

**MEMORANDUM**

July 26, 2022

TO: Mayor & Council

CC: Paul Mochrie, City Manager  
Karen Levitt, Deputy City Manager  
Armin Amrolia, Deputy City Manager  
Lynda Graves, Administration Services Manager, City Manager's Office  
Maria Pontikis, Director, Civic Engagement and Communications  
Katrina Leckovic, City Clerk  
Anita Zaenker, Chief of Staff, Mayor's Office  
Neil Monckton, Chief of Staff, Mayor's Office  
Alvin Singh, Communications Director, Mayor's Office  
Jeff Greenberg, Assistant Director, Legal Services  
Grant Murray, Assistant Director, Legal Services

FROM: Theresa O'Donnell, General Manager, Planning Urban Design and Sustainability  
Sandra Singh, General Manager, Arts, Culture and Community Services

SUBJECT: CD-1 Rezoning: 2086-2098 West 7th Avenue, and 2091 West 8th Avenue

RTS #: 14936

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**PURPOSE**

This memo responds to questions from Mayor and Council received from July 5 to July 25, 2022 during the Public Hearing for the above noted rezoning application.

**QUESTIONS AND RESPONSES**

- 1. The Kitsilano Coalition presentation suggested that under the site's current RM-4 zoning, a 6-storey building capable of housing 140 could be built as of right, without the need for a Public Hearing. Could the site and FSR under this zoning accommodate the number of housing units that were suggested? Could this be approved without a Rezoning/Public Hearing?**

A: The existing RM-4 zoning permits consideration of 100% Social Housing developments up to 3.0 FSR and 65 ft. in height.

Using the proposed 320 sq. ft. modular unit type, which is intended to house one person per unit, it is estimated that approximately 70-90 units may be accommodated within a six-storey RM-4 form.

To be built within the 65 ft. maximum height limit, the applicant could likely only achieve five storeys using the proposed modular construction method due to the increased height required for each floor; however six-storeys could be achieved using typical wood frame construction.

Staff have not completed a detailed analysis of how many units or residents could be accommodated with a mix of unit types (i.e. 1 and 2 bedrooms).

If the applicant proposed a six storey building that complied with the RM-4 zoning, it would not require Council approval through a Public Hearing, however it would still require Development Permit Board approval, which is structured similar to a Public Hearing in that residents are invited to register and speak to the Board for up to five minutes.

This applicant has applied for a CD-1 rezoning proposing additional height and density to take advantage of this strategically located City-owned site. Staff are recommending support of the revised proposal including the conditions in Appendix B as an appropriate urban design response to the existing and anticipated future context.

**2. Were the Vancouver Police Department engaged by staff in this application, to determine if they have any concerns regarding this application or if they project more resources would be needed considering the housing model proposed at this location?**

A: The City has had several conversations with VPD about this proposed project. The police do not typically provide a formal response on supportive, social, rental or any other housing or proposed development project.

The operators of supportive housing work with VPD to promote community safety for all community members. Increased police presence during school hours has not been proposed or discussed with or by the VPD for this site, or other existing purpose-built supportive social housing sites in Vancouver near schools. There are hundreds of supportive housing units operating for over a decade in Vancouver with the support of community.

**3. If no to previous question... At this point, can staff reach out to VPD and ask their opinion on this question?**

A: It is now too late for staff to seek additional VPD input.

**4. What is the evidence regarding whether safe consumption sites attract drug dealers?**

A: The proposal includes a consumption space within the building for residents to use safely in the presence of staff – it is for residents' use only. This space is not for the public like an Overdose Prevention Site would be. Staff are unaware of evidence that a private space, for exclusive use by residents, would attract drug dealers. Designing a building with a consumption space saves lives and means that a studio unit would not otherwise be repurposed for this.

**5. Is the MOU with BC Housing (BCH) to provide funding for 300 units of social housing in the City site-specific, or can the City work with BCH to deliver the units on sites at its discretion?**

A: Specific sites are not included in the MOU because the sites were being scoped concurrently with the development of the MOU. Five City owned sites have been identified and agreed by the parties as part of the Permanent Modular Supportive Housing Initiative (PMSHI), subject to site due diligence and completion of preliminary studies, and rezoning. All five sites have been publicly announced and are at various stages of the development process. Four of the five sites are on the East side of the City with Council having approved the first rezoning application last month.

**6. If Council rejects this application:**

**a. will this affect the signed agreement with BC Housing (BCH) to provide funding for 300 units of social housing in the City?**

A: Rejection or referral of this application back to staff will likely impact the City's ability under the agreement with BCH and CMHC to expeditiously deliver a minimum 300 homes. Funding commitments are in place for five sites, including this one. Staff cannot speak on behalf of BCH with regards to how a rejection of this application may impact their funding commitments.

**b. will it prevent a new application at this site?**

A: Section 13.1 of the Zoning and Development By-law (Z&D By-law) provides that another similar rezoning application could not be considered by Council for 12 months following the refusal of this rezoning application. This can be waived in extraordinary circumstances.

**c. will outright rejection leave staff unclear on what Council may be supportive of?**

A: Council is being asked to approve in-principle a CD-1 By-law with a building height and density, along with the form of development and other rezoning conditions contained in Appendix B of the Referral Report. It is recommended that Council provide as much clarity as possible in its reasons for any refusal of this rezoning application.

**7. What type of proposals would likely come forward if the current proposal were rejected?**

A: Noting the 12 month hold on accepting another rezoning application on this site should Council refuse the proposed application, a rezoning through the Broadway Plan, could consider tower forms up to 20 storeys in height (200 ft.) for a residential building, subject to the urban design and solar access policies of the Broadway Plan, noting exceptions to the solar access policies can be considered on a case-by-case basis for 100% social housing.

Please also see response to Q.1 for development under existing RM-4 (Residential) zoning.

**8. If Council either passes the motion with new conditions or refers the application back for further work will this affect the signed MOU with BC Housing (BCH)?**

A: Referral of this application back to staff will impact the City's ability under the agreement with BCH and CMHC to expeditiously deliver a minimum 300 homes. Staff cannot speak on behalf of BCH with regards to how a referral back to staff may impact their funding commitments.

**9. What are the constraints on Council in terms of passing the motion with conditions?**

**a. Are the conditions limited to height, density, setbacks?**

A: Conditions that Council may impose are not limited to height, density and setbacks. Council has the legal authority to amend any aspect of the rezoning application, including the proposed CD-1 By-law (Appendix A), or any conditions in Appendix B of the Referral Report, provided the issues were raised at the Public Hearing.

**b. Could Council include conditions related to:**

- **Number of units – either fewer or more units?**
- **room configuration and type?**
- **requiring more floor space be allocated for support services**

A: Council may pass motions on the number of units, room configuration and type, and floor space allocated for support services. To be clear, such amendments may affect the capacity for programming and spaces, financial feasibility, form and density of the building, and would likely need to be addressed through a referral of the application back to staff.

Referral of this application back to staff would impact the City's ability under this agreement with BCH and CMHC to expeditiously deliver a minimum 300 homes. Staff cannot speak on behalf of the BCH with regards to how a referral back to staff may impact their funding commitments.

**10. Can Council include conditions such as were detailed by staff in answering Council questions to date?**

- **i.e., “tenanted in accordance with supportive housing tenanting best practices including prioritizing homeless people in the local neighbourhood”;** or
- **i.e., “allocation of sufficient floor space to ensure sufficient staff are available on-site to implement each resident’s support plan”.**

A: Staff recommend that Council should only include general conditions, for reasons described in response to Q.9. Being overly prescriptive may limit the operator's flexibility to meet the conditions and/or provide the necessary range of supports to meet the needs of future tenants. Design of the building was done in consultation with the operator to optimize the spaces within this constrained site.

**11. If Council can include conditions, how detailed can these conditions be?**

**a. For example, more general like:**

- **“tenanted in accordance with supportive housing tenanting best practices, taking into consideration the surrounding neighbourhood including the adjacent school, park and other land uses”?**

**b. Or more specific like:**

- **“Vary unit types to enable more diverse residents, e.g., families; moms with kids (e.g., from nearby women’s recovery house)”, or**
- **“follow a mobile on-site health services model, promote life skills and employment training, include safe drug supply on site”?**

A: See response to Q.10. Council could, however, make the conditions quite specific.

**12. Is it possible to include a requirement to change tenanting depending on community impact – e.g., if there is a marked increase in drug dealing in the immediate vicinity?**

A: Should Council wish to include such conditions, staff recommend general conditions as noted in Q.10 above would address this.

**13. Can Council include conditions or direction related to the City’s ground lease agreement with BC Housing, including an accountability framework and third party oversight (i.e., accountability to the City as landowner)?**

A: It is possible to include rezoning conditions that include terms of a future ground lease.

**14. What guidance can staff offer in terms of referring the application back to staff for further work?**

A: A referral back to staff would delay the project and impact the agreement with BCH and CMHC to expeditiously deliver a minimum 300 homes. Staff cannot speak on behalf of BCH with regards to how a referral back for further work and delay in the application may impact their funding commitments.

**15. How would staff interpret or take for guidance language like “refer back to staff to consider public feedback”?**

A: Staff have considered public feedback throughout the rezoning application review process. The comments heard through the Public Hearing reflect comments received from the community during the rezoning application review process. However, the application for 129 units of social housing is recommended because of the urgent need to bring adult individuals, including women, men, trans-gender, two-spirited, queer, gender diverse, seniors and seniors and people with disabilities indoors in a safe, secure and affordable home with the necessary services in place to save lives.

The building’s size is recommended to optimize the development potential in consideration of the current and future contexts. Under the Broadway Plan, the area around Arbutus Station is anticipated to redevelop into a vibrant high density mixed use neighbourhood centre. As mentioned in response to Q.7, a building of up to 20 storeys (200 ft.) could be considered for this site under the Plan. Sites to the south along Broadway and in close proximity to the subway station can be considered up to 30 storeys for Secured Rental buildings.

**16. Is it possible that the applicant, in closing comments, inform Council whether they are considering the use of the Vulnerability Assessment Tool (VAT)?**

A: Staff confirms that the VAT will be used as is a best practice in BC Housing’s Coordinated Access and Assessment process.

**17. What is staff’s response to the reduction in the number of units and, if there is no reduction, how the operator will support the different needs of the tenants in both the supportive and social housing?**

A: The RFP for an operator indicated the proposed yield of the building. Those housing providers interested in applying to operate a building of this size needed to demonstrate through their submission they had functional capacity and experience.

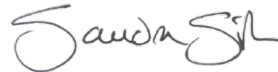
MPA Society was chosen based on a competitive RFP process. This Society has demonstrated functional capacity and robust experience as a non-profit housing provider with the necessary skills and staff to effectively support tenants and manage the building. Since the operator selection process (Dec 2020 – Feb 2021), the applicant has adjusted the tenant composition (May 2022) by providing approximately half of the units available to people who earn very low income and who would not need the breadth of services provided.

## FINAL REMARKS

If Council requires further information, please feel free to contact us directly.



Theresa O'Donnell  
General Manager  
Planning, Urban Design and Sustainability  
[theresa.o'donnell@vancouver.ca](mailto:theresa.o'donnell@vancouver.ca)



Sandra Singh,  
General Manager  
Arts, Culture, and Community Services  
[sandra.singh@vancouver.ca](mailto:sandra.singh@vancouver.ca)