



CITY OF VANCOUVER
POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: April 15, 2008
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Meeting Date: April 29, 2008

TO: Vancouver City Council

FROM: Director of Social Planning, Director of Planning, Director of Development Services, Director of Housing Centre, Director of Legal Services and General Manager of Engineering Services

SUBJECT: Special Needs Residential Facilities: Amendments to Definitions and Guidelines

RECOMMENDATION

- A. THAT the Director of Planning be instructed to make application to:
- i) amend the definitions of Special Needs Residential Facilities in Section 2 of the Zoning and Development By-law, and make the necessary consequential changes to the Zoning and Development By-law and to the CD-1 By-laws listed in Appendix A, generally in accordance with Appendix A, and
 - ii) amend references to "Special Needs Residential Facilities" in the Downtown Eastside/Oppenheimer Official Development Plan By-Law and First Shaughnessy Official Development Plan By-law, generally in accordance with Appendix B,
- and that the application be referred to a Public Hearing.
- B. THAT Council approve amendments to the Parking By-law, generally in accordance with Appendix C.
- C. THAT the Director of Legal Services be instructed to prepare the necessary amendments to the Zoning and Development By-law, CD-1 By-laws, and Official Development Plans, generally in accordance with Appendices A and B, for consideration at the Public Hearing.

- D. THAT the Director of Legal Services be instructed to prepare the necessary amendments to the Parking By-law, generally in accordance with Appendix C.
- E. THAT if approved at Public Hearing, the by-law be accompanied at the time of enactment by the Guidelines for Community Care Facilities and Group Residences and the Application Procedures for Development Permits for Community Care Facilities and Group Residences, as outlined in Appendix D.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services, in consultation with the General Manager of Engineering Services, RECOMMENDS approval of the foregoing.

COUNCIL POLICY

Council, on October 18, 1979, adopted the use category "Special Needs Residential Facility" and definitions for Community Care Facilities and Group Living Facilities, as well as Guidelines pertaining to the location of facilities and the application process.

Subsequent minor amendments to definitions and guidelines were approved September 27, 1983; July 25, 1989; February 4, 1991 and May 4, 2004.

SUMMARY

The existing Zoning and Development By-law definitions for Special Needs Residential Facilities (SNRF) were first approved in 1979. This report updates the definitions, in particular, the SNRF Group Living definition. Because of changes in the way public health services are delivered, this definition no longer accurately reflects the difference between buildings which provide a rehabilitative program to residents who have similar disabilities, illnesses or conditions (e.g. a SNRF), and buildings whose purpose it is to provide housing.

It is important to note that the proposed amendments to the definitions will not result in the re-categorization of existing buildings. The intent going forward is to provide more clarity and a better understanding of the nature of the services provided in "facilities", compared to supports which may be available in various forms of housing.

It is proposed that the term "Special Needs Residential Facility" be replaced with three simpler use terms:

- "Community Care Facility, Class A"
- "Community Care Facility, Class B"
- "Group Residence"

"Community Care Facility" is the term used in the Provincial Community Care and Assisted Living Act under which these facilities are licensed. Only minor wording changes are proposed in the City definitions relating to these facilities.

The new term “Group Residence” replaces the current SNRF Group Living definition and includes three sub-categories:

- Facilities governed by legislation other than the Provincial Community Care and Assisted Living Act, where residents are required, by law, to live in the facility; or
- Facilities which make participation in a rehabilitative program a condition of residence; or
- Facilities whose purpose is to provide stays of less than 30 days.

Any buildings which do not fall within the revised definitions would be dwelling uses.

This report draws on the updated Community Care and Assisted Living Act (CCAL) to clarify the nature of the services which distinguish SNRF-type uses from housing, including supportive housing.

It also recommends amendments to the SNRF Guidelines and Application Procedures, plus housekeeping amendments to CD-1 By-laws, Official Development Plans, and the Parking By-law.

A backgrounder and summary of the proposed changes was distributed to all Business Improvement Associations, CityPlan committees, Current Planning's Downtown notification list, and to groups and individuals who participated in the supportive housing consultations in June 2007 (550 contacts). Only two responses were received, neither in opposition.

PURPOSE

This report recommends revisions to the Zoning and Development By-law definitions of Special Needs Residential Facilities (SNRF), and to the SNRF Guidelines and Application procedures, as well as housekeeping amendments to various CD-1 By-laws, ODPs and the Parking By-law. The report also discusses the nature of services provided in SNRF.

BACKGROUND

The City's existing Special Needs Residential Facility (SNRF) definitions were first approved in 1979. There are currently three (3) types of SNRF:

- SNRF Community Care Class A
- SNRF Community Care Class B
- SNRF Group Living

These by-law definitions enable the approval of buildings which provide “care” to unrelated people who generally live communally and who receive a common array of “personal services.” (The nature of the services being provided is discussed later in this report.) The City has supported the integration of these homes in virtually all Vancouver neighbourhoods. SNRF are allowable uses in all zoning districts except for the Industrial zones and two Historic areas.

SNRF Community Care Class A and B refer to facilities licensed under the Provincial Community Care Facility Act (now the Community Care and Assisted Living Act (CCAL)). Licensed facilities provide care to people who have severe physical or developmental disabilities, or severe mental illnesses, addictions, or who by reason of being minors, are under the legal custody of the Province.

SNRF Community Care Class A buildings which are licensed for up to 6 persons in care are outright approval uses, because the CCAL Act exempts licensed facilities for 6 or fewer persons from municipal zoning control. SNRF Community Care Class B and SNRF Group Living are conditional approval uses.

The SNRF Group Living definition covers facilities which also provide care in relation to individuals' disabilities or illnesses, but they do not qualify for Provincial licensing under the CCAL Act. This may be because they fall under other legislation (e.g. Corrections) or they may provide care which is less medically-oriented or less intense than that found in licensed community care facilities.

The SNRF use category also previously included "SNRF - Congregate Housing for Seniors." In 2004, this use was renamed "Seniors Supportive and Assisted Housing" and categorized as a dwelling use in the Zoning and Development By-law. This shift from an Institutional to a Dwelling use reflects the nature of the services provided in Seniors Supportive and Assisted Housing, and is in keeping with the approach taken in the Provincial Community Care and Assisted Living Act.

DISCUSSION

1. Limitations of Current Definitions

SNRF Community Care Class A and B

The existing SNRF Community Care Class A and B definitions only need updating to reflect the replacement of the Community Care Facility Act with the Community Care and Assisted Living Act (CCAL Act.) Provincial staff decide whether a building is licensable under the Act, so the application of these definitions is not an issue for City staff.

SNRF Group Living

City staff is responsible for applying the SNRF Group Living definition. This has become confusing because, while it was meant to apply to facilities which provided rehabilitative programs, the wording in the current definition is far too general for today's context:

"SNRF-Group Living, which means any facility that provides accommodation for six or more persons who are not a family, and where staff provide care, supervision, guidance or counselling related to physical disabilities, mental disabilities, psychiatric problems, drug or alcohol problems or related to legal custody or emergency or crises situations."

The difficulty is that "...care, supervision, guidance or counselling..." could mean many different things and occur in many different ways. For example, both the daily monitoring and recording of medications and a once-a-week visit by a home support worker could be

called "care." But monitoring and recording of medications is a level of service which could occur in a facility, whereas home support is a basic public health service available to individuals in their own homes. Other examples are found in supportive housing, which routinely provides such services as meals, 24 hour security and on-site staff who help link residents to community services. These activities could be labelled as "care", but they do not represent the levels or types of service the SNRF Group Living definition was intended to encompass.

The City has already clarified these service issues for most buildings which serve seniors by establishing a new By-law definition under Dwelling Uses, called "Seniors Supportive or Assisted Housing." This applies to buildings which provide housing and "hospitality services" for seniors e.g. meals, housekeeping, 24 hour security, and social/recreational programming, and to "Assisted Living" projects which are a form of supportive housing that provide limited "personal services" such as hands-on assistance with bathing or eating in addition to "hospitality" services.

Facilities for seniors which provide more intensive "personal services" are licensed under the Community Care and Assisted Living Act and in Vancouver are currently approved as SNRF Community Care Facility Class B (or A).

Providing more clarity about the distinctions between supportive housing and SNRF-type uses will assist in the assessment of applications for age groups other than seniors. Clarity is needed because while both SNRF and supportive housing are subject to public consultation, there can be technical differences between the two uses in allowable floor space, parking and other requirements.

2. Discussion of services

This section summarizes the service definitions now being used by the Province, which help to differentiate the nature of services found in various forms of supportive housing from those found in SNRF.

In November, 2002 the Province replaced the Community Care Facility Act with the Community Care and Assisted Living Act. The new Act continues to regulate "community care facilities" which provide high levels of care, and it also defines a form of supportive housing called "Assisted Living". The Act and its regulations define the type and nature of care which can be provided in each setting.

In summary, the new Act:

- Distinguishes between "personal services" and "hospitality services" and establishes that "personal services" are the relevant services in determining the status of a building.
- Defines "hospitality services" as the provision of meals, laundry and housekeeping services, a 24-hour emergency response capacity, and social/recreational activities. These can be found in both supportive housing and in licensed care, and the presence of these services is therefore not relevant to the determination of a building's status.
- Defines "personal services" as assistance with such things as eating or dressing; the management or monitoring of diets, medications or financial resources; and rehabilitation or behaviour management programs.

- Further defines “personal services” at two levels: a very informal level such as reminding a resident to take their medication, and an intensive or “prescribed” level, such as observing and recording the taking of medications, and monitoring the effects. Any number of personal services can be provided at an informal level in any type of supported housing or in licensed care. Only the intensive or “prescribed” level of personal services affects the categorization of a building as a licensed “community care facility.”

For reference, the “prescribed” level services are:

- Hands-on and ongoing assistance with the activities of daily living e.g. dressing, eating, using the toilet, bathing, mobility;
- Observing and recording the taking of medications/monitoring effects of medications;
- Administering a resident’s finances on his/her behalf;
- Monitoring of food intake/therapeutic diets;
- Psychosocial rehabilitation or intensive physical rehabilitation; and
- Structured behaviour programs (individualized therapy intended to change behaviour.)

A facility providing three or more “personal services” at intensive or “prescribed” levels would be a “community care facility” licensed under the CCAL Act. Buildings providing one or two personal services at “prescribed” levels might be registered as “Assisted Living” homes and those with only informal personal services would simply be generic supportive housing.

3. Application of Provincial definitions to City definitions

Almost 80% (120) of the City’s 153 SNRF are licensed “community care facilities” under the CCAL Act. As described above, these facilities provide three or more intensive or “prescribed” level personal services.

Twenty-eight buildings are classified as SNRF Group Living. They encompass a broader mix of clients and more variations in services/programs than those covered under the CCAL Act. The Province’s definitions of intensive level “personal services” can nevertheless be used as a general guide in understanding services and programs in these homes.

While some personal services common in licensed seniors’ facilities (e.g. hands-on assistance with eating), are not relevant for younger populations, services such as the mandatory participation in a 12 step addictions recovery program in a supportive recovery house can be seen as an example of “psycho-social rehabilitation” as discussed in the CCAL Act. Or while the clientele and services in a home governed under the Corrections and Conditional Release Act are very different than those living in facilities governed under the CCAL Act, staff provide a degree of monitoring, recording and control that is very similar to the degree of monitoring/control that characterizes a “prescribed” level personal service e.g. staff enforce curfews, sign-in/sign-out and drug testing.

In general, it could be said that a key feature of a Group Living home is that residents are either legally obliged to live there or they live there in order to access a rehabilitative program in which all residents must participate. Staff also recommend that the Group Living category continue to include facilities such as transition houses for women or safe houses for youth which may have no intensive personal services, but are intended to provide very short term emergency support, rather than providing ongoing housing. Emergency shelters have

sometimes been approved as licensed SNRF - Community Care Class B and sometimes as SNRF - Group Living. Future shelters could be approved as either Community Care Facilities or as Group Residences, depending on the nature of the services provided.

It is important to note that changing the Group Living definition will not result in re-categorization of existing buildings, but rather is intended to reduce the confusion, going forward, about which buildings fall in this category and which buildings are dwelling uses. The following table outlines the proposed governance and service indicators which will distinguish SNRF-type uses and which will be incorporated in the revised By-law definitions. The column on supported housing is provided for context:

SNRF-types Uses		Dwelling Uses	
	Licensed "Community Care Facilities"	"Group Residences"	Supportive housing
Governance	Facility licensed under the CCAL Act	Facility may be governed under other senior government legislation and residents are required by law to reside in the facility	Usually covered under the Residential Tenancy Act *
Services provided by operator	<p>Operator staff provide 3 "personal services" at "prescribed levels" as defined in the CCAL Act</p> <p>Operator staff may provide any number of "personal services" at informal levels (e.g. reminding a resident to take medications; providing educational activities in which residents can choose to participate, etc.)</p> <p>Hospitality services must be provided</p>	<p>Operator staff provide "personal services" which all residents must use, as a condition of residence (e.g. you must take part in a 12-step program in order to live in the building)</p> <p>There may be other mandatory features of the program (e.g. a curfew)</p> <p>Operator may provide any number of informal "personal services"</p> <p>Hospitality services may be provided</p>	<p>Operator staff may provide any number of "personal services" at informal levels</p> <p>There are no "personal services" in which all residents are required to participate. Individual residents can use "personal services" provided by professional staff from outside agencies (e.g. individuals may have mental health workers)</p> <p>Operator staff may provide "hospitality services" (e.g. meals, laundry, housekeeping, 24 hour emergency response capacity, and social/recreational programs).</p>

Other features		The purpose of the building is to provide very short stay (e.g. a transition house for women; a safe house for youth).	
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*Supportive housing projects, including those approved under the CCAL Act as “Assisted Living”, fall under the Residential Tenancy Act. RTA designation can be checked as one measure of whether a building is supportive housing or “Group Residence”, but RTA designation cannot be used as part of any by-law definitions because it up to building operators to request RTA designation.

Supportive housing projects house individuals who may have a mental illness or addiction, but they do not provide a common set of “personal services” to all residents. The operators may link individuals to professional health services, or provide optional programs in which residents can participate, but the primary purpose of these buildings is to provide stable housing. These buildings would continue to be categorized as Multiple Dwellings or housekeeping or sleeping rooms and be processed in accordance with regulations governing these uses for whatever zoning district they are in.

4. Proposed New Definitions

Staff propose to eliminate the overall use name “Special Needs Residential Facility.” In best practice for land use terms, definitions should refer to features relating to a building, not to the people who may live in a building. The proposed new use terms either echo the language used in the Provincial legislation which regulates the facility (“Community Care Facility”), or use a neutral term to describe the land use (“Group Residence.”).

For facilities licensed as “community care facilities” under the CCAL Act, the proposed new definition involves only minor wording changes:

Community Care Facility - Class A, which means the use of premises operated as a community care facility by a licensee under the Community Care and Assisted Living Act of British Columbia to provide residential care to six or fewer persons not related by blood or marriage to the licensee or, if the licensee is a corporation, to any director, officer or member of the corporation.

Community Care Facility - Class B, which means the use of premises operated as a community care facility by a licensee under the Community Care and Assisted Living Act of British Columbia to provide residential care to seven or more persons not related by blood or marriage to the licensee or, if the licensee is a corporation, to any director, officer or member of the corporation.

By Provincial legislation, “community care facilities” with 6 or fewer persons in care are not subject to municipal zoning or development controls. “Community Care Facility, Class A” buildings would continue to be treated as outright uses, equivalent to single family dwellings. Facilities categorized as “Community Care Facility, Class B” would continue to be allowable conditional uses in the same Zoning Districts as at present (e.g. in virtually all zones except Industrial and HA zones.)

The proposed use term “Group Residence” replaces the term “SNRF Group Living” and is defined as follows:

Group Residence, which means the use of premises operated as a facility to provide accommodation to six or more persons not related by blood or marriage to the operator of the facility or, if the operator is a corporation, to any director, officer or member of the corporation, where:

- a) legislation other than the Community Care and Assisted Living Act of British Columbia requires such persons to reside in the facility, but does not include a facility in a Hospital; or
- b) the facility provides a rehabilitation program in which all such persons, as a condition of residence, must participate; or
- c) the facility provides accommodation for fewer than 30 days, and may provide personal services, but does not include a hotel, rooming House, or boarding house.

Group Residences would be conditional approval uses in the same Zoning Districts as present SNRF uses.

The **Group Residence** category would include homes governed under the Corrections and Conditional Release Act or facilities designated under the Mental Health Act. (The City currently has no designated Mental Health facilities other than beds within hospitals. “Designated” facilities allow residents to be housed against their will and would therefore clearly fall within the Group Residence category, should such an application be received.)

Examples of buildings which provide rehabilitative programs in which all residents must participate as a condition of residence include supportive recovery houses providing 12 step programs or buildings such as the Salvation Army’s Belkin House, where residents must participate in an operator-provided rehabilitation program in order to live there.

The Group Residence category would also include facilities intended to provide only temporary accommodation. These include transition houses for women, safe houses for youth and other emergency homes. These buildings may provide very few or informal personal services, but their short-stay nature means more turnover and traffic, which could have a different impact than longer term housing. Emergency shelters could be approved as either Community Care Facilities or as Group Residences, depending on the nature of the services provided.

APPENDIX A contains the Zoning and Development By-law amendments, and CD-1 amendments proposed in this report. APPENDIX B refers to Official Development Plan (ODP) amendments. APPENDIX C refers to Parking By-law amendments.

5. Parking By-law amendments

The Parking By-law currently requires: “A minimum of one space for each 37 square metres of floor area used for sleeping units, exclusive of bathrooms.” The Parking Management Branch of Engineering has reviewed the provision and use of parking at five existing facilities, and is

recommending a revision of the parking requirement to one space per 4 beds which achieves adequate parking for staff, visitors, and in some cases, volunteers. The change also streamlines administration by Development Services staff as a result of simplified calculations.

The only other amendments to the Parking By-law are to revise the use terms and to add "Group Residence" to two sections of the By-law where SNRF Group Living should have been listed, but was inadvertently omitted. (Parking By-law Amendments: Appendix C).

6. Guidelines and processing of applications

The City's Special Needs Residential Facility Guidelines, first approved by Council in 1983, apply to those facilities requiring conditional approval. They provide commentary on the assessment criteria used by staff, suggest a distance guideline, and provide information on the application process.

Based on 25 years of experience in working with these guidelines and monitoring the operation of SNRF, staff recommends modifications to the guidelines with respect to:

- The distance guideline
- The focus of the application review and approval process.

Distance guideline: The existing Guideline recommends a 200 metre separation of facilities "in a predominantly residential area", except in cases where one facility is an annex of another, or for facilities for seniors. When the guideline was written, SNRF were concentrated in the central-city neighbourhoods (Kitsilano, Shaughnessy, Fairview, Mt. Pleasant, Grandview Woodlands, and Strathcona) which, at the time, were largely low-density residential areas. The intention was to encourage the distribution of SNRF throughout the City's other RS and RT zones, with some distance between facilities, both so that those living in these homes could integrate into the neighbourhood and to minimize concentration and any potential effects on neighbours.

Since the early 1980s, SNRF have become much more broadly distributed, but very interestingly, there has been almost no net change in the total number of facilities or beds. (1982: 143 facilities/ 5,354 beds; 2008: 153 facilities/ 5,148 beds).

Since the pattern of development is one of replacement rather than growth, the Guidelines do not need to be framed to control growth, but rather to locate facilities in areas where they are needed, while maintaining some balance with other uses.

Staff therefore propose to maintain the distance guideline in low density zones, and to substitute a case-by-case review process in higher density areas.

In low density zones, single-family or two-family homes are converted for use as Community Care Facilities or Group Residences, and can easily be converted back to dwelling uses. There has been and likely will continue to be turnover in this stock. Staff recommend that the 200 metre distance guideline be retained for low density (RS, RT and First Shaughnessy) districts, as this will continue to encourage distribution of these small homes, most of which are indistinguishable in size and appearance from any other single or two-family home. (It is noted that the Guidelines and Procedures do not apply to Community Care Facility - Class A

buildings as these are, by provincial legislation, outright uses. City staff have, nevertheless, worked with Provincial licensing staff and applicants to encourage voluntary compliance with the distance guideline.)

In RM, C, and other higher density zones, a distance guideline is not particularly useful. Facilities in higher density areas are mainly purpose-built and are much less subject to turnover than those in low density zones. These facilities can take a number of different forms and be of different sizes, compared to adjacent uses. They may be stand-alone buildings or clusters of units within a new building, or be significantly smaller than adjacent uses. Available development sites are rare in higher density zones and may be subject to a variety of planning objectives. Because of all these factors, the suitability of sites and potential impact of proposed Community Care Facilities or Group Residences needs to be assessed on a case-by-case basis, looking at a variety of factors rather than single criteria such as distance from another facility (See Appendix D).

Focus of review and approval process: The existing guidelines are cautious in tone and talk about how staff will assess facilities which may be potentially disruptive, and about avoiding having a number of facilities serving the same client type in the same neighbourhood.

After 25 years of processing new SNRF applications and monitoring the operation of existing SNRF, staff is of the view that there is very little cause for concern about the operation of these facilities. A review of public complaints to the City and VPD about the operation of SNRF underscores this view. The report is available on Social Planning's website at <http://www.vancouver.ca/commsvcs/socialplanning/initiatives/snrf/resources.htm>

The review covered 20 years of City electronic records and two years of Police data. In summary, concerns expressed by neighbours prior to the opening of facilities are not borne out when facilities are in operation. 71% of the SNRF reviewed have no calls or complaints registered in either the City or VPD files. The City receives no more than one or two complaints per year about the entire stock of SNRF. In comparison, we receive an average of 150 complaints per year about illegal suites and close to 500 per year about untidy premises.

In the occasional cases where there are problems with the operation of SNRF, the causes appear to be a weakness in some management policy (e.g. regarding noise, smoking), or inadequate communication with neighbours, especially those immediately adjacent.

The proposed new Guidelines will focus on assessing the features of a given project that differ from features of other residential uses in the area: e.g. if there are higher numbers, if there is more turnover of residents; the amount of traffic generated etc. rather than who the facility residents are. Staff believe that the development of simple management plans which lay out clear expectations regarding the handling of complaints and ongoing communication with neighbours, will be helpful in resolving any issues which may arise. The degree of thought an applicant puts into a management plan is also of assistance in helping the Director of Planning assess the suitability of the application.

The proposed Guidelines for Community Care Facility - Class B and Group Residences and Application Procedures for Community Care Facility, - Class B and Group Residences, are attached as APPENDIX D.

Public Consultation

The proposed amendments are largely housekeeping in nature and will not change the nature of buildings to which the definitions apply or change the existing approval processes. A background fact sheet and summary of the proposed changes was widely distributed to all Business Improvement Associations, all CityPlan Committees, Current Planning's downtown notification list, and to individuals and groups who participated in the 2007 supportive housing consultations (Total 550 contacts). Only two comments were received, neither in opposition.

FINANCIAL IMPLICATIONS

There are no financial implications.

SOCIAL IMPLICATIONS

Community Care Facilities and Group Residences provide a means for frail seniors and people who need rehabilitative programs for illnesses or disabilities, or people facing temporary emergency situations, to live in the community. The revised Guidelines and Application procedures focus on assessing physical features of the building and operation, and on the development of management plans to support ongoing communication and connection with neighbours.

CONCLUSION

The recommended housekeeping amendments update the definitions for Community Care Facilities and Group Residences, and revise the application guidelines and procedures, and relevant sections of the Zoning & Development and Parking By-laws.

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Amendments to the Zoning and Development By-law

In this Appendix A and in Appendices B and C, by-laws will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting, and subject to the re-arranging of uses in the appropriate alphabetical order. For the purpose of this report, terms to be deleted and added are in italics.

Section 2

From the definitions of Club, Infill Multiple Dwelling, Multiple Conversion Dwelling, Multiple Dwelling, Rooming House, and Health Care Office delete *Special Needs Residential Facility*, and substitute *Community Care Facility* and *Group Residence*; and from the definition of Seniors Supportive or Assisted Housing, delete *Special Needs Residential Facility Class B* and substitute *Community Care Facility* and *Group Residence*.

Section 2: Institutional Uses

Delete the definitions of *Special Needs Residential Facility*, *Special Needs Residential Facility - Community Care - Class A*; *Special Needs Residential Facility - Community Care - Class B*; and *Special Needs Residential Facility - Group Living*, and substitute:

Community Care Facility, which means and includes *Community Care Facility - Class A* and *Community Care Facility - Class B*.

Community Care Facility - Class A, which means the use of premises operated as a community care facility by a licensee under the Community Care and Assisted Living Act of British Columbia to provide residential care to six or fewer persons not related by blood or marriage to the licensee or, if the licensee is a corporation, to any director, officer or member of the corporation.

Community Care Facility - Class B, which means the use of premises operated as a community care facility by a licensee under the Community Care and Assisted Living Act of British Columbia to provide residential care to seven or more persons not related by blood or marriage to the licensee or, if the licensee is a corporation, to any director, officer or member of the corporation.

Add the following Institutional use:

Group Residence, which means the use of premises operated as a facility to provide accommodation to six or more persons not related by blood or marriage to the operator of the facility or, if the operator is a corporation, to any director, officer or member of the corporation, where:

- a) *legislation other than the Community Care and Assisted Living Act of British Columbia requires such persons to reside in the facility, but does not include a facility in a Hospital; or*
- b) *the facility provides a rehabilitation program in which all such persons, as a condition of residence, must participate; or*

- c) *the facility provides accommodation for fewer than 30 days, and may provide personal services, but does not include a Hotel, Rooming House, or boarding house.*

Section 11.17

Delete the title, and substitute:

Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing - subject to the following:

Section 11.17.3

Delete *special needs residential facility*, and substitute *community care facility - class B, group residence, or seniors' supportive or assisted housing*.

RA-1, FM-1 and all RS, RT, RM, and C District or Districts Schedules

Under Outright Approval Uses, wherever they may appear, delete *Special Needs Residential Facility- Community Care - Class A*, and substitute *Community Care Facility - Class A*.

MC-1 and MC-2

Under Conditional Approval Uses, wherever they may appear, delete *Special Needs Residential Facility - Community Care - Class A* and substitute *Community Care Facility - Class A*; delete *Special Needs Residential Facility - Community Care - Class B* and substitute *Community Care Facility - Class B*; and delete *Special Needs Residential Facility - Group Living* and substitute *Group Residence*.

HA-1 and HA-1A Districts Schedule

Under Outright Approval Uses, delete *Special Needs Residential Facility - Community Care - Class A* and substitute *Community Care Facility - Class A*.

RA-1, FC-1, HA-3, FM-1 and all RS, RT, RM and C District or Districts Schedules

Under Conditional Approval Uses, wherever they may appear, delete *Special Needs Residential Facility-Community Care - Class B* and substitute *Community Care Facility -Class B*; and delete *Special Needs Residential Facility-Group Living* and substitute *Group Residence*.

Changes to CD-1 By-law No.'s 3869, 3897,4271,4580,4634, 4671, 5343, 6041, 6072,6919,7114,7193, 7196,7204, 7210,7461,7647, 7679, 7682,7723, 7852, 8055, 8088,8111,8326,8369,8457, 8479,8546, 8880,9190, 9204, 9454,9463, 9573,9594, and 9600.

Delete *Special Needs Residential Facility - Community Care Class B* wherever it appears, and substitute *Community Care Facility - Class B*.

Delete *Special Needs Residential Facility - Community Care Facility* wherever it appears, and substitute *Community Care Facility Class A* and *Community Care Facility - Class B*.

Delete *Special Needs Residential Facility* wherever it appears, and substitute *Community Care Facility - Class A, Community Care Facility - Class B, and Group Residence*.

Delete *Special Needs Residential Facility - Group Living* wherever it appears, and substitute *Group Residence*.

Amendments to Official Development Plans

In section 4.2(e) of the Downtown Eastside/Oppenheimer Official Development Plan By-law, delete *Special Needs Residential Facility - Community Care - Class B* and *Special Needs Residential Facility - Group Living* and substitute *Community Care Facility - Class B* and *Group Residence*.

In section 3.2.1 of the First Shaughnessy Official Development Plan By-law, delete *Special Needs Residential Facility - Community Care - Class A*, *Special Needs Residential Facility - Community Care - Class B*, and *Special Needs Residential Facility - Group Living*, and substitute *Community Care Facility - Class A*, *Community Care Facility - Class B*, and *Group Residence*.

Amendments to Parking By-law

From section 4.2.3.1, delete:

- a) *Special Needs Residential Facility - Community Care - Class A, Special Needs Residential Facility - Community Care - Class B, and Special Needs Residential Facility - Group Living, and substitute Community Care Facility-Class A, Community Care Facility -Class B, and Group Residence; and*
- b) *A minimum of one space for each 37 square metres of floor area used for sleeping units, exclusive of bathrooms, and substitute A minimum of one space for each four beds.*

From section 4.8.4(b), delete *Special Needs Residential Facility - Community Care - Class B*, and substitute *Community Care Facility - Class B*.

From section 5.2.3, delete *Special Needs Residential Facility - Community Care - Class B*, and *Special Needs Residential Facility - Group Living*, and substitute *Community Care Facility - Class B* and *Group Residence*.

From section 6.2.2.1, delete *Special Needs Residential Facility - Community Care - Class B*, and *Special Needs Residential Facility - Group Living*, and substitute *Community Care Facility - Class B* and *Group Residence*.

From section 7.2.2.1, delete *Special Needs Residential Facility - Community Care - Class Band* substitute *Community Care Facility - Class B*.

Community Care Facility -Class B and Group Residence Guidelines

These guidelines are to be used in conjunction with a district schedule of the **Zoning and Development By-law** or with an official development plan by-law for conditional use approval of the following uses:

- Community Care Facility, Class B
- Group Residence

The above facilities are defined in the Zoning and Development By-law.

Intent:

The intent of these Guidelines is to support the integration of Community Care Facility, Class B and Group Residences throughout the city, by providing a framework for assessing applications which considers the needs of facility residents, compatibility with other adjacent uses, any relevant City policies or planning objectives that may apply to a given site, and measures to support accountability in the operation of these facilities.

The guidelines outline factors which the Director of Planning, Director of Social Planning and other relevant Civic Departments will take into consideration in assessing a development permit application for a Community Care Facility, Class B or a Group Residence.

Guidelines:

1. In assessing an application for a Community Care Facility- Class B or a Group Residence, the Director of Planning, in consultation with the Director of Social Planning will:
 - review the information provided by the applicant regarding number of residents, programming, length of stay, staffing, referral procedures, funding, traffic, parking, and any other relevant features;
 - consider any features of the proposed facility or its operation which differ from adjacent residential uses and may affect neighbours e.g. amount of parking needed for staff/residents; noise; frequent turnover of residents.
 - review the applicant's proposal for responding to queries/concerns.
2. In low density zones (RS, RT and First Shaughnessy), these uses should be spaced 200 metres (656 feet) or more from each other. Exceptions may be made for Community Care Facilities for seniors or for any facility which operates as an annex to another facility.
3. In higher density residential, commercial or other higher density zones (RM, C, DD, DEOD, FCN, SEGS, FCCDD and Coal Harbour), additional assessment criteria will be used in place of a spacing guideline. The Director of Planning, in consultation with the Director of Social Planning, will:
 - consider the need for the facility, as documented by the applicant, or supported by government policy or by research,

- determine how the proposal relates to existing city-wide or regional plans for this type of facility,
 - assess other locational factors, including the suitability of the location for the prospective residents; the number and type of existing Community Care Facilities or Group Residences in the vicinity; other adjacent uses; and other City policy or planning objectives which may apply.
4. The Director of Planning, in consultation with the Director of Social Planning, may require the applicant to provide information to and meet with neighbours regarding the proposal, and may also suggest that such information be provided prior to submitting an application.
 5. As a condition of approval, the Director of Planning, in consultation with the Director of Social Planning, may require that the applicant:
 - develop a plan for ongoing communication with adjacent neighbours, including the name of a liaison person satisfactory to the Director of Social Planning to whom neighbours may direct inquiries;
 - develop a management plan which states how the facility will operate.
 6. Development permits for Community Care Facility -Class B and Group Residences may be granted for limited periods of time, with the understanding that permits to continue use may be granted as long as operations prove compatible with neighbourhood life.
 7. Operation of the proposed facility shall only commence when necessary permits and licenses have been approved and all requirements fulfilled.

Note: Applicants are advised to read carefully and follow the attached "Application Procedure for Community Care Facility - Class B and Group Residence Development Permits."

Application Procedure for Community Care Facility - Class B and Group Residence Development Permits

Pre-application

The applicant should contact the Enquiry Centre, Development Services, prior to filing an application, for pre-application advice.

Staff will make a preliminary determination whether the proposed use complies with

- a) The intent and use provisions of the district schedule of the **Zoning and Development Bylaw** for the zoning district in which it is to be located;
- b) Any plans or guidelines approved by Council for the area;
- c) The provisions of Section 11.17 of the **Zoning and Development By-law**; and
- d) The provisions of the **Parking By-law**.

Staff will refer the applicant to the Social Planning Department to determine:

- a) Whether the proposed facility meets the definition of a Community Care Facility - Class B or a Group Residence in Section 2 of the **Zoning and Development By-law**;
- b) If so, whether the proposed site meets the locational guidelines as set out in the "Community Care Facility - Class B and Group Residence Guidelines";
- c) Whether contact has been made with the Community Care Facilities Licensing authorities to establish if a Community Care Facility License is required; and
- d) Whether funding for the proposed facility has been confirmed.

The intent of this review is to allow the Planning and Social Planning Department staff to determine whether there are any serious problems with the proposed use or its location and to advise the applicant against totally unsuitable proposals **before the applicant signs any agreements or pays any non-refundable deposits.**

If the applicant must sign an interim agreement for sale or lease at any time before a development permit is granted, he/she may wish to consider inserting a condition pertaining to the granting of the development permit.

A development permit application may be filed at this point, however it is generally recommended that the applicant notify neighbours and discuss the proposal with them before an application is submitted.

This applicant-lead notification process should be determined in consultation with City staff. In general, staff may recommend the following process:

- Preparation by the applicant of a fact sheet describing the program, target group; number, type and turnover of clients; number of staff; level of supervision; hours of operation; referral process; and funding. The applicant should also discuss alterations to any existing building, parking provisions and any other physical changes/provisions to be made. This fact sheet must be discussed with City staff prior to distribution to neighbours.
- That the applicant contact neighbours in the "official notification area" (to be determined by Development Services) as well as community organizations such as Business Improvement Associations, prior to the official City notification. In such cases, contact should be made in person to all houses and businesses in the area, and the fact sheet describing the proposal should be accompanied by a verbal description of the facility and the proposed use. A follow-up written contact should be made to ensure that all neighbours in the notification area are informed. The applicant may wish to solicit written and signed approval from neighbours for the proposed facility at this time. Applicants should also consider translating the fact sheet into languages other than English.
- That the applicant sponsor an "open house" at which the proposal could be discussed with neighbours.

Application submission

As part of the development permit application, the applicant must prepare a fact sheet describing the program, target group, number, type and turnover of clients; number of staff; level of supervision; hours of operation; referral process; and funding. The applicant should also discuss alterations to any existing building, parking provisions and any other physical changes/provisions to be made. As noted above, this fact sheet may be used as part of the applicant's initial contact with neighbours, and will be included in the official City notification to neighbours. Applicants should consider translating this fact sheet into languages other than English.

Development Services will formally notify all residents within the official notification area and ask for their comments. (Neighbours are to be given a minimum of ten working days from the date of mailing in which to respond). The notification letter will be prepared in consultation with the Director of Social Planning. At the same time, reports will be requested from the City Inspectors, Social Planning and other relevant City Departments.

The City may hold a public information meeting to discuss the application with neighbours.

The Development Permit Board or the Director of Planning, as the case may be, may consider the development permit application at this point.

The Development Permit Board or the Director of Planning, as the case may be, may refer the proposal to the Community Services Committee of City Council or to Council for information and advice. In such a case, the required staff report to Committee or Council will be coordinated by the Planning Department and will include all relevant particulars of the proposal, a summary of the notification responses and comments from the Social Planning and other City Departments.

Applicants should be aware that development permit applications take a minimum of six to eight weeks to process. Applicants should contact the Project Coordinator after submission for more information on scheduling.