimum size requirements for special care uses; and
- reviewing the current maximum size limit of ten residents for all types of special care facility in low density residential areas

(iii) Additional Measures:

Appendix II contains a series of recommendations on a number of related measures. These are intended to foster ongoing communications and public awareness, to provide additional support to both communities and to agencies delivering special care services, to monitor changes in the delivery and distribution of special care facilities as well as any evidence of positive or negative impacts, and to promote a comprehensive Provincial approach to the licensing of care facilities.

The combined stakeholders group supports these measures. While some will require the commitment of resources by The City, the Administration believes most, if not all, could be accommodated within current budgets. Should additional funding be necessary, the Administration would advise City Council through the normal business planning and budget process.

Part B Non - Market Housing

With regard to non-market housing, the main findings of the study are summarized below, and explained in detail in the consultant's report (Appendix V, Part B):

- Municipalities do not usually distinguish non-market housing from market housing in terms of land use planning policy and regulation, other than having general policies encouraging dispersal throughout the city and a mix of housing types and incomes.
- It is a generally accepted "best practice" to avoid the concentration of non-market housing projects in any area, or to have very large projects catering to a single type of household.
- A map of concentration of non-market housing projects indicates a reasonable dispersal throughout the city (Map 3 of Appendix V, the consultant's report).
- There is a policy in the Calgary Municipal Plan that "a more varied social composition should be encouraged in all parts of the city by locating social housing projects in a variety of areas throughout the city".
- The City's Affordable Housing Development Action Plan, prepared in 2005, sets policies with regard to City Council's direct development of affordable housing, including some specific locational criteria.
- There are issues related to how far a municipality can go in using its planning and regulatory powers to directly control non-market housing, when it is identical to market housing and it may be perceived to be controlling the user rather than the use. Consequently very few municipalities have put in place detailed planning requirements or legislation to address non-market housing, relying instead on broader policy guidance and/or other measures, such as direct investment or, partnerships with affordable housing providers.
- Proposed Locational Principles for Non-market Housing are set out in Appendix III, and summarised below. It is recommended that City Council adopt these principles as policy guidance to the Approving Authority, housing providers and communities. They would also serve as locational guidelines to guide the City's investment in non-market housing.

- existing policies of the *Calgary Plan* that “social housing projects be located in a variety of areas throughout the city and be small scale in nature” is sound and should be acted on;
- non-market housing should be allowed wherever market housing is allowed;
- projects should preferably be located in a residential setting and close to transit and supporting services and amenities;
- discourage the over-concentration of non-market projects or units in any one area;
- the design, form, and density of buildings should complement the neighbourhood;
- very large single-use projects should be avoided. While the appropriate size and scale of any project will vary with its context, as a general principle a limit of 150 rent-geared to-income units per project is encouraged, except for seniors projects; and
- any project over 40-60 units should be encouraged to have a mix of market and non-market housing, preferably with at least a 1:1 ratio for units over 40 in number, except for seniors’ projects.

The combined stakeholders group believes that a broad distribution of smaller projects and a mix of market and non-market units, particularly in larger projects, reflects “best practices”. However, some are concerned about whether not-for-profit organizations can operate market housing without losing charitable status, and that senior government funding programs may not always support the integration of market units within projects. It also believes that these principles should be treated as general policy direction, because it believes that each application should be judged on its merits. While there was general agreement that smaller projects are preferred, there was a range of opinion regarding the value and implications of setting explicit guidelines on the maximum size of projects.

The Affordable Housing Section of Corporate Properties and Buildings is recommending that an “Affordable Housing Development Best Practices Manual” be prepared. This Manual would provide an opportunity to integrate these guidelines with City Council’s Policy for Acquisition of Affordable Housing Lands for Municipal Purposes, and to address additional aspects of the development of affordable housing beyond locational guidelines, such as accessibility, sustainability, and integration within the community from both a physical and social perspective. This would recognize that the City’s role in the provision of affordable housing extends well beyond its planning function and would be implemented through City initiated development of non-market housing, housing incentive programs, and partnerships with private sector developers or non-market housing providers through the provision of land/funding.

6. Conclusions

Special care facilities are an integral component of “complete communities” and critical to meeting real and growing needs for a wide range of specialized accommodation and care in Calgary. A review of the situation in Calgary and experiences elsewhere indicates that there is little evidence to support public concerns that special care facilities in general may adversely impact on neighbourhood quality of life. However, some uses such as shelters and halfway houses are generally considered to be higher risk. It is further concluded that detox centres are institutional uses, which should not generally be in residential areas.

A system of planning principles and bylaw definitions are proposed which groups uses in a way that differentiates those which generate the lowest level of public concern and potential community impact, from those with higher levels of concern and potential risk. This approach will provide opportunities for a wide range of facilities throughout the city that can serve growing demands for specialized accommodation and care for specialized needs. It is also intended to ensure that as far as possible, appropriate facilities are provided within a residential setting.

Planning principles are also aimed at encouraging smaller facilities, dispersed throughout the city, fitting in with the neighbourhood, and preventing an over-concentration of facilities serving one type of need or type of household.

A number of other measures are proposed to encourage a more cooperative approach to locating special care facilities and shelters, which involves agencies, neighbours, community associations and city staff working together to find appropriate locations and foster neighbourhood integration. Also, good management of facilities, shelters, and non-market housing, and public education and awareness are encouraged, and the establishment of a recording and monitoring system is suggested.

Locational principles for non-market affordable housing are proposed to provide overall policy guidance, and which reflect generally accepted planning approaches and the City's experience as a provider and operator of non-market housing. These principles encourage dispersal throughout the city of small projects, mixed with market housing and integrated with the neighbourhood. Guidelines for maximum sizes and minimum proportions of rent-geared-to-income units are also provided. The development of a best practices guide for development of affordable housing is recommended.

Over time, as the results of the proposed recording and monitoring system are assessed, more facts will be available. These facts and the proposed education programs should allay public concerns about proximity to these establishments, and it may be possible to move towards a more inclusive system. For this reason, a review of principles and regulations is proposed in five year's time.

LAND USE PLANNING AND POLICY RECOMMENDATIONS:

APPROVAL

- A. The Calgary Planning Commission recommends that Council:
1. With respect to special care facilities:
 - a) Adopt the Planning Principles to guide the location of special care facilities and shelters as set out in Appendix I;
 - b) Direct the Administration to investigate and bring forward amendments to the Land Use Bylaw 1P2007 as set out in Appendix IV; and
 - c) Approve in principle the additional measures for action as set out in Appendix II, subject to resources being available within existing work programs and budgets.
 2. With respect to non-market housing:
 - a) Adopt the Locational Principles for Non-market Housing as set out in Appendix III to this report;
 - b) Direct the Approving Authority to have regard to these principles when considering discretionary development applications for non-market housing; and
 - c) Direct the Affordable Housing Section of Corporate Properties and Buildings to prepare an "Affordable Housing Development Best Practices Manual" to be presented to City Council no later than early 2009.

- B. Forward this report to the April 14 meeting of Council, for a non-statutory public hearing.

Planning Principles to Guide the Location of Special Care Facilities and Shelters

(For the purposes of this report, changes made from the Interim Principles are shown in italics and deletions are struck through.)

The planning principles shall apply to “residential care facility”, “addiction recovery home”, “detoxification centre”, “halfway house”, which are collectively referred to in this document as “facility” and to “emergency shelter” and “temporary shelter” which are collectively referred to as “shelter”. The definitions of these terms are as contained in the Calgary Land Use Bylaw 1P2007, as amended from time to time.

The planning principles shall be *used in conjunction with the Land Use Bylaw* to assess the appropriateness of a specific site that is the subject of a redesignation and/or development permit application for any of the above uses.

A. Overall Policy

In terms of overall planning policy, the types of facilities and shelters considered suitable for different land use districts are as follows:

- A.1. *Residential care facilities for people with physical or mental disabilities, youth, seniors, women fleeing violence, and similar uses, are uses where being part of a residential community is important for the clients’ wellbeing and where experience indicates that minimal risk to the community is involved. These types of facility should be generally allowed as discretionary uses in low density and multifamily residential districts (depending on size of the facility), as well as appropriate institutional, commercial, or downtown districts.*
- A.2. *Addiction recovery homes where persons recovering from addictions and who have gone through a detoxification process (in the case of alcohol and drugs) temporarily reside, are uses suited to residential areas. Accordingly they are allowed as discretionary uses in the same districts as residential care facilities, but may also be considered for redesignation in other districts where residential uses are not usually allowed, as their residents would only reside there on a temporary basis.*
- A.3. *Half way houses where adults in legal custody or leaving the correctional system may temporarily live may be higher risk facilities which are not suited for low density residential areas and are more suitably placed in appropriate multi-family, commercial, institutional, or downtown districts, or by redesignation in suitable non-residential areas.*
- A.4. *Detoxification centres, where persons reside for up to a few weeks while going through withdrawal from addictions, are considered as institutional uses which do not need to be in residential land use districts. They should be allowed as discretionary uses in appropriate commercial, institutional, and downtown districts or by redesignation in non-residential districts.*
- A.5. *Emergency Shelters for the homeless should be located where they are readily accessible to the homeless (this may include the shelter providing its own transportation from areas where the homeless congregate), but should be subject to redesignations to ensure thorough consideration of potential adverse impacts on any neighbourhood and allow for an extensive community engagement process.*

- A.6. *In order to allow for quick response to major emergencies, Temporary Shelters should be permitted uses in the SCRI district when operating in an existing government-owned building.*
- A.7. *Facilities or shelters providing temporary accommodation which may adversely impact on the quality of life in residential districts, may be considered for redesignation in districts where residential uses are not normally permitted, provided that the area is safe for residential use and the facility or shelter does not impair the normal uses of the area. ~~Facilities, other than non-market housing, which may adversely impact on the quality of life in residential districts may be considered for redesignation in business/light industrial areas, provided that it can be shown that the intended facility does not impair the effective use of said area, nor limit the normal day to day activities of the residents of the facility.~~*
- A.8. *To ensure every opportunity for community engagement regarding applications for special care facilities and shelters, notices should be posted, and a Guide for Applicants should be prepared.*
- A.9. *Temporary development permits for special care facilities and shelters should only issued for change of use of existing buildings.*

B. Site Selection Criteria

- B.1. *In general, facilities and shelters should be small in nature and located in a variety of areas throughout the city.*
- B.2. *In larger buildings, mixed use development with other types of residential accommodation is encouraged.*
- B.3. *Sites for facilities and shelters should be of sufficient size to accommodate the type and nature of facility being proposed.*
- B.4. *Facilities and shelters which are relatively large for their neighbourhood should be located on collector or arterial streets.*
- B.6. *Unless a facility or shelter has its own transportation, facilities and shelters should be located within reasonable walking distance of public transit.*
- B.7. *Facilities with ambulatory clients should be located close to commercial nodes where retailing, services, medical offices, and recreation facilities are available.*
- B.8. *Facilities providing for families or youth should be located within walking distance of schools and open space.*
- B.9. *Traffic generated by a facility or shelter should be no more than is normal for its neighbourhood.*

~~where a facility, due to its proposed size, activity level, and support service requirements is likely to generate vehicular traffic in excess of that which can be reasonably be expected on a residential street in the district in which it is located, then the facility~~

~~should be located on a collector street, preferably on a corner lot. The facility should also be accessed from the periphery of the community and be readily accessible to public transit.~~

- B.10. *Over-concentration of facilities and shelters in an area should be avoided.* Where a facility or shelter is proposed within 300 metres of an existing facility or shelter, any cumulative impacts of the facilities on the character of the district ~~should~~ shall be considered in evaluating the application. The applicant ~~should~~ shall be responsible for providing the cumulative impact assessment. The distance between facilities or shelters shall be measured as a direct line from the closest property line of the proposed site to the closest property line of any existing site(s).

C. Site Development Criteria

- C.1. Parking shall be provided as per Bylaw 1P2007.
- ~~2. In low density residential districts, the maximum number of residents in a facility shall be ten or less, excluding staff.~~
- C.2. In areas designated as multifamily and commercial districts, and in downtown districts, facilities *and shelters should* shall be of a scale compatible with the surrounding neighbourhood, to a maximum of 150 – 200 units or beds *except for seniors' projects.*
- C.3. In areas designated as low density residential in the current Land Use Bylaw, the buildings ~~should~~ shall all have the external appearance of single detached dwellings or duplexes, shall be of a size that is similar to nearby dwellings, and shall contribute to the visual attractiveness of the area.
- C.4. In areas designated as multifamily and commercial districts, and in downtown districts, ~~in the current Land Use Bylaw,~~ buildings *containing facilities or shelters should* shall contribute to the visual attractiveness of the area and be compatible in *size and* design with the surrounding neighbourhood.
- C.5. The amount of on-site amenity space and landscaping should be sufficient to meet the specific needs of the residents and be compatible with and complementary to the immediate neighbourhood.
- C.6. Garbage and waste products should be disposed of in accordance with the standards established by the authority having jurisdiction and where containerized disposal is required it should be accessible from a lane.
- C.7. Signage in low density residential areas should be limited to a non-illuminated identification sign not exceeding 0.28 square metres in area.

ADDITIONAL MEASURES TO SUPPORT THE PROVISION OF SPECIAL CARE FACILITIES IN CALGARY

It is recommended that The City undertake the following actions:

1. Foster a collaborative approach to resolving issues related to the location of special care facilities and shelters by involving city staff, residential care agencies, and residents and community associations at an early stage in the process.
2. Ensure new area planning (ARP's and ASP's) clearly indicate that Residential Care Facilities and Addiction Recovery Homes are suitable uses for residential areas. In planning for mixed use projects, at a more detailed planning level, potential sites for facilities should be identified, if possible. In this regard, the TOD Guidelines prepared in 2004 should be amended to include special care facility as an allowable use.
3. Assign a staff person with Land Use Planning and Policy to act as liaison with residential care and agencies and residents, who will draw the attention of agencies to opportunities to locate in projects, and who can be approached by agencies to help in finding appropriate sites.
4. In consultation with agencies and community associations, prepare a Guide for Applicants for new special care facilities which advises agencies on a process which includes early contact and meetings with the community association and with neighbours, and which sets out an ongoing "good neighbour" policy. The latter may include options for a neighbourhood liaison committee.
5. Arrange and/or encourage, perhaps through other agencies such as the Federation of Calgary Communities and the Calgary Homeless Foundation, ongoing public awareness and education programs to address public perception issues.
6. That where practical, operating or funding agreements serve as the basis for ensuring minimal standards for management of a facility and ensuring adequate liaison with the neighbourhood
7. That the combined stakeholders group, with its membership reconfirmed, be invited to continue as an advisory group to the Administration regarding the Guide for Applicants and subsequent policy matters related to special care facilities and shelters.
8. Establish an on-going recording and monitoring system of comments regarding the operation of special care facilities and shelters, including compliments and complaints.
9. Establish and maintain a list of special care facilities operating in the City, while respecting confidentiality where requested.
10. Request the Province to provide a comprehensive licensing system for adult special care facilities, which includes those regarded as providing "treatment" and which are currently not licensed.
11. Undertake a review of policies and regulations in five year's time.

PROPOSED LOCATIONAL PRINCIPLES FOR NON-MARKET HOUSING

1. Existing policies of the *Calgary Plan* that “social housing projects be located in a variety of areas throughout the city and be small scale in nature” be reconfirmed and implemented.
2. Non-market housing should be allowed wherever market housing is allowed.
3. Buildings should be of a density, form, design, and external appearance to complement the neighbourhood, and non-market housing units should not be distinguishable from market housing units.
4. Over-concentration of non-market housing in one area should be discouraged.
5. Very large single-use projects should be avoided. While the appropriate size and scale of any project will vary with its context, as a general principle, a limit of 150 rent-geared to-income units per project is encouraged, except for seniors projects;
6. For smaller projects (up to 40-60 units), up to 100% of units may be rent-geared-to income.
7. Any project over 40-60 units should be encouraged to have a mix of market and non-market housing, preferably with at least a 1:1 ratio for units over 40 in number, except for seniors’ projects.
8. Locations close to public transit, recreation facilities, parks, schools and commercial nodes should be encouraged for non-market units serving families.
9. Locations close to public transit, commercial nodes, and appropriate services should be encouraged for non-market housing serving individual adults.

PROPOSED LAND USE BYLAW AMENDMENTS FOR SPECIAL CARE FACILITIES AND SHELTERS

1. It is recommended that appropriate amendments to Bylaw 1P2007 be prepared and brought forward to implement the following changes:
 - a) That appropriate definitions be developed for the following, which clearly distinguish between the uses and from other uses such as Apartment Building and Assisted Living:
 - Residential Care Facility –provides accommodation for five or more persons and where staff provide these residents with on-site supervision, care, or counselling, but which does not include an Addiction Recovery Home, Detox Centre, or Halfway House.
 - Detoxification Centre – temporary accommodation for one or more persons is provided for persons going through withdrawal from alcohol and drug addictions, under secure conditions, with the assistance of qualified staff. Those who have completed detoxification may also be accommodated while recovering.
 - Addiction Recovery Home – temporary accommodation and counselling is provided for five or more persons, who are recovering from addictions and who, in the case of alcohol and drug dependencies, have completed a detoxification program.
 - Halfway house – accommodation is provided for a short or intermediate period for one or more adults who are in legal custody, under the supervision and counselling of qualified staff.
 - b) Amend the Land Use Districts in accordance with the Overall Policies of the Planning Principles set out in Appendix I, including:
 - dividing the current Addictions Treatment into Detox Centre and Addiction Recovery Home;
 - splitting the current Custodial Care into Halfway House for persons leaving adult correctional facilities and providing for youth under guardianship of the Director named in the Child Welfare Act or ordered by youth court in the Residential Care use;
 - c) Amend the requirements for 24 hour care for all facilities, plus professional care associated with custodial care/halfway house facilities and addiction recovery and detoxification facilities, to better fit the new use definitions and better reflect normal operating practices, license requirements and agreements with funding agencies.
2. In consultation with stakeholders, investigate and bring forward any appropriate amendments with respect to the following:
 - a) review the minimum size requirements for all special care uses;
 - b) review the current maximum size limit of ten residents for all types of special care facility in low density residential areas.

COMPARISON OF LAND USE BYLAW 1P2007 AND PROPOSED CHANGES

	Land Use Bylaw 1P2007	Proposed changes
Uses	Residential care facility Addiction treatment Custodial care	Residential care facility Addictions Recovery home Detox centre Halfway house for adults Youth under youth court orders are included with other youth in Residential Care Facility
Definitions	Emergency shelter Temporary shelter See above	no change no change See above.
Districts	All uses except shelters allowed in most residential, some commercial, some special care districts as discretionary uses.	Residential Care as per bylaw 1P2007 Addictions Recovery as per Residential Care Detox centre discretionary in some commercial & institutional; Halfway house discretionary in multifamily, some commercial & institutional
Minimum size	Shelters by redesignation except temporary one permitted in S-CRI 5 for residential care facility	No change No change
Maximum size	1 for addictions, custodial 10 in low density residential	To be reviewed To be reviewed
	Other districts – limited by max density allowed	Limited by max density allowed, with max of 150-200 beds/units encouraged, except for seniors
Caregivers	Minimum of 24 hour care Professional care for addictions and custodial care	To be reviewed