

REPORT

Climate Action, Planning and Development

To: Mayor Cote and Members of Council **Date:** November 15, 2021

From: Emilie K Adin, MCIP
Director, Climate Action, Planning and Development **File:** 13.2680.20
OCP00038 &
REZ00218
OCP00034 &
REZ00203

Item #: 2021-546

Subject: Crisis Response Bylaw Amendments: Consultation Summary and Second Reading of Bylaws

RECOMMENDATION

THAT Council receive the public engagement summary for three separate but closely related projects that are being bundled together as the 'Crisis Response Bylaw Amendments';

THAT Council give consideration to Second Reading of the following six Bylaws and forward the Bylaws to Public Hearing:

- a. Official Community Plan Amendment Bylaw (350-366 Fenton Street) No. 8281, 2021
- b. Zoning Amendment Bylaw (350-366 Fenton Street) No. 8282, 2021
- c. Official Community Plan Amendment Bylaw (60-68 Sixth Street) No. 8283, 2021
- d. Zoning Amendment Bylaw (60-68 Sixth Street) No. 8284, 2021
- e. Official Community Plan Amendment (City-wide Crisis Response) No. 8285, 2021
- f. Zoning Amendment Bylaw (City-wide Crisis Response) No. 8286, 2201

THAT Council consider:

- a. Official Community Plan Amendment Bylaw (City-wide Crisis Response) No. 8285, 2021, 2021
- b. Official Community Plan Amendment Bylaw (60-68 Sixth Street) No. 8283, 2021

- c. Official Community Plan Amendment Bylaw (350-366 Fenton Street) No. 8281, 2021;

in conjunction with the City's Capital Expenditure Program as contained in the Five Year Financial Plan and the Region's Solid Waste Management Plan and Liquid Waste Management Plan, and which are deemed to be consistent with said program and plan in accordance with Section 477(3)(a) of the Local Government Act.

PURPOSE

To present to Council with a summary of public feedback for three separate but closely related projects that are being bundled together as the 'Crisis Response Bylaw Amendments.' Staff is seeking Second Readings and forwarding to a Public Hearing of the six related bylaws, including for an Indigenous affordable housing project at 350-366 Fenton Street, and a supportive housing project at 60-68 Sixth Street.

EXECUTIVE SUMMARY

The City of New Westminster, along with its project partners, has bundled three separate but closely related projects into one review process in the interest of moving quickly to meet current and near-future funding deadlines, as well as respond more readily to urgent needs in the community. The three projects are:

- 1. City-wide bylaw amendments to allow more rapid response on projects meeting specific criteria and addressing an identified emergency or crisis.**
 - an OCP amendment to permit, in all land use designations, any land uses that address needs identified through a BC Public Health Emergency Declaration; or a BC State of Emergency Declaration; or a crisis affecting the Metro Vancouver region that is publicly recognized by multiple member municipalities, including the City of New Westminster;
 - a general Zoning Bylaw amendment that includes a definition for Crisis Response Use, outlines transportation related provisions for Crisis Response Use, permits Crisis Response Uses in all zoning districts and outlines criteria with which Crisis Response Uses must comply;
- 2. Non-market housing on City-owned land at 350-366 Fenton Street in Queensborough.**
 - an OCP amendment to change the land use designation from RL (Residential Low Density) to (RM) Residential – Multiple Unit Buildings;
 - a rezoning from Queensborough Neighbourhood Residential Dwelling Districts (RQ-1) to Comprehensive Development District (350-366 Fenton Street) (CD-50), a new zoning district that would be unique to this site;

3. Supportive housing on Province-owned land at 60-68 Sixth Street in Downtown.

- an OCP amendment to change the requirement for at grade commercial in the Mixed-Use High Density land use designation such that it does not apply if all housing on the two sites are supportive housing;
- a rezoning from Downtown Mixed Use Districts (High Density) (C-4) to Comprehensive Development District (60-68 Sixth Street) (CD-94), a new zoning district that would be unique to this site.

The City and project partners have undertaken public consultation including four virtual information sessions. The proposal was also presented to the Advisory Planning Commission.

There are several imminent funding opportunities by senior levels of government that would contribute to affordable and supportive housing projects at 350-366 Fenton Street and 60-68 Sixth Street. The tight timelines associated with these grant applications, and resulting condensed public engagement phase by the City on these three projects, reflect the understanding by all levels of government that the homelessness and affordable housing crises have been exacerbated by the global pandemic. Should the projects receive funding, it would be significant investment into New Westminster in support of affordable housing for some of our vulnerable populations.

BACKGROUND

Policy Context

There are many policies that actively support the City's advancement of the Crisis Response Bylaw Amendments. An overview of these enabling and action-focused policies, as well as information about site characteristics, context, proximity to transit and supportive policies for 350-366 Fenton and 60-68 Sixth Street, are included in Attachment 1 to the report.

Project Descriptions

1. City-Wide Crisis Bylaw Amendments

The proposed adoption of some general Official Community Plan and Zoning Bylaw amendments would offer a way for the City to respond more quickly to possible future and current crises such as the COVID-19 pandemic, recent fires and heat waves, the overdose crisis, the regional homelessness crisis. The proposed OCP and zoning bylaw amendments would be limited to projects that meet all four of the following criteria:

- a) The property/properties must be owned or under long-term lease by the City, BC Housing, or another public agency;
- b) The project(s) must be government agency funded;
- c) The project(s) must be non-profit society or public agency operated; and

- d) The project(s) must address needs identified through a BC Public Health Emergency Declaration; or a BC State of Emergency Declaration; or a crisis affecting the Metro Vancouver region that is publicly recognized by multiple member municipalities, including the City of New Westminster.

Future projects that meet all of the criteria would no longer need a rezoning. However, projects would still be subject to other City approvals. Application review would follow the City's typical development review process, including public notification and an opportunity to comment, though special consideration for waiving certain steps may be considered on a case-by-case basis. For projects on City-owned land, the City would still have the authority as landowner to approve the proposed land use, including setting any appropriate conditions on the use (e.g. limiting the use to a specific time period).

The proposed Official Community Plan Amendment (City-wide Crisis Response) No. 8285, 2021 and Zoning Amendment Bylaw (City-wide Crisis Response) No. 8286, 2021 which relate to this project are included as Attachment 2. Since 1st Reading of the Zoning Bylaw amendment, a subsequent amendment to the Zoning Bylaw has been brought forward which has resulted in a minor adjustment to the numbering of the Off-Street Parking section for this Zoning Bylaw amendment. The change is as follows:

- c) Adding the following under Section 140 (Off-Street Parking):

140 .15 .1 For crisis response uses, off-street parking shall be provided to the satisfaction of the Director of Engineering.

Revised To:

- c) Adding the following under Section 140 (Off-Street Parking) immediately after the Section 140.14 "Institutional Off-street Parking Space Requirements" table:

Crisis Response Uses Off-Street Parking Space Requirements

140 .14 .1 For *crisis response uses*, off-street parking shall be provided to the satisfaction of the Director of Engineering.

2. 350-366 Fenton Street

In partnership with Vancouver Native Housing Society, the City has continued work on developing a non-market affordable housing project for Indigenous individuals on this site. Based on the new and immediate opportunity for Federal funding provided through the Canada Mortgage and Housing Corporation's Rapid Housing Initiative Round Two, and updated information on site geotechnical and construction technology, a modified project that meets the funding program requirements is proposed, including:

- Culturally-appropriate housing to meet the needs of urban Indigenous individuals and families, including a target of 50% units for women and children;
- Three-storey 58-unit building built above the Flood Construction Level;

- Mix of studios, one and two bedroom units with rents geared to tenant incomes;
- 20% fully accessible units;
- A central elevator, which would provide access to all floors and units;
- Common laundry and green space;
- Property management services, including a building maintenance worker;
- Reduced building siting and off-street parking and loading requirements;
- Aiming for high environmental design standard and energy efficiency.

The project would require an OCP amendment to change the land use designation from RL (Residential Low Density) to (RM) Residential – Multiple Unit Buildings; and a rezoning from Queensborough Neighbourhood Residential Dwelling Districts (RQ-1) to Comprehensive Development District (350-366 Fenton Street) (CD-50), a new zoning district that would be unique to this site.

The proposed Official Community Plan Amendment Bylaw (350-366 Fenton Street) No. 8281, 2021 and Zoning Amendment Bylaw (350-366 Fenton Street) No. 8282, 2021, both of which relate to this project, are included as Attachment 3.

3. 60-68 Sixth Street

A supportive housing project is being proposed by the City and BC Housing, with the intention to submit a grant application in 2021 to Canada Mortgage and Housing Corporation's [Rapid Housing Initiative](#) program. The project site includes 68 Sixth Street (owned by BC Housing) and 60 Sixth Street (owned by the City). The concept includes:

- Four-storey modular building with approximately 52 supportive housing units, some exterior programming space (e.g. a smoking gazebo), and no commercial at grade;
- 100% Deep Subsidy Income Limit with monthly rents set at the maximum Income Assistance Shelter rate, which is currently \$375;
- Resident supports including: meal programs, laundry facilities, 24/7 support staff, life skills and employment training, referrals to other community services, and on-site medical and other health support;
- BC Housing would have multiple on-site staff to operate the building, as well as other building support staff as needed (e.g. cook, cleaners);
- Limited, if any, parking would be accommodated on-site.

An Open Request for Proposals for operators is expected to be issued in the coming months.

The project would require an OCP amendment to change the requirement for at grade commercial in the Mixed-Use High Density land use designation such that it does not apply if all housing on the two sites are supportive housing; and, a rezoning from Downtown Mixed Use Districts (High Density) (C-4) to Comprehensive Development District (60-68 Sixth Street) (CD-94), a new zoning district that would be unique to this site.

The proposed Official Community Plan Amendment Bylaw (60-68 Sixth Street) No. 8283, 2021 and Zoning Amendment Bylaw (60-68 Sixth Street) No. 8284, 2021 which relate to this project are included as Attachment 4. On review of the bylaws between 1st and 2nd reading, a wording change in the OCP Bylaw has been made to ensure language consistency with the Zoning Bylaw. The change is as follows:

- *Section 2. Affordable rental housing changed to supportive housing*

DISCUSSION

City-Wide Crisis Response Bylaw Amendments

Staff considers that the proposed City-wide Crisis Response OCP and Zoning Bylaw amendments to be reasonable as they would:

- Proactively respond to the increasing incidence of crises that City residents and businesses are facing; crises that are global, provincial, regional, local – by "pre-approving" specific land uses on publicly-owned/leased land that respond to these emergency situations;
- Increase the City's and/or future project partners' chances of successful senior government grant applications, thus resulting in increased amounts of investment in New Westminster in support of affordable housing and urgently needed services for some of our vulnerable populations;
- Facilitate the delivery of much needed new affordable units in New Westminster, in response to the regional housing crisis, and in alignment with the mandate of the 2019-2022 Strategic Plan;
- Align with the mandate of the Strategic Plan to create a welcoming, inclusive, and accepting community that promotes a deep understanding and respect for all cultures; and with the City's DIEAR (Diversity, Inclusion, Equity, Anti-Racism) initiative;
- Demonstrate the City's deep commitment to partnering with other levels of government to address crises that are affecting our community.

350-366 Fenton Street

Staff considers that the proposed OCP amendment and rezoning are reasonable as this project would:

- House multigenerational members of the Indigenous community including Elders, families, and individuals, aligning with the City's reconciliation initiative;
- Contribute City-owned land for the delivery of much needed new affordable units in New Westminster, in response to the regional housing crisis, and in alignment with the mandate of the 2019-2022 Strategic Plan. Such available sites are very limited, and the properties identified in Queensborough are some of the only suitable properties in New Westminster;
- Provide affordable housing units in Queensborough, which has the lowest number of non-market housing units by sub-area in New Westminster;
- Be consistent with affordable housing principles regarding locating projects near everyday needs, services and amenities such as Queensborough Landing Shopping Centre, parks, bus stops, schools and Queensborough Community Centre.

If funding is successful and the project proceeds, staff would work with the applicant to refine the proposal during the site and building design development phase, including exploring:

- Architectural design that appropriately transitions the building to the neighbouring properties;
- Encouraging and supporting walking, cycling and transit transportation demand management measures;
- Achieving a reasonable amount of on-site parking (the design concept currently includes proposed onsite parking availability at approximately 0.5 /unit ratio).

60-68 Sixth Street

Staff considers that the proposed OCP amendment and rezoning are reasonable as this project would:

- Allow the use of existing, new modular units which, though they cannot accommodate commercial uses at grade, would make the project feasible within the limited site size, and support the City's Climate Action goals by eliminating the need for new wood-frame construction to achieve the project;
- Be consistent with good planning principles regarding locating density along a major transportation corridor and within service centres, such as the downtown regional centre;

- Be consistent with good planning principles regarding locating residential density close to residents' everyday needs (shops, services, transit and other amenities) – particularly important for projects housing those with lower incomes;
- Deliver much needed supportive housing units in New Westminster, in response to the regional housing crisis, the Provincial opioid crisis and in alignment with the mandate of the 2019-2022 Strategic Plan;
- Result in a significant amount of Provincial investment in New Westminster in support of affordable housing for some of our vulnerable populations.

The site is located along Sixth Street, which is a Great Street identified in the City of New Westminster's Master Transportation Plan and OCP. Allocation for loading and parking for staff would be explored during the detailed building design phase. In many supportive housing buildings, very few residents have vehicles. With the proximity to transit and services, the need for resident parking is anticipated to be low.

CONSULTATION

Public Consultation

The City has received feedback on this application through the public engagement approach endorsed by Council at the September 27, 2021 Council meeting. Comments received included correspondence or phone calls submitted directly to staff and Council, through the Be Heard New West engagement page, and during four virtual information sessions. All of the feedback received has been reviewed by staff and is summarized in Attachment 5.

City Notifications: Per City practice, postcards were mailed to residents within 100 metres of 350-366 Fenton and 60-68 Sixth Street; emails were sent to Residents Associations and other local groups such as Business Improvement Associations; project information signs were placed on-site at 350-366 Fenton Street and 60-68 Sixth Street; and advertising for the information sessions and the projects' Be Heard webpage were conducted via the local newspaper and the City's social media channels.

Be Heard New West Project Webpage: Be Heard New West is the City's online community engagement space. A Be Heard page specific to this project was launched on October 1, 2020. The webpage saw more than 450 visitors as of October 24, 2021. A summary of the content is included in Attachment 6.

Other feedback: A number of emails have been sent directly to the City regarding the projects and are included in Attachment 7. Feedback submitted by phone is incorporated into the summary in Attachment 5.

BC Housing: BC Housing also prepared correspondence and information sheets that were distributed to project neighbours and community members, and will continue to engage with stakeholders if this project moves forward. BC Housing staff were also

available to meeting with anyone who wanted to discuss the project outside of the virtual information sessions. A project page on the BC Housing Let's Talk website went live on September 20, 2021. As of October 27, 2021, there have been a total of 35 views from 29 unique visitors. A summary from BC Housing is included in Attachment 8.

Stakeholder Consultation

The Local Government Act includes specific requirements for consultation that must occur prior to the consideration of an OCP amendment. The Act requires the municipality to provide one or more opportunities it considers appropriate for consultation with the organizations and authorities it considers will be affected by the proposed amendment. At their meeting on September 27, 2021 Council endorsed consultation with the New Westminster Board of Education and with First Nations which have been identified as having an interest in New Westminster through the Province's Consultative Area Database (CAD).

Acknowledges of receipt for request for consultation were received from the Qayqayt First Nation, Kwantlen First Nation Council and Tsleil-Waututh Nation.

Committee Consultation

Advisory Planning Commission: The project was presented for information to the Advisory Planning Commission on September 21, 2021 and was received positively by members.

FINANCIAL IMPLICATIONS

Senior government funding is being sought for both of the site-specific housing projects, and the City's expediting of the OCP amendments and rezonings support these funding requests by signaling the emergency nature of these proposals, and the level of commitment the City has to addressing the housing crisis.

1. The grant submission for 350-366 Fenton Street was for approximately \$32M which was requested to cover 100% of the capital required for this project. While the City would be the recipient of the funding, these dollars will largely flow through to VNHS to execute the development of the project.
2. Staff from BC Housing and the City are currently working through the project concept development for 68 Sixth Street and anticipate submitting a grant application in winter 2021/2022.

ADOPTION REQUIREMENTS

Prior to the adoption of the proposed Zoning Bylaw Amendment, the City's project partners will need to register a Section 219 Restrictive Covenant (No Build Covenant) which is to the satisfaction of staff and which outlines that the following requirements must be met prior to any construction on the site:

- Enter into a legal agreement that would secure the rental units; and
- Enter into a Works and Services Agreement.

NEXT STEPS

On September 13, 2021 Council directed staff to use the following application review process, with the goal of fast-tracking these review processes, and with the intention of better meeting current and near-future funding opportunities:

1. Preliminary report to Council (Sept 13, 2021);
2. Project information provided to external community members (Residents Associations, Business Associations, etc.) and other consultation stakeholders (School District, First Nations, etc.); (September 20-24, 2021);
3. Advisory Planning Commission consideration (September 21, 2021);
4. Council consideration of First Reading of Zoning and OCP amendment bylaws (September 27, 2021);
5. City and project-partner consultation; (October 5 – 24, 2021);
 - a. Crisis Response – October 5, 2021
 - b. 60-68 Sixth Street – October 19, 2021
 - c. 350-366 Fenton Street – October 20, 2021
 - d. Crisis Response – October 21, 2021
6. Council consideration of Second Reading of Zoning and OCP amendment bylaws; (anticipated November 15, 2021) (**we are here**)
7. Formal referral and consultation with School District, First Nations and Ministry of Transportation and Infrastructure;
8. Public Hearing and Council Consideration of Third Reading of the Zoning and OCP amendment bylaws (estimated December 6, 2021);
9. Adoption of all bylaws that are given Third Reading (to be determined).

INTERDEPARTMENTAL LIAISON

The Senior Management Team has been consulted in the advancement of the Crisis Response Bylaw Amendments initiative. Staff working on the Affordable Housing Portfolio include staff from Parks & Recreation, Finance, Engineering Services,

Electrical, Planning & Development, Mayor's Office, and Office of the CAO. The policy and projects were also reviewed by staff in the Staff Committee of Affordable Housing, Senior Management Team and Child Care and Affordable Housing Task Force.

OPTIONS

The following options are offered for Council's consideration:

1. That Council receive the public engagement summary for three separate but closely related projects that are being bundled together as the 'Crisis Response Bylaw Amendments';
2. That Council give consideration to Second Reading of the following six Bylaws and forward the Bylaws to Public Hearing:
 - a. Official Community Plan Amendment Bylaw (350-366 Fenton Street) No. 8281, 2021
 - b. Zoning Amendment Bylaw (350-366 Fenton Street) No. 8282, 2021
 - c. Official Community Plan Amendment Bylaw (60-68 Sixth Street) No. 8283, 2021
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3. That Council consider:
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 - c. Official Community Plan Amendment Bylaw (350-366 Fenton Street) No. 8281, 2021;

in conjunction with the City's Capital Expenditure Program as contained in the Five Year Financial Plan and the Region's Solid Waste Management Plan and Liquid Waste Management Plan, and which are deemed to be consistent with said program and plan in accordance with Section 477(3)(a) of the Local Government Act.

4. That Council provide staff with alternate direction.

Staff recommend Options 1, 2 and 3.

ATTACHMENTS

Attachment 1: Policy and Site Context

Attachment 2: Official Community Plan Amendment (City-wide Crisis Response) No. 8285, 2021 and Zoning Amendment Bylaw (City-wide Crisis Response) No. 8286, 2021

Attachment 3: Official Community Plan Amendment Bylaw (350-366 Fenton Street) No. 8281, 2021 and Zoning Amendment Bylaw (350-366 Fenton Street) No. 8282, 2021

Attachment 4: Official Community Plan Amendment Bylaw (60-68 Sixth Street) No. 8283, 2021 and Zoning Amendment Bylaw (60-68 Sixth Street) No. 8284, 2021

Attachment 5: Summary of Community Feedback

Attachment 6: Be Heard New West Feedback

Attachment 7: Verbatim Written Correspondence

Attachment 8: BC Housing Summary

Attachment 9: Official Community Plan Amendment Memos

APPROVALS

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