



Committee of the Whole Report For the Meeting of July 28, 2022

To: Committee of the Whole **Date:** July 14, 2022

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

Subject: **Temporary use Permit Application No. 00023 for 940 Caledonia Avenue and 953 and 963 Green Street**

RECOMMENDATION

1. That Council waive the standard practice of holding an opportunity for public comment for this application but direct staff to continue other standard practices related to sign posting and public notification, including a request for written commentary to come back to Council for consideration prior to issuing the Temporary Use Permit.
2. And subject to the required notification and advertising, Council consider issuing the Temporary Use Permit as follows:

“That Council authorize the issuance of Temporary Use Permit Application No. 00023 for 940 Caledonia Avenue and 953 and 963 Green Street, in accordance with:

 - a. Plans date stamped June 1, 2022.
 - b. The Temporary Use Permit lapsing six months from the date of this resolution.”

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.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Temporary Use Permit (TUP) Application for the properties located at 940 Caledonia Avenue and 953 and 963 Green Street. The proposal is to renew the TUP for an additional six months (October 2022 to March 2023) and continue operating the 30 single-occupancy tiny home units as temporary transitional housing (known as Tiny Town) on a portion of the Royal Athletic Park (RAP) parking lot.

The following points were considered in assessing these applications:

- The temporary transitional housing provides comfortable and safe housing for people at risk of homelessness.
- 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 project 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 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 and the *North Park Local Plan, 1996*, which support residential uses on the subject properties.
- The site continues to foster a sense of place 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.

BACKGROUND

Description of Proposal

This proposal is to renew the Temporary Use Permit (TUP) for an additional six months (October 2022 to March 2023) and permit 30 single-occupancy tiny home units as temporary transitional housing (known as Tiny Town) on a portion of the Royal Athletic Park (RAP) parking lot located at 940 Caledonia Avenue and 953 and 963 Green Street. The proposal utilizes approximately 2385m² of the existing parking lot and the remainder of the site continues to function as surface parking. There are no proposed changes to the development.

Affordable Housing

The 30 dwelling units increases the overall supply of temporary transitional housing in the area.

Sustainability

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

- each unit is fully heated, ventilated and insulated for optimal breathability and liveability
- community gardens on site for residents to grow food
- planters throughout the site 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 applicant has installed bicycle parking in the courtyard area, which supports active transportation.

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, or a single-family dwelling with a garden suite or secondary suite.

Relevant History

On March 18, 2021, Council approved a TUP for a period of 18 months and a Development Permit with Variances application to permit the construction of temporary, purpose-built transitional housing on a portion of the RAP parking lot. The current TUP expires on September 18, 2022. The applicant has applied to extend the TUP for an additional six months. The *Local Government Act* gives a local government the authority to approve a one-time renewal of a TUP for up to three years.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on June 6, 2022, the application was referred for a 30-day comment period to the North Park CALUC. A letter dated July 6, 2022 is attached to this report.

An Opportunity for Public Comment is not a legislative requirement for TUPs under the *Local Government Act*. Each municipality in British Columbia has the authority to determine if there should be a public forum associated with the approval of temporary use permits. The City's *Land Use Procedures Bylaw* states the following with respect to the City's requirements for an Opportunity for Public Comment:

31. Council may provide an opportunity for public comment before passing a resolution to issue:

- a. a development variance permit, other than a permit that varies a bylaw under Section 528 of the Local Government Act;*
- b. a development permit with variances;*
- c. a heritage alteration permit with variances;*
- d. a temporary use permit.*

Council may wish to consider waiving the Opportunity for Public Comment for this TUP application to allow this project to advance to the point of final Council consideration. This would facilitate not only the continued operation of 30 units of transitional housing that are the subject of this TUP but would allow the current residents to stay in their temporary homes for an additional six months while the Greater Victoria Coalition to End Homelessness help each individual to find permanent housing.

While the staff recommendation includes the necessary language to waive the Opportunity for Public Comment, all other aspects of the process that ensure transparency and notification of the public would be maintained. The *Local Government Act* requires that a notice be placed in a newspaper and that mailed notice be provided within the distance specified in the City's bylaws for TUPs. In this instance, notification requirements involve adjacent properties, therefore, consistent with the City's *Land Use Procedures Bylaw*, mailed notice would be sent to owners and occupiers of the subject site and adjacent properties. This notice would still invite recipients to provide written comments on the proposal if they felt inclined. Also, in accordance with the City's *Land Use Procedures Bylaw*, a sign would be posted on the property notifying the public of

Council's upcoming consideration of the matter along with an invitation to provide written feedback.

If Council would prefer to hold an Opportunity for Public Comment on this application, then the alternate motion is structured accordingly for Council's consideration.

ANALYSIS

Official Community Plan

The *Official Community Plan, 2012* (OCP) Urban Place Designation of the subject properties is Core Residential, which supports residential uses on the subject properties.

The 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 project would not be possible without strong partnerships between the City, BC Housing, Greater Victoria Coalition to End Homelessness and Our Place Society, and the support and commitment of various stakeholder groups.

The OCP also 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 near amenities and services in the neighbourhood. The site layout and the design of each unit (contains a single bed, small fridge, desk, side table and armoire) is safe and secure, and meets the needs of the residents.

Downtown Core Area Plan

The subject properties are within the Residential Mixed-Use District in the DCAP, which supports residential uses on the site. 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 Local Plan

The *North Park Local Plan, 1996* identifies the subject properties as a residential mixed-use district, which supports residential buildings on the site.

Other Considerations

Housing Operation Framework

While the residents are living in the transitional housing, the Greater Victoria Coalition to End Homelessness is working with each individual to help them find permanent housing and connect them with support services and employment agencies.

Our Place Society provides staffing on site in partnership with the Greater Victoria Coalition to end Homelessness. The Society provides 24/7 staffing with a site supervisor and two employees on site during the day and two employees overnight. Meals are delivered to the residents twice a day (breakfast and dinner), no guests are permitted within the housing development, and there is zero tolerance of violence and criminal activity. There is a controlled residential entryway (buzzer system) and surveillance cameras were installed throughout the site.

Financial Implications

BC Housing has committed to continuing funding support services for the temporary transitional housing until March 31, 2023, through a partnership with the City and Our Place Society (letter attached).

To extend the project beyond September 2022, the City requires additional funding for both the utilities and maintenance, and site security. An opportunity to apply for further grant funding through a 2022 intake of the Strengthening Communities Fund presented itself, and on April 14, 2022, Council approved the costs related to extending Tiny Town within its overall grant application. Subsequently, an application was submitted by the April 22, 2022, deadline. It is anticipated that the City will be informed whether the grant request is approved by August 2022.

CONCLUSIONS

The proposal to renew the TUP is supportable and continues to further advance several housing-related policies and objectives outlined in the OCP and DCAP. Extending the TUP for an additional six months would allow the current residents to stay in their homes while the Greater Victoria Coalition to End Homelessness helps each individual find permanent housing options. Staff recommend for Council's consideration that the requirement for an Opportunity for Public Comment is waived.

ALTERNATE MOTION

Option One - Hold an Opportunity for Public Comment

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. 00023 for 940 Caledonia Avenue and 953 and 963 Green Street, in accordance with:

- a. Plans date stamped June 1, 2022.
- b. The Temporary Use Permit lapsing six months from the date of this resolution.”

Option Two - Decline

That Council decline TUP Application No. 00023 for the property located at 00023 for 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 June 1, 2022
- Attachment D: Letter to Mayor and Council dated May 24, 2022
- Attachment E: Letter from Our Place dated June 1, 2022
- Attachment F: Letter from BC Housing dated April 6, 2022
- Attachment G: Letter from North Park CALUC dated July 6, 2022.