



CITY OF VANCOUVER

POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: July 11, 2005
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TO: Vancouver City Council

FROM: Director of the Housing Centre, the Director of Social Planning and the
Director of Current Planning

SUBJECT: Special Needs Residential Facilities in the DEOD

RECOMMENDATION

THAT the Director of Current Planning be instructed to make application to amend the Downtown-Eastside/Oppenheimer District (DEOD) Official Development Plan (ODP), with changes as set out in Appendix A, to allow Special Needs Residential Facilities, and that the application be referred to a Public Hearing.

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law, generally in accordance with Appendix A, for consideration at the Public Hearing.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

Council approved the Downtown-Eastside Oppenheimer District Official Development Plan in 1982 with new Special Needs Residential Facilities specifically excluded.

May 24, 2005, Council received the "Draft Housing Plan for Downtown Eastside [Downtown Eastside-Oppenheimer, Victory Square, Chinatown, Gastown, Strathcona, Thornton Park, Hastings Corridor, Industrial Lands] (May 2005)" and requested staff to report back in July 2005.

SUMMARY AND PURPOSE

The purpose of this report is to familiarize Council with the history of the exclusion of new Special Needs Residential Facilities (SNRFs) in the Downtown-Eastside and Oppenheimer area, and outline changes to the relevant Official Development Plan which would end the exclusion, pursuant to the proposed policy in the Downtown Eastside Housing Plan.

The Downtown Eastside proposal that new SNRFs be allowed in the DEOD at this time is in response to critical needs in the community. Council consideration of the Downtown Eastside Housing Plan is pending, upon completion of public input, in September. The proposed rezoning for SNRFs is recommended now so the timing of the Public Hearing is consistent with directions in the Downtown Eastside Housing Plan and in recognition of pending applications. If Council decides not to pursue the Downtown Eastside Housing Plan or the policy related to SNRFs, the rezoning will not proceed to Public Hearing.

BACKGROUND

Land Use Terminology: The land use term "Special Needs Residential Facility" (SNRF) was introduced in the 1970s in response to the Provincial Government's Community Care Facility Act (CCFA). Over time, the general SNRF classification evolved into four separate defined uses. Only two of these, SNRF - Class B and SNRF - Group Living, remain as conditional approval uses and are relevant to this discussion:

- SNRF - Class A - a facility licensed under the CCFA, is used as a residence for not more than 10 persons, not more than six of whom are persons in care; these facilities are permitted as-of-right by Provincial regulation throughout the city and listed in the Zoning and Development By-law as an outright use in most residential schedules except those involving external design controls;
- SNRF - Class B - a facility licensed under the CCFA, which provides accommodation for seven or more people in care;
- SNRF - Congregate Housing - now Seniors Supportive or Assisted Housing and no longer defined as a SNRF; and
- SNRF - Group Living - an unlicensed facility that provides accommodation for six or more persons who are not a family, and where staff provide care, supervision, guidance or counseling related to physical disabilities, mental disabilities, psychiatric problems, drug or alcohol problems or related to legal custody or emergency or crises situations.

SNRF Exclusion in the Downtown-Eastside/Oppenheimer Area: In November 1975, following designation of the Downtown-Eastside/Oppenheimer area as a Neighbourhood Improvement Program area, Council rezoned the area from industrial and commercial zoning to a Comprehensive Development District (CD-1) permitting a variety of residential uses, but severely constraining the development of new industrial and commercial uses. In April 1982,

Council supplemented this CD-1 with the Downtown-Eastside/Oppenheimer District (DEOD) Official Development Plan (ODP).

A significant issue at the time of the adoption of the ODP was a concern on the part of many community groups regarding the concentration of Special Needs Residential Facilities, as evidenced in the Downtown-Eastside/Oppenheimer Policy Plan (April 1982):

A point is often made that certain types of "institutional housing" are needed in the area because of an existing demand as evidenced by the number of people who use the services of the established social service agencies. However, there is also evidence that people are attracted to the area or are directed to it because of the existing institutional housing and agencies that cater to the needs of the psychiatrically disturbed, the alcoholic and the homeless. Although there is no doubt that the residents of the area require the care and services of an aging population, it is also clear that the DEOD area is categorized by many as an institutional enclave for the disturbed or socially dysfunctional population.

It is most important to the direction of the future growth of this area for a policy decision to be made regarding the development of new institutional housing in this area. While recognizing that the need exists for specialized institutional housing, the Japanese-Canadian community, the Powell Street merchants and owners, the Downtown-Eastside Residents Association and the Oppenheimer Area Planning Committee believe new institutional housing uses should not be located within the DEOD area, as defined by the Plan. The Director of Planning supports this view, and further believes there is a need to halt the growth of an "institutional ghetto" by encouraging the development of self-contained housing to encourage self-reliance and lessen dependence on social services. If new SNRFs are required in the future for existing local residents, they should be considered for a nearby location, but not within the boundaries of this area as defined by this Plan.

Policy 4.1.7 subsequently stated that no new SNRFs should be permitted within the boundaries of the DEOD.

The ODP was enacted by Council in April 1982 excluding SNRFs as a use in each of the four sub-areas of the DEOD. This policy remained in effect until modified in 2004 when SNRFs for seniors ("Seniors Supportive or Assisted Housing") was re-classified to fall within the list of permitted "Dwelling Uses", and thus became permitted within the DEOD. Presently "SNRF - Class B" and "SNRF - Group Living" are still excluded.

According to the draft Downtown Eastside Housing Plan (May 2005), there are 980 Special Needs Residential Facility (SNRF) beds in 16 residential facilities in the broader areas community identified as the area of the Downtown Eastside, as shown below:

Community	No. of SNRFs
Victory Square	3
Gastown	2
Chinatown	1
DEOD	5*
Strathcona	3
Industrial	2

*includes Cooper Place not listed in the Draft Housing Plan as it was closed at the time the Plan was drafted.

DISCUSSION

The initiative to end the exclusion of SNRFs in the DEOD is being fueled by two interlinked considerations:

- The continuing evolution of SNRFs as evidenced in seniors housing, where there is a growing distinction between housing with support services and “institutionalized” care; and
- The true and evident needs of the DEOD to provide housing with support services along a continuum to meet the needs of the people living in the community.

Evolution of SNRFs: In the past 10 years there has been a move toward providing independent housing with accompanying levels of support services, depending on needs of the residents, whether it is mental illness, drug and/or alcohol addictions, etc. In the meantime, the City’s zoning definitions have not evolved and there has been confusion between supportive housing projects and projects which fall under the City’s SNRF definitions, particularly “SNRF - Group Living”. While this definition specifies that the care provided in such a facility must relate to people’s illnesses or disabilities, this distinction has not been sufficiently clear and some projects which provide housing supports such as common rooms, dining and access to social and educational activities have been confused with SNRFs.

This has meant that housing projects have been developed without the necessary support services to avoid the SNRF designation, relying on often inadequate off-site services, or generated protracted discussions over interpretations about each and every project.

The Housing Centre and Social Planning Department have on their work program a review of the remaining SNRF classifications, particularly SNRF - Group Living, slated for 2005/6. The current definition of “Group Living” includes a range of facilities which provide care to some people with mental and physical disabilities, drug or alcohol addictions, and to people who have conditions of parole, such as Corrections Canada. The objective for this review is to more clearly define and separate projects involving modest support services in an independent residential environment from those of a more “institutional” service setting. Staff believe that the needs in the DEOD are sufficiently critical to not await the outcome of that work but to proceed with the DEOD changes now. Any necessary adjustments would be brought forward when that broader study is completed.

DEOD Needs: The draft Downtown Eastside Housing Plan (May 2005) addresses the question of community need within the DEOD:

The needs in the community are large...a large number of residents face addiction and related illnesses, and mental health issues. The Vancouver Coastal Health Authority has reported an increase in the number of people with multiple diagnoses - mental illness, drug/alcohol problems, brain injuries, HIV+/AIDs. It is estimated that 60-80% of those with mental health disorders also have additional disorders. It is important to locate SNRFs within the Downtown Eastside to serve existing residents in their own community. It is better for the community if people receive the support and care they need, rather

than go without and live without proper care, with behaviours that spill into the streets and public areas impacting neighbours and the community.

SNRFs, offering care to people with disabilities, addictions and/or mental illness are at one end of a spectrum of housing that can meet the needs of residents in the Downtown Eastside. The large majority of housing will be traditional social housing and market units, rental or owner occupied. Some social housing will be supplemented with supports, as discussed earlier [in the Housing Plan], to provide stability for residents with moderate needs who can live more independently. For those who face larger challenges, SNRFs provide a more appropriate residential model. Currently there is a moratorium in place in the DEOD against the development of additional SNRFs.

There are at least two projects in preparation which specifically respond to needs of individuals living in the community and others under discussion:

- 135-7 E. Hastings Street (Onsite Residence): residences above Insite, the supervised injection site (SIS) on the first floor, to be managed by Vancouver Coastal Health and the Portland Hotel Society and which will provide transitional housing for DTES residents leaving hospital who have no home to go to and Insite users waiting to get into detox; and
- 601-7 East Hastings (Union Gospel): a multi-purpose building providing education and support services related to drug and alcohol recovery and re-integration into society and which will include transitional housing for program participants.

Without these developments and the programs they will offer, involved individuals will be left to live isolated in existing SROs or on the street, and be less likely to come in contact with the services and programs they need.

The effect of the proposed changes to the DEOD outlined in Appendix A, if approved, will be to allow "SNRF - Class B" and "SNRF - Group Living" as conditional approval uses, subject to approval by the Development Permit Board or the Director of Planning, and subject to Council policies and guidelines, most notably the Special Needs Residential Facility Guidelines, approved by Council in 1983. As outlined in the DTES Housing Plan, only SNRFs that serve the needs of existing residents would be supported. The DTES (and DEOD) should not be institutionalized and become the regional and city-wide service centre for people with disabilities.

Timetable for Housing Plan: The Draft Downtown Eastside Housing Plan recommends that the SNRF exclusion be lifted as SNRFs should be considered an appropriate response to certain housing needs and can provide needed care for people currently living in the area.

On May 24, 2005, Council adopted the following motions regarding the Housing Plan:

- A. THAT Council receive the draft Housing Plan for the Downtown Eastside for information, attached as Appendix A to the Policy Report Draft Housing Plan for the Downtown Eastside, dated May 16, 2005.
- B. THAT staff report back on the outcome of the public review of the draft Plan and bring the draft Plan forward for adoption by Council by July 2005.

The report back to Council on the Draft Housing Plan is scheduled for Council Committee in mid-September 2005, in order to provide for delegations. The amendments to the DEOD to allow new SNRFs are being presented now to allow these amendments to be scheduled for the last Public Hearing of the year in early October, should Council wish to proceed with that aspect of the Draft Housing Plan. This will allow OnSite, which is a Vancouver Coastal Health and Four Pillars priority for which funding is available, to proceed without delay. This will require that all commentary and discussion of the amendments to the DEOD to allow SNRFs be deferred until the Public Hearing in October.

SOCIAL IMPLICATIONS

A number of planning initiatives, notably the Vancouver Agreement, A Framework for Action - the Four Pillars Approach to Drug Problems in Vancouver, the draft Homeless Action Plan, and the Downtown Eastside Housing Plan, all point to the importance of stable affordable housing for those on low incomes and those with drug and alcohol problems. It is clear that in the case of the Downtown Eastside, that the City, in conjunction with the Vancouver Coastal Health Authority and the other partners in the Vancouver Agreement, are not able to fully respond to the needs of the residents of the DEOD with the SNRF exclusion in place.

CONCLUSION

Staff believe that new SNRFs should be allowed in the Downtown Eastside:

- The exclusion is distorting the continuum of supportive housing of which “institutional SNRFs” are only a component;
- The exclusion is distorting the response to the need for services in the area. Service providers do what they can to avoid being within the definition of a SNRF (even if it means not providing the services that would be optimal). Alternatively, they ‘push the envelope’ of what is or what is not a SNRF, putting staff in a difficult position of trying to interpret subtle differences in program descriptions; and
- Some needs are urgent. City staff and the Vancouver Coastal Health Authority have identified, as a priority, supportive housing for people who want to be free of their alcohol and drug habits. Under the current regulations of the DEOD, these initiatives are not possible.

Therefore, staff believe that the SNRFs should be allowed in the DEOD and recommend that Council refer the necessary amendments to Public Hearing.

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Changes to the Downtown-Eastside/Oppenheimer District Official Development Plan

A by-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Section 4.2 (Uses for Sub-area 1 Main/Hastings)

Amend section (d) by eliminating the words “but excluding a new Special Needs Residential Facility - Community Care - Class B, and Special Needs Residential Facility - Group Living”;

Renumber sections (e), (f) and (g) to (f), (g) and (h), respectively; and

Add a new section “(e) Special Needs Residential Facility - Community Care - Class B, and Special Needs Residential Facility - Group Living”;

Section 5.2 (Uses for Sub-area 2 Cordova Street)

Amend section (a) by eliminating the words “but excluding a new Special Needs Residential Facility - Community Care - Class B, and Special Needs Residential Facility - Group Living”;

Renumber sections (b), (c) and (d) to (c), (d) and (e), respectively; and

Add a new section “(b) Special Needs Residential Facility - Community Care - Class B, and Special Needs Residential Facility - Group Living”;

Section 6.2 (Uses for Sub-area 3 Powell Street/Japanese Village)

Amend section (d) by eliminating the words “but excluding a new Special Needs Residential Facility - Community Care - Class B, and Special Needs Residential Facility - Group Living”;

Renumber sections (e), (f) and (g) to (f), (g) and (h), respectively; and

Add a new section “(e) Special Needs Residential Facility - Community Care - Class B, and Special Needs Residential Facility - Group Living”;

Section 7.2 (Uses for Sub-area 4 Alexander/Powell)

Amend section (c) by eliminating the words “but excluding a new Special Needs Residential Facility - Community Care - Class B, and Special Needs Residential Facility - Group Living”;

Renumber sections (d), (e), (f) and (g) to (e), (f), (g) and (h), respectively; and

Add a new section “(d) Special Needs Residential Facility - Community Care - Class B, and Special Needs Residential Facility - Group Living”;