



Committee of the Whole Report

For the Meeting of March 4, 2021

To: Committee of the Whole **Date:** February 25, 2021

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: **Temporary Use Permit Application No. 00017 and Development Permit with Variances Application No. 000591 for 940 Caledonia Avenue and 953 and 963 Green Street**

RECOMMENDATION

1. That Council allocate \$61,866 from the remaining balance of the Restart Grant Funding, to fund the costs related to the installation of water and sewer services for the temporary transitional units and the removal of the units and capping of services when the temporary use permit expires.
2. That Council allocate \$110,000 from the 2021 Corporate Contingency Budget to contribute to the estimated 2021 operating costs, and further consider allocating \$105,000 as part of the 2022 Budget process to contribute to the estimated 2022 operating and closure costs for the temporary transitional housing operated by Our Place Society.
3. That Council authorize the City staff to consider, and if determined by staff to be eligible and advantageous to the City's overall ability to secure maximum grant funding, include the City costs for set-up and operating of the transitional housing project within any application made to the Province's Strengthening Communities' Services Program.

Temporary Use Permit Application No. 00017

1. That Council after giving notice and allowing an Opportunity for Public Comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00017 for 940 Caledonia Avenue and 953 and 963 Green Street, in accordance with:
 - a. Plans date stamped February 11, 2021.
 - b. The Temporary Use Permit lapsing 18 months from the date of this resolution."
2. That the recommendation be forwarded to the March 4, 2021 daytime Council Meeting and a special Council meeting is scheduled on March 18, 2021 to allow for an Opportunity for Public Comment.

Development Permit with Variances Application No. 000591

1. That Council, after giving notice and allowing an Opportunity for Public Comment at a meeting of Council, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 000591 for 940 Caledonia Avenue and 953 and 963 Green Street in accordance with:

- a. Plans date stamped February 11, 2021.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. relaxation to all of the impacted lots for setback requirements;
 - ii. relaxation to permit buildings over property lines;
 - iii. relaxation to permit more than one building on a lot;
 - iv. reduce the required number of parking spaces from five to nil.
 - c. The Development Permit lapsing 18 months from the date of this resolution.”
2. That the recommendation be forwarded to the March 4, 2021 daytime Council Meeting and a special Council meeting is scheduled on March 18, 2021 to allow for an Opportunity for Public Comment.

LEGISLATIVE AUTHORITY

In accordance with section 493 of the Local Government Act, Council may issue a Temporary Use Permit. A Temporary Use Permit may allow a use not permitted by zoning, may specify conditions under which the temporary use may be carried on, and may allow and regulate construction of buildings and structures in respect of the use of which the permit is issued.

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Temporary Use Permit Application and Development Permit with Variances Application for the properties located at 940 Caledonia Avenue and 953 and 963 Green Street. The proposal is to permit temporary, purpose-built transitional housing on a portion of the Royal Athletic Park (RAP) parking lot for a period of 18 months. The proposal consists of approximately 30 single-occupancy tiny home units built from repurposed shipping containers. The variances are associated with setbacks, buildings over property lines and parking.

The following points were considered in assessing these applications:

- This proposal would provide comfortable and safe housing for people currently sheltering in parks.
- The *Official Community Plan*, 2012 (OCP) and *Downtown Core Area Plan*, 2011 (DCAP) encourage partnerships with other levels of government, private industry, and community organizations to maximize shared expertise and resources to provide innovative housing options and support for specific groups in core need. This proposal would not be

possible without strong partnerships, and the support and commitment of various stakeholder groups.

- The proposal continues to support the work being carried out by the Greater Victoria Coalition to End Homelessness which is encouraged in the DCAP.
- The applicant has worked with the housing operator and staff to ensure that the site layout and the design of each unit will be safe and secure, and meet the needs of the residents. Each unit would contain a single bed, small fridge, desk, side table and armoire.
- Meals would be delivered to the site and the residents would have access to washrooms with showers on site. Anawim Housing Society will provide laundry services as well as mental and physical health support services.
- The proposed site design would foster a sense of place on site by incorporating a communal courtyard area, community gardens, and public art, and providing opportunities for residents to learn new skills and participate in the community.
- The OCP Urban Place Designation of the subject properties is Core Residential, which supports residential uses on the subject properties.
- The subject properties are within the Residential Mixed-Use District in the DCAP. In this district, the DCAP encourages multi-residential development appropriate to the context and function of the neighbourhood. The DCAP supports building heights up to 15m (four or five storeys) and a density of 2:1 floor space ratio (FSR) at this location. The proposed height of each shipping container is approximately 3m (one storey) and the proposed density is 0.15:1 FSR.
- The subject properties consist of multiple lots (the site will not be consolidated) triggering setback variances and variances to permit more than one building on a lot and allow buildings to straddle property lines.
- A parking variance to reduce the required number of parking spaces from five to nil is required to facilitate this development. The transitional housing would be adjacent to a public parking lot, near frequent transit service and an all ages and abilities bicycle route on Vancouver Street.

BACKGROUND

Rise and Report

Council has approved a Rise and Report authorizing the Victoria Coalition to End Homelessness (Coalition) to apply for the Temporary Use Permit (TUP) Application in relation to up to 3344.50m² (36,000ft²) of the Royal Athletic Park parking lot at 940 Caledonia Avenue and 953 and 963 Green Street for temporary purpose-built transitional housing on the site, and that Rise and Report has been made public on the published daytime Council meeting agenda for March 4, 2021.

Description of Proposal

The proposal is for temporary, purpose-built transitional housing at 940 Caledonia Avenue and 953 and 963 Green Street, a portion the Royal Athletic Park (RAP) parking lot, for a period of 18 months. The proposal would utilize approximately 2385m² of the existing parking lot and the remainder of the site would continue to function as surface parking. The proposal consists of

approximately 30 single-occupancy tiny home units built from repurposed shipping containers. Specific details include:

- ten shipping containers to be converted into 30 single-occupancy tiny home units constructed in two Phases (15 units per Phase)
- each unit is approximately 8m² (87ft²) and contains an individual covered entryway and small porch, a single bed, small fridge, desk with chair, side table and armoire
- two shared-washroom facilities consisting of toilets, sinks and showers
- one controlled entryway for residents located on the south east corner of the site
- an office for support staff located at the main entrance
- one shipping container to be used as flex space for residents and support staff
- four (three large and one small) storage units on site for janitorial and office supplies
- one enclosed garbage and recycling room
- a partially covered courtyard area consisting of four picnic tables and four community gardens
- small wood and metal planters to be affixed to side of units and contain hardy, drought tolerant plants
- murals to be painted on the exterior facades of the shipping containers facing the street
- potential programming space for public art installations on site along the Vancouver Street frontage
- exterior lighting to be installed at the main entrance, washroom and office areas, and above each unit entryway
- a covered bike storage area to accommodate 30 bikes
- two emergency vehicle access gates on the south east corner and northwest corner of the site
- driveway access on Caledonia Avenue
- seven new accessible parking spaces adjacent to the development and fronting Caledonia Avenue.

The proposed variances are related to:

- reducing setbacks
- reducing the required number of parking spaces
- allowing buildings to straddle property lines
- allowing more than one building on a lot.

Affordable Housing

The applicant proposes the creation of 30 new residential units which would increase the overall supply of transitional housing in the area for a period of 18 months.

Sustainability

The following environment and social sustainability features are associated with these applications:

- each unit will be fully heated, ventilated and insulated for optimal breathability and liveability
- four community gardens on site for residents to grow food
- addition of new planters throughout the site to be filled with hardy drought tolerant plants
- comfortable and safe housing with amenities, a meal program, mental and physical health support services, and a sense of community on site.

Active Transportation

The applications propose to install 28 long-term and two short-term residential bicycle parking spaces with this development, which supports active transportation.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with these applications.

Existing Site Development and Development Potential

The site is presently a surface parking lot. Under the current R-2 Zone, Two Family Dwelling District, each lot could be developed as a public building or duplex with a density of 0.5:1 floor space ratio (FSR), or a single-family dwelling with a garden suite or secondary suite.

Data Table

The following data table compares the proposal with the existing R-2 Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing zone.

Zoning Criteria	Proposal	Zone Standard R-2 Zone
Site area (m ²) – minimum	3001.05	555
Density (Floor Space Ratio) – maximum	0.14:1 (combined site)	0.5:1 (duplex per lot)
Height (m) – maximum	3	11
Storeys – maximum	1	2.5
Site coverage (%) – maximum	14.1 (combined site)	40
Open site space (%) – minimum	65 (combined site)	n/a
Setbacks (m) – minimum		
Caledonia Street	7.5	7.5
Green Street	8.5	7.5
Vancouver Street	4.26*	3.5
West property line	8.29 and 0*	3
East property line	0*	1.53
North property line – internal	0*	10.85

Zoning Criteria	Proposal	Zone Standard R-2 Zone
South property line – internal	0*	7.5
Combined side yards	0*	4.5
Buildings over property line	Yes*	No (General Regulation 19)
Parking – minimum	0*	5
Visitor parking included in the overall units – minimum	0	0
Bicycle parking stalls – minimum		
Long-term	28	1
Short-term	2	2

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on February 1, 2021 the applications were referred for a 30-day comment period to the North Park CALUC. At the time of writing this report, a letter from the CALUC had not been received.

In accordance with the City's *Land Use Procedures (LUP) Bylaw*, an Opportunity for Public Comment will be required for the Temporary Use Permit Application and the proposed variances associated with the Development Permit Application. A notice will be placed in the newspaper, mailed notice would be sent to owners and occupiers of adjacent properties and signs would be posted on the properties notifying the public of Council's upcoming consideration of the matters along with an invitation to the public to provide feedback on the applications.

In addition to the consultation requirements outlined in the LUP Bylaw, the applicant also consulted with the North Park Neighbourhood Association and gathered feedback from nearby residents as indicated in the applicant's letter dated January 29, 2021 (attached).

ANALYSIS

Official Community Plan

The OCP Urban Place Designation of the subject properties is Core Residential, which supports residential uses on the subject properties. The policies regarding height and design are further refined in the *Downtown Core Area Plan, 2011* (DCAP).

The *Official Community Plan, 2012* (OCP) encourages partnerships with other levels of government, private industry, and community organizations to maximize shared expertise and resources to provide innovative housing options, basic needs and support for specific groups in core need. This proposal would not be possible without strong partnerships, and the support

and commitment of various stakeholder groups. Meals would be delivered to the site and the residents would have access to washrooms with showers on site. Laundry services, and mental and physical health support services are available offsite.

The OCP encourages the development of transitional housing within proximity to the Urban Core and highlights the importance of flexible design features in new emergency shelters and transitional housing to adapt to the changing shelter and housing needs of residents. The site is located on the edge of the Urban Core and is in close proximity to amenities and services in the neighbourhood. The applicant has worked with the housing operator and staff to ensure that the site layout and the design of each unit will be safe and secure, and meet the needs of the residents.

Downtown Core Area Plan

The subject properties are within the Residential Mixed-Use District in the DCAP. In this district, the DCAP encourages multi-residential development appropriate to the context and function of each neighbourhood. The DCAP supports building heights up to 15m (four or five storeys) and a density of 2:1 floor space ratio (FSR) at this location. The proposed height of each shipping container is approximately 3m (one storey) and the proposed density is 0.15:1 FSR.

With respect to community well-being, DCAP acknowledges that a sense of belonging influences many aspects of urban life, including crime rates and community safety.

North Park Neighbourhood Plan

The *North Park Neighbourhood Plan, 1996* identifies the subject properties as a residential mixed-use district, which supports residential buildings up to four to six storeys.

Development Permit Area and Design Guidelines

The OCP identifies these properties within Development Permit Area 3 (HC): Core Mixed-Use Residential. This DPA envisions mid-rise residential buildings at this location. Enhancing the area through a high quality of architecture, landscape and urban design that reflects the function of a major residential centre on the edge of a central business district in scale, massing and character is also encouraged for the Core Residential Area. The proposal complies with the applicable design guidelines, where possible.

The DCAP design guidelines encourage new buildings to relate well to public streets and sidewalks. The proposed site layout and the inward orientation of the units, which was designed in consultation with the housing operator, is necessary to minimize inward visibility into the development and to provide a safe environment for the residents. The blank facades facing the streets will provide opportunities for murals to be organized by volunteers in the community. The applicant is proposing generous setbacks from Green Street, Vancouver Street and Caledonia Avenue to ensure that the street trees are not impacted by the development. The shipping containers are intentionally set back 8m from the sidewalk at Vancouver Street to facilitate the potential for future programming opportunities, such as public art installations, that may be installed in partnership with the North Park Neighbourhood Association. Further discussion on this aspect of the design will need to occur between the Association and the City.

The design guidelines encourage prominent entryways that are clearly identifiable from the street and canopies and weather-protection for primary entrances. The applicant is providing one identifiable controlled entrance for residents at the south east corner of the site. Each unit

would have an awning above the entrance and a small front porch, which would enhance the residential character of these repurposed shipping containers.

From a landscaping perspective, the design guidelines encourage on-site open site space such as courtyards, and direct access or views from the residential dwelling units. The proposed site layout allows for a large, accessible courtyard area in the middle of the site. According to the applicant, the community gardens and bike repair space, located in the courtyard area, would be introduced in Phase 2.

Lastly, the design guidelines encourage waste facilities to be screened and located away from street faces and areas adjacent to sidewalks. The applicant is proposing a garbage and recycling enclosure for residents at the south west corner of the site that would be screened from Caledonia Avenue.

Tree Preservation Bylaw and Urban Forest Master Plan

The applicant is working with their consultants to minimize impacts on the public trees; however, more details on potential tree impacts resulting from the installation of site servicing (i.e., water and sewer services) and related works will be sorted out at the building permit stage.

Regulatory Considerations

Term and Renewal of a Temporary Use Permit

The applicant is requesting a Temporary Use Permit (TUP) for 18 months. However, under s. 497(1) of the *Local Government Act*, Council has the authority to approve a one-time renewal of the TUP for up to another three years prior to the expiry date of the original TUP.

Parking Variance

The applicant is proposing to reduce the required number of parking spaces from five to nil. The applicant is providing 30 bicycle parking spaces on site (28 long-term and 2 short-term) while the requirement in Schedule C: Off-street Parking of the *Zoning Regulation Bylaw* is for three bicycle parking spaces (one long-term and two short-term). The transitional housing is adjacent to an all ages and abilities bicycle route on Vancouver Street, near frequent public transit service on Quadra Street and local transit service on Cook Street, and directly adjacent to a paid public parking lot operated by the City. For these reasons, the proposed parking variance is supportable.

Building over Property Lines and More than One Building Per Lot

Due to the circumstances of the site consisting of multiple lots with an arrangement of multiple buildings, further variances are required to allow the shipping containers to be located over property lines and in some instances to be arranged in a manner that results in more than one building on a lot. These variances are technical in nature to facilitate this development. In this instance, General Regulation 19 of the *Zoning Regulation Bylaw* would be amended to allow the requested variances.

Setback Variances

The RAP parking lot consists of multiple lots that are zoned R-2, resulting in each individual lot having setback requirements. The proposed buildings would not comply with the setback regulations in the R-2 Zone, which is triggering multiple setback variances. The proposed setback variances are considered supportable as they are largely technical in nature and the applicant is retaining larger setbacks along the street frontages. Given the nature of the variances, it has been determined that rather than identify each individual setback variance associated with each impacted lot, which would be numerous, a simpler approach is to vary General Regulation 14(2)(b) of the *Zoning Regulation Bylaw*. This regulation states that buildings and structures in a zone must comply with the maximum and minimum requirements for floor area, floor space ratio, height, number of storeys, **setbacks**, and site coverage.

Other Considerations

Housing Operation Framework

BC Housing will be responsible for overseeing the intake of residents in the transitional housing development through a centralised placement process. Our Place Society will assist in this process and will be the housing operators for this development. While the residents are living in the transitional housing, the Society will work with each resident on developing a plan to obtain permanent housing. The plan would include determining their support needs, if any, in terms of mental and physical health, income security, addictions and treatment and employment.

Our Place Society would hire and provide staffing on site in partnership with the Greater Victoria Coalition to end Homelessness. The Society will provide 24/7 staffing with at least two employees during the day and two overnight (this could be one Our Place employee and a security guard). In the first six to nine months, there would be two outreach workers on site during the day and then, once the community is well established, staffing would be reduced to one outreach worker and one peer support worker. The Society has confirmed that meals will be delivered to the residents, no guests or pets would be permitted within the housing development, and there would be zero tolerance of violence and criminal activity. The controlled residential entryway (buzzer system) will provide surveillance through the location of the office and use of a camera.

Relocation of Existing Residents at Royal Athletic Park Parking Lot

BC Housing is funding PEERS Resource Society to ensure all individuals currently sheltering at RAP parking lot and other local city parks have completed the housing application forms for relocation. BC Housing is cognizant of the proposed timeline for the construction of the temporary transitional housing at RAP parking lot, subject to Council's approval and will be preparing a transition plan for this site. BC Housing's intent is to focus on establishing housing plans for each of the individuals at RAP and have a transition plan by the end of February based on the individual needs of each resident at RAP.

Financial Implications

The costs associated with the installation of the sewer and water services for the proposed temporary transition housing remain unfunded and would require a contribution from the City of up to \$50,000. When the TUP expires, the removal of the transitional units and capping of the

service connections is estimated to cost \$35,000 and the City has been asked to contribute \$17,500 towards these costs (half of the total costs).

Additionally, while BC Housing is providing sufficient operational funding to Our Place for 24/7 staffing and food, the costs associated with monthly utilities, custodial and maintenance remain unfunded and would require a funding contribution from the City estimated at \$110,000 in 2021 and \$105,000 in 2022 toward Our Place's operating costs and closure costs. The City may be able to claim recovery for some or all of these costs from a recently announced Provincial grant program called Strengthening Communities' Services Program related to projects focussed on addressing impacts of homelessness. It is recommended for Council's consideration that the City apply to this program if the City's costs associated with this project are eligible.

CONCLUSIONS

The proposal to temporarily permit transitional housing in the RAP parking lot for a period of 18 months further advances several housing-related policies and objectives outlined in the OCP and DCAP. The applicant has complied with the design guidelines where possible to ensure the development fits in with the neighbourhood while meeting the needs of the housing operator and residents. A TUP would enable the relocation of the individuals currently sheltering in parks to temporary housing. Staff recommend for Council's consideration that the applications proceed to an Opportunity for Public Comment.

ALTERNATE MOTION

That Council decline the Temporary Use Application No. 00017 and Development Permit with Variances Application for the properties located at 940 Caledonia Avenue and 953 and 963 Green Street.

Respectfully submitted,

Leanne Taylor
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped February 11, 2021
- Attachment D: Letter from applicant to Mayor and Council dated February 11, 2021
- Attachment E: Letter from Our Place dated February 11, 2021
- Attachment F: Letter from BC Housing dated February 10, 2021
- Attachment G: Correspondence.