

# Attachment 1

## *Staff Memo*

## **MEMO**

### ***Climate Action, Planning and Development***

**To:** Emilie K. Adin, MCIP  
Director, Climate Action, Planning and Development

**Date:** August 29, 2022

**From:** John Stark,  
Acting Senior Manager, Climate Action  
Planning and Development

**File:** TUP00029

**Item #:**

**Subject:** **Temporary Use Permit for Group Living Facility: 311 Louellen Street – Preliminary Report**

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#### **RECOMMENDATION**

Staff recommends that the Director forward this memo and the following resolution to Council for consideration:

**THAT** Council issue notice that it will consider a resolution to issue a Temporary Use Permit to allow Maintain Recovery to operate a residential recovery program for up to 10 men at 311 Louellen Street, following completion of public consultation and following a Request for Public Comment period ending on September 19, 2022.

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#### **PURPOSE**

To seek Council's approval to proceed with processing the Temporary Use Permit, to enable temporary operation of a recovery program for men at 311 Louellen Street.

#### **EXECUTIVE SUMMARY**

Maintain Recovery has applied to the City for a Temporary Use Permit (TUP) to operate a residential recovery program for up to 10 men at 311 Louellen Street, for a three-year period ending in 2025, with the option of one renewal for a similar period of time. The program would provide a supportive, group living environment for men transitioning from primary care treatment for substance use (drug and alcohol) and/or behavioural addictions (specifically video games and/or gambling), to independent living.

The applicant would hold a public open house in September. Staff would provide Council with a memo summarizing feedback from the public prior to Council consideration of issuance of the permit at the September 19, 2022 Regular Meeting.

## **BACKGROUND**

### **Provincial Legislation**

Per the BC *Community Care and Assisted Living Act*, a licensed community care facility of up to six people in care, and up to 10 total residents, would be permitted outright as a land use at the subject property, regardless of the current zoning. The following components of the proposal precipitate the need for the City to consider issuance of a TUP:

- The increase of the total people in care from six to 10 people;
- The increase of the total number of residents from 10 to 11; and,
- Registration of the facility with the Assisted Living Registry, rather than licensure.

### **Policy and Regulations**

#### *Council Strategic Plan*

The 2019-2022 Council Strategic Plan, under the strategic area, 'Reconciliation, Inclusion and Engagement,' includes the following key strategic direction:

- Take a lead role in responding to the opioid epidemic, including coordinating actions with community partners.

#### *Official Community Plan*

The property at 311 Louellen Street is designated Residential – Ground Oriented Infill Housing (RGO) in the Official Community Plan. This land use designation permits a range of residential housing including single detached houses, triplexes, and townhouses. Complementary uses include small scale local commercial uses, small scale institutional uses, and community facilities. The proposed use is consistent with this designation.

#### *Zoning Bylaw*

The subject site is located in the Single Detached Residential Districts (RS-1) zone, which permits single detached dwellings, secondary suites, laneway or carriage houses, and home based businesses. As the permitted uses do not include a residential recovery facility for men, a TUP would be required to facilitate the proposal.

### *Temporary Use Permits*

The *Local Government Act* authorizes municipalities to issue TUPs, to enable uses that would not normally be permitted on a temporary basis. Section 190.46 of the Zoning Bylaw includes requirements for TUPs. This proposal is being reviewed in light of these requirements.

The permits are issued for a maximum of three years and may be extended by application for an additional three years. Council may attach conditions to the TUP to mitigate impacts of the temporary use on existing businesses and properties.

### **Substance Use and the Overdose Epidemic**

The BC Centre on Substance Use estimates that one in every five Canadians will be impacted by substance use and related harms in their lifetime. While individuals can experience a variety of substance use challenges, those using illicit drugs are at a significant risk. Provincial medical experts have reported that increasingly toxic drug supply is a major driver of overdose deaths, and is currently the leading cause of unnatural death in the province.

In 2016, the Province of British Columbia declared a Public Health Emergency in response to the rise in illicit drug overdoses and deaths. This epidemic continues to claim a record number of lives in New Westminster, with 42 recorded deaths in 2021, compared to 16 in the year the health emergency was declared.

### *Recovery and Transitional Programs*

While overdose prevention services offer a low-barrier point of introduction to health and/or social services for people with substance use issues, it is recognized that there is a need for a continuum of health supports to address the overdose epidemic and other substance use harms. This includes access to dedicated treatment and recovery programs, and affordable, stable and secure housing for those in recovery.

Research shows that recovery programs, sometimes called transitional programs, are a vital resource in early recovery when individuals remain vulnerable and susceptible to relapse. Recovery programs that offer safe and substance free supportive living environments, as well as social supports, are critical to long-term success in maintaining abstinence and long-term recovery from active addiction.

### **Site Characteristics and Context**

The subject site is located in the Brow of the Hill neighbourhood, in an area composed of residential, commercial, and industrial uses. This property is located on the east side of Louellen Street, near the intersection of Louellen Street and Third Avenue, and is occupied by one single detached dwelling built in 2003. It is adjacent to single detached

dwelling and in close proximity to commercial and industrial buildings containing automotive uses.

Figure 1: Site Context Map with 311 Louellen Street in blue



**PROJECT DESCRIPTION**

Maintain Recovery is a for-profit organization seeking to establish a residential recovery program for men ages 19 to 70 transitioning from primary care treatment for substance use (drug and alcohol) and/or behavioural addictions (specifically for video game use and/or gambling), to community living. The proposed TUP would allow up to 10 men to live at 311 Louellen Street in a drug-, alcohol-, and smoke-free sober living facility.

Features of the proposed residential recovery program include:

- Counselling, group therapy, peer support, recovery coaching, and life skills training for residents. Training would include parenting skills, healthy eating development, money management and budgeting, and group recreational activities;
- Group facilitation and one-on-one addiction counseling provided by a clinician. An on-call clinical team would be available after-hours for special circumstances and emergencies;
- The facility would be supported by certified, trained, and professional staff, who have a relationship with successful, New Westminster recovery programs;
- A house manager would reside at the property to oversee residents and undertake day-to-day maintenance of the house;

- Residents would be expected to meet house standards and to maintain accordance with behaviour contracts established at client intake; and,
- The facility would be registered with the Assisted Living Registry.

The purpose of these services would be to improve the mental and physical health of the men living at the facility, and to help them build skills to enable independent living and long-term addiction recovery, and re-entry into the community, school and /or workforce.

The program is intended to bridge the gap between primary residential care treatment and independent living. Primary residential care treatment focuses on addiction treatment. Recovery and transitional living programs focus on providing individuals who have gone through primary residential treatment with life skills to live successful, sober and independent lives.

The applicant has submitted a TUP application, rather than a formal rezoning, as the TUP would:

- Allow the organization to pilot the recovery program on a temporary basis;
- Test the financial viability of the program's business model; and,
- Allow the organization to establish a positive relationship with the community through the duration of the TUP.

Should the proposed pilot program experience success at this location, and prove to be financially viable, the applicant would seek to rezone the property to permanently permit the use.

The applicant's project summary letter is provided in Attachment 2.

## **DISCUSSION**

### **Proposed Permit Conditions**

The TUP would include the following conditions:

The residential recovery program shall:

- Not provide accommodation to more than 10 men at any given time (excluding the house manager);
- Be permitted to operate 24 hours per day;
- Only operate as a temporary residential recovery program;
- Become registered with the Assisted Living Registry, under the *Community Care and Assisted Living Act*, within one year of operation; and

- The applicant shall provide verification, to the satisfaction of the Director of Climate Action, Planning and Development, that the building is suitable for the intended use, prior to operation.

### **Requirement for Registration with the Assisted Living Registry**

The *Community Care and Assisted Living Act* (CCALA) governs licensed community care facilities and registered assisted living residences. While both licensing and registration ensure that facilities adhere to the requirements of the CCALA, whether a program is licensed or registered depends on the independence and vulnerability of the population it serves.

The proposed facility would be categorized as an assisted living residence based on the independence of its residents, who would be capable of making decisions on their own behalf, and require day-to-day assistance in only one or two areas (e.g., life skills and psychosocial supports). As such, registration with the Assisted Living Registry is appropriate for this program. The Registry provides oversight to promote and protect the health, safety and well-being of residents, and monitors operators for compliance with the CCALA and the Assisted Living Regulation.

### **CONSULTATION**

On July 12, 2021, Council approved a resolution requiring only written feedback for TUP applications. Should Council issue notice that it would consider the TUP, the City would notify community members of a Request for Public Comment. Per *Local Government Act* requirements, written feedback received from September 8 to September 19, 2022 would be provided directly to Council. Information about the application would also be posted on Be Heard New West, and community members seeking to submit feedback in advance of the Request for Public Comment would be able to do so through the project page or by contacting City staff.

The applicant would also be required to host an open house in September. The event would provide an opportunity for the applicant to answer questions about the proposal, and to receive feedback.

The results of the open house and any feedback received outside of the Request for Public Comment period would be summarized to Council in a memo. This memo would be informational and included with the written feedback submissions provided to Council in advance of the September 19, 2022 Regular Council Meeting.

### **PROCESS**

The application review steps are as follows:

1. Submission of a complete application to the City (complete);
2. Interdepartmental staff review (ongoing);

3. Report to Council requesting issuance of notice of consideration following a City Request for Public Comment; **(WE ARE HERE)**
4. City provides notice of a Request for Public Comment;
5. Applicant to hold an open house to provide information on the application - September;
6. Memo to Council with results of the open house and feedback received outside of the Request for Public Comment period;
7. Consideration of issuance of Temporary Use Permit by Council.

### **INTERDEPARTMENTAL LIAISON**

This application has been circulated to the Building Division for review and comment.

### **OPTIONS**

The following options are presented for Council's consideration:

1. That Council issue notice that it will consider a resolution to issue a Temporary Use Permit to allow Maintain Recovery to operate a residential recovery program for up to 10 men at 311 Louellen Street, following completion of public consultation and following a Request for Public Comment period ending on September 19, 2022.
2. That Council provide staff with other direction.

Staff recommends Option 1.

### **ATTACHMENTS**

Attachment 1: Staff Memo

Attachment 2: Applicant's Project Summary Letter

Attachment 3: Background

### **APPROVALS**

This report was prepared by:

Wendee Lang, Development Planner

Anur Mehdic, Social Planner

This report was reviewed by:

Mike Watson, A/Supervisor of Development Planning

John Stark, A/ Manager of Planning

This report was approved by:

Emilie Adin, Director of Climate Action, Planning and Development