

## MEMORANDUM

July 21, 2022

TO: Mayor & Council

CC: Paul Mochrie, City Manager  
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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  
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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 up to July 4, 2022 during the Public Hearing for the above noted rezoning application. Section 1 lists questions and staff responses and Section 2 describes legal tools regarding tenancing.

### 1 QUESTIONS AND RESPONSES

#### 1. What is the amount of floor space dedicated to support services?

A: The on-site support services will occur in a number of locations in the building outside of individual units. There is approximately 10,000 sq. ft. proposed for support services and programs such as multipurpose rooms for programs, offices and consultation rooms for private conversations, and a communal dining room, laundry rooms and commercial kitchen for meal service and food security training.

**2. Please clarify: will Council approve the operating agreement – and will that include review of the tenanting agreement?**

A: The operator agreement is an agreement between BC Housing and the operator; Council does not approve it and is not a party. As the landlord, the non-profit operator would enter into individual agreements directly with residents.

**3. Experience of Reiderman Temp Modular Housing adjacent to Sir Wilfrid Laurier off Cambie and 57th was that about 25% of tenants were from the area (e.g., sleeping by Langara golf course). Is it expected that tenancy will include housing people already in the neighbourhood?**

A: Yes, people from the local community would be prioritized into this housing, as is best practice.

**4. Can Council require that a community advisory committee (CAC) be included in the housing agreement like with Sir Wilfrid Laurier?**

A: Council can require that the project has a CAC as part of the Housing Agreement. However, the usual and recommended practice is that CACs be required as a condition of the Development Permit (DP). Staff recommend this because changes to Housing Agreements must be made by by-law, which detracts from the flexibility that may be needed if changes to the CAC are needed, and the details of the CAC are generally not confirmed prior to rezoning enactment, but occur prior to DP issuance.

**5. Some speakers said building will be low barrier with no supports. Will there be supports?**

A: Yes, there would be 24/7 staff support on site, who would support tenants to access medical and mental health care, health and wellness services, life skills training, laundry and meals and other services as needed.

**6. One speaker said there will be only 2 staff 24-7. True or not?**

A: The staff level for this site has not been determined. At some other buildings, 2 staff 24/7 is the **minimum** number of staff, and throughout the day this number grows with additional staff attending the building to provide programs and services onsite.

**7. Marguerite Ford Apartments (MFA) were cited a lot. Are there differences between that project and the one being planned? What is record of MPA as an operator? What, typically, are the requirements to keep the area around the building clean? What, typically, are measures to deal with any possible drug dealing around a building?**

A: MFA has notably been a challenging supportive housing building since opening in 2013. There have been a number of lessons learned by BC Housing, the operator and the City on ensuring supportive housing buildings are designed, operated and managed well. Subsequently, these lessons have been applied to over 20 other purpose-built supportive housing sites which are well integrated into the community.

MPA is a respected housing and service provider operating in Kitsilano for over 50 years. At West 7th Avenue and Fir Street in Kitsilano, they currently operate a purpose-built supportive housing building with over 50 units, as well as a resource

centre for people with mental health issues. MPA will have dedicated staff ensuring the area around the building is clean and ensuring any criminal behaviour is reported and dealt with through the regular channels.

A CAC, comprised of community members including adjacent neighbours, businesses and church/school representatives, is also intended to be established to proactively respond to any issues or opportunities related to the building.

**8. Can we require a flashing pedestrian controlled traffic light at 7th and Arbutus?**

A: Yes, Council can require a flashing pedestrian controlled traffic light at 7th and Arbutus. Note, social housing developments typically have minimal parking provided on site. This development is no different, and future residents are not anticipated to own cars. As such, the site will generate very few vehicle trips and will have little impact on the existing transportation network. Any issues with traffic in the area would not be increased with this development.

Engineering staff have also reviewed the operations and safety of the transportation network in the vicinity of the school and the new development on various occasions, in the context of the Broadway Subway Project, and as part of the rezoning application review. Results of the reviews identified that the local roadway operations and safety have improved over time as a result of ongoing transportation improvements in the area. For these reasons, staff have not included a rezoning condition requiring this project to provide and fund a flashing, pedestrian-controlled traffic light at 7th and Arbutus.

**9. Some speakers said the results of At Home/Chez Soi study, as well as literature on the Housing First model, conclude that supportive housing shouldn't exceed certain concentrations. True? If so, what are the suggested numbers?**

A: Recommending maximum numbers was not the focus of At Home/Chez Soi. At Home/Chez Soi was a \$110 million federally funded research demonstration project on mental health and homelessness that took place over four years, across five cities (Vancouver, Winnipeg, Toronto, Montreal and Moncton) - in Vancouver the focus was also on people experiencing problematic substance use. In Vancouver, people were randomly assigned to congregate housing (former Bosman Hotel), scattered-site model (rent supplement in the private market rental), and some were not provided with any housing or supports. The research showed that treating housing as a human right by providing individuals with immediate access to housing with no housing readiness requirements (e.g. sobriety) and offering consumer choice and self-determination underlie the most successful approaches to ending homelessness and are the foundation of the City's supportive housing strategy.

**10. One speaker noted several other BC municipalities have signed agreements with BC Housing for social housing with clear requirements. Can staff provide information verifying the information conveyed:**

A: In Vancouver, there are no Council-adopted land-use policies or restrictions on the locations of housing for very low-income individuals, or those needing supports. In fact, Council's housing policies support delivering social and supportive housing throughout the City in any area zoned for residential uses.

**(a) That Victoria Council required that tenants of a project have no history of violence.**

A: Staff have verified that in 2017 Victoria Council included a number of limitations to tenant eligibility for the site at 1002 Vancouver Street, known as Mount Edwards and operated by the Cool Aid Society, through a covenant registered on title as a Housing Agreement. The narrow tenant eligibility requirements challenged BC Housing to best serve the homeless population of Victoria.

**(b) THAT Penticton required social housing be a minimum of 150 m away from schools.**

A: In May 2021 the City of Penticton adopted a set of guidelines, not a by-law, for location selection of shelters and supportive housing. It included restrictions such as 150 m from schools, specific beaches and parks, and not fronting specific highways. The guidelines also limited shelters (except for women/children fleeing violence) to a maximum of 12 people.

**(c) THAT Nanaimo required maximum 40-50 residents per site, then reduced that number in a second memorandum.**

A: The City of Nanaimo has no policies in place capping the number of supportive housing units in a building. The 2019 MOU also does not limit the number of units per building. A November 2021 motion by Councillor Hemmens directs staff to negotiate an MOU that “explores opportunities to cap permanent supportive units at 35 residents”. This MOU remains under negotiations with BC Housing and has not been ratified.

**11. Several speakers raised the issue of no setbacks of the building. How rare is this and what could be problems generated by no setback?**

A: Condition 1.3(c) in Appendix B requires additional building setbacks on both 7th and 8th Avenues to provide enhanced landscape and an improved pedestrian experience. On Arbutus Street, site constraints, including a narrow site width at the south, have resulted in a narrow setback. Condition 2.4(c) requires the applicant to build a wider sidewalk along Arbutus Street to a minimum of 10ft., which is consistent with high density areas around the City, which is anticipated by the Broadway Plan at this location next to the transit station.

**12. Several speakers spoke to potential traffic issues being exacerbated by this project on this narrow 2-lane street with the nearby transit station, forthcoming bus loop, school children’s crossings, emergency vehicles and cyclists. How can these potential problems be mitigated?**

A: Please see Q&A #8.

**13. Will the tenants all be from the Downtown Eastside, as one speaker said?**

A: Priority will be for people in the local neighbourhood around the project site experiencing or at risk of homelessness. Homelessness is a city-wide issue and people experiencing homelessness are in every neighbourhood.

**14. One speaker stated that another Vancouver social housing facility (78 unit building across from a school) required no current substance/drug use, and no known history of violence, determined through a “vulnerability assessment tool” used by the operator. Will this tool be used for this project? Can Council request or require similar screens? Please confirm whether a decision has been made that residents will be able to consume alcohol and drugs on site.**

A: The Reideman Residence did not require abstinence from current substance or drugs use, nor did it require no-history of violence of their tenants. The tenanting process would include the Vulnerability Assessment Tool (VAT), and referrals would be made through the BC Housing *Coordinated Access and Assessment* table, as is standard practice. VATs are tools to better understand a person’s needs to ensure they can be well supported in their housing. This project will be based on a harm reduction approach, which is supported and encouraged by Vancouver Coastal Health. There would be a private space within the building for residents to ensure safe use in the presence of staff; this room would only be for residents and no outside guests.

Similar to any other housing in Vancouver, residents are able to make personal choices regarding their use of alcohol or drugs in their homes.

**15. Can Vancouver City Council make requirements on tenanting as Victoria City Council did for a supportive housing project adjacent to a school there (as asked by one speaker)?**

A: Please see Q&A #10.

**16. How will the condition of approval 1.2 (a) to revise the tower massing to reduce shadow impact on surrounding properties by reducing the floorplate to a maximum of c. 6,800 sq. ft. positively impact both the school playgrounds as well as Delamont Park?**

A: As outlined in the Referral Report, the proposed tower does not cast any shadows on Delamont Park between 10 am and 4 pm between the equinoxes. Further, condition 1.2 (a) in Appendix B of the Referral Report seeks to create a more slender tower, and to reduce shadowing on the independent school ground. This makes the tower form more inline with the expectations of the Broadway Plan and residential towers across the city. A comparative image depicting the improvement in shadow performance can be found on page 5 of Appendix C in the referral report.

**17. A number of speakers have referenced and referred to the VAHA housing proposal as “Congregate Housing”. When planning staff report out next, would it be possible for them to address:**

**(a) Definition of Congregate Housing and whether this project fits this definition?**

A: Staff are aware that this term is often used in research and by the public to mean a building in which all units are supportive housing and tenants are therefore living in a congregate setting. This project is a building that would fit this general understanding of congregate housing. In Vancouver, we have both congregate housing, and scattered site housing, funded by BC Housing and implemented by Outreach Teams, including the CoV Homelessness Services Outreach Team.

The Zoning and Development By-law (Z&D By-law) no longer contains the term, Congregate Housing. It is a former term in the Z&D By-law for an institutional use for the care of seniors. This project would not have fit the former definition in the Z&D By-law because this is not an institutional use. The application is for multiple dwelling uses and uses accessory to secured, deeply affordable rental housing.

**(b) Confirmation that the definition of Congregate Housing has been removed from the updated Zoning and Development Bylaw.**

A: Yes, the term, Congregate Housing was removed in the Z&D Bylaw on April 6, 2004.

**18. On Thursday, the Province released the [Ernst & Young] review of BC Housing and a key finding was that BC Housing lacks selection criteria for housing operators (no competitive process), specifically the supportive housing stream and decisions have been undocumented. In light of resident questions on the subject of the housing operations, would it be possible to get the following info:**

**(a) What was the process for soliciting and selecting an operator for Arbutus?**

A: BC Housing executed a competitive RFP process to select an operator, MPA Society, in December 2020 and will enter into a formal contract with MPA Society subject to approval of the rezoning application.

**(b) What are the legal implications of the EY findings for the current public hearing, in particular the finding around a lack of rigour and selection/evaluation criteria for supportive housing operators?**

A: Staff can confirm that there are no legal implications generated by that study for this public hearing.

## **2 REGULATORY TOOLS REGARDING BUILDING MANAGEMENT, OPERATIONS AND TENANTING**

Staff have been asked to advise Council of the various regulatory tools available to them to influence building management, operations and tenanting. Council has authority to do so through Housing Agreements, lease terms with BC Housing, and the Director of Planning can require conditions for the Development Permit (DP). An Operator Agreement is entered into between BC Housing and the selected housing operator (MPA), and an Operations Management Plan (OMP) is provided by the housing operator (MPA). The City is not however a party to the Operator Agreement and the OMP is provided to the City, but it is not a contract.

### ***Housing Agreements (s.565.2(1) of the Vancouver Charter)***

A Housing Agreement (Part 2 of Appendix B of the report) sets out conditions for the use of the land and is registered at the Land Title Office (LTO). It secures minimum affordability levels and covenants to prohibit the stratification and/or separate sale of individual units, or rental for a term of less than one month at a time. It is within Council's authority to secure operational requirements in the Housing Agreement, but this is not the usual practice. Housing Agreements are entered into pursuant to a Council by-law and any change to the conditions of the Housing Agreement would require a subsequent Council by-law enactment, legal administration and LTO registration.

Staff do not recommend including additional types of conditions in the Housing Agreement, in order to enable the operator to be responsive and agile. From time to time, building operations may change to adapt to the varying needs of residents and the community. Should future operational changes be necessary that were not in alignment with the Housing Agreement, the latter would require an amendments to the Housing Agreement pursuant to a Council approved by-law, and this process can be more time-consuming for the City, leasee and operator.

### ***Lease***

Should Council approve the rezoning application, the City would enter into a lease with the Provincial Rental Housing Corporation (PRHC). The lease terms would be brought forward to Council for approval. The lease sets out the obligations and responsibilities of each party. This would include conditions for building maintenance, reporting requirements, the term of the lease (typically 60 years), the nominal rent, consequences for breach of contract.

The lease is a legal mechanism where conditions regarding the building operations, management and tenancing may be set.

The Lessee, PRHC, would take on the responsibility to comply with the Housing Agreement through the lease agreement.

### ***Operator Agreement***

BC Housing would enter into a legal contractual relationship in the form of an operator agreement with MPA and that agreement would generally require the operator to be responsible for and comply with the Housing Agreement. The City is not party to the operator agreement.

### ***Development Permit***

Two standard conditions of the issuance of a Development Permit are for the applicant to provide an Operational Management Plan (OMP) and to establish and convene a Community Advisory Committee (CAC).

Operations Management Plan (OMP): This is a document developed by the operator (in this case MPA Society) that describes their organization's mandate, identifies project partners, description of support services and programs, safety and security plan, organizational policies and protocols, and 24/7 contact information to the building and senior management.

MPA is responsible for the development and implementation of the OMP, and BCH is accountable as the funder. While issues could arise in buildings, the City, BC Housing and non-profit housing providers have a dedicated and proven track record of responding to and mitigating issues that may arise.

The City receives the OMP for comment and review as a condition of the development permit.

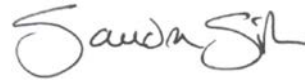
Community Advisory Committee (CAC): The purpose of the CAC is to bring project partners together with a broad cross-section of the community to foster positive relationships, facilitate information sharing and dialogues, identify and mitigate any issues and opportunities related to the building.

## FINAL REMARKS

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



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