



Key Recommendations Regarding The City of Calgary Proposed Planning Principles for Special Care Facilities, Shelters and Non-Market Housing

Background

- In May 2007, City Council charged Administration with the task of developing a set of planning principles to guide the location of special care facilities, shelters, and non-market housing and recommending complementary changes to the new Land Use Bylaw.
- From July 2007 to February 2008, Administration consulted agencies, community associations and business revitalization zones for input to develop the proposed planning principles.

The proposed planning principles will be considered by:

- Calgary Planning Commission in on March 6, 2008; and
- City Council on **April 14, 2008** in a non-statutory public hearing.

Key Positive Developments by The City of Calgary

Based on feedback from agencies and community associations, Administration is making the following recommendations to Council, which we strongly support:

1. The dispersal of non-market housing and income mix is encouraged through general policy statements to promote flexible implementation.
2. Maximum sizes for special care facilities and non-market housing are presented as suggestions rather than firm restrictions.
3. The Additional Measures to Improve Neighbourhood Interface of Special Care Facilities and Shelters makes promising suggestions to improve the process for integrating facilities and shelters in communities and to promote social inclusion and community acceptance.

City Council Asks

A Strong Commitment to Inclusion by City Council

There has been considerable progress made in advancing social inclusion principles throughout the consultation. We urge Council to give strong direction to Administration to adopt an inclusionary principle for special care facilities, shelters and non-market housing whereby such uses would be proactively planned for and dispersed throughout Calgary communities.

In particular, we encourage Council to address the following remaining issues of concern:

1. Proposed planning principles regulate users rather than use based on perceived risk

- The Land Use Bylaw Special Care Facility use is subdivided into Residential Care Facility, Addictions Recovery Home, Detoxification Centre, and Half-Way House. These are to be treated differently in terms of where they can locate.
- Administration is proposing restrictions based on public's perceived risk of users according to income, age, health status, legal situation, etc. rather than objective planning criteria.
- This direction is not congruent with the Municipal Government Act Section 640(1) which enables The City to regulate use not user.
- Additional restrictions will add to agencies' difficulties to integrate supported housing in residential communities.

Recommendations

- Develop a general and inclusive definition of special care facilities. Base subtypes on planning criteria such as size rather than users' "perceived risk".
- Make special care facilities a discretionary use in low density residential, multifamily residential, commercial, special purpose, and downtown districts.

2. Proposed non-market housing ratio mix conflicts with Canada Revenue Agency regulations

- The City proposes a 1:1 ratio of market and non-market housing in projects over 40 units.
- The Canada Revenue Agency (CRA) regulations state that "all housing charities may have up to 10% of their units occupied by tenants paying market rent." Although in certain circumstances the policy will allow up to 33% market units, renting at market rates has to remain an "incidental and ancillary" activity that is clearly subordinate to a dominant charitable purpose. The CRA could find no case law accepting 40% market tenants.
- The City's proposed 1:1 ratio could discourage non-profits with charitable status from engaging in the provision of affordable housing.
- This ratio does not encourage innovative models and flexibility in affordable housing and may result in missed opportunities to create new stock.

Recommendation

- Encourage non-market housing income mixes in general policy statements. Remove the references to a 1:1 ratio mix for projects of more than 40 to 60 units.

3. Insufficient evidence for size maximums for special care facility and non-market housing

- The City proposes to encourage a maximum of 150 to 200 beds for all special care facilities but acknowledges that no studies have been found to support this figure.
- The City also proposes to encourage a limit of 150 units for all non-market housing projects but no examples have been found to support limiting the project size.
- With these project size limitations and a 1:1 ratio for non-market housing projects of more than 40 to 60 units, 9,000 units must be created in order to achieve the 10-Year Plan's proposed 4,500 non-market units, as half must be market units.
- Although The City has set these figures as suggestions, there is no evidence to support them and they may restrict solutions.

Recommendation

- Consider non-market housing and special care facilities on a case-by-case basis. Remove the references to numerical maximum sizes.

4. Restrictions for locating Temporary Shelters

- The City allows Temporary Shelters to be permitted uses in SCRI districts only when they are operating in an existing, government-owned building.
- Rather than ensuring flexible options for communities to respond to emergency situations, this direction excludes all other possible locations for temporary shelters, such as private or non-profit-owned sites.

Recommendation

- Locate Temporary Shelters in a variety of districts not only in SCRI districts and do not restrict them to existing government-owned buildings.