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# Request for Decision



**To:** Peter de Verteuil **File No:** 3900-20  
**Meeting Date:** June 29, 2020 **Submission Date:** June 22, 2020  
**From:** Michelle Geneau, Manager of Planning  
**Reviewed By:**  
**Subject:** Zoning Bylaw Amendment 3166.01 – Housing Uses and Parking

## RECOMMENDATION:

**That Council give first and second readings of Zoning Amendment Bylaw No. 3166.01, 2020;**

**And That Council direct staff to submit the bylaw for approval by the Ministry of Transportation and Infrastructure;**

**And that Council waive the Public Hearing requirement, in accordance with Section 464(2) *Local Government Act*, as Official Community Plan Bylaw No. 2030, 2007 (OCP) is in effect for the City, and Zoning Amendment Bylaw No. 3166.01, 2020 is consistent with the goals, objectives and policies in the OCP, to achieve diverse housing opportunities for individuals and families of varying income levels, age groups, lifestyles, and abilities.**

## BACKGROUND:

BC Housing is working with local partners to build and operate new housing in the Cowichan Valley through their Women’s Transition Housing and Supports Program. BC Housing has partnered with Cowichan Women Against Violence (CWAV) and a private landowner to develop a new second stage housing complex.

The following excerpt from the BC Housing website describes different types of housing supported by the Women’s Transition Housing and Supports Program:

**Transition houses** – Transition houses provide safe, temporary 24/7 staffed shelter, typically for 30 days. Most transition houses are residential homes in confidential locations where women and families live communally. Support Workers in these homes provide emotional support, crisis intervention and safety planning.

**Safe homes** – If you live in a remote community, you may be able to access a safe home program. Safe home programs provide short-term shelter, emotional support, safety planning and referrals. Short-term safe shelter is provided in a variety of ways depending on the community, such as an apartment or townhouse unit, a hotel or motel room, or a secure room in a private home.

**Second stage housing** – Second stage housing is usually a private, secure, low-cost apartment or townhouse unit where you can live safely and independently typically for 6 - 18 months. Staff are available to provide emotional support, safety planning and referrals.

Staff research on zoning uses applied by other local governments for second stage housing determined that second stage housing is typically and justifiably considered a form of residential use, with support services. It is usually constructed in the form of apartments.

In addition to the amendments to permit second stage housing, staff reviewed the Zoning Bylaw for amendments related to other types of housing, including transition houses, shelters, assisted living residential facilities, and rental or affordable housing, to ensure Zoning Bylaw consistency with Official Community Plan Bylaw No. 2030, 2007 (OCP).

## **ANALYSIS:**

The proposed Zoning Bylaw Amendment No. 3166.01 in Appendix A includes various changes related to the provision of different types of housing. The Amendment Bylaw is organized in the order that each item appears in the Zoning Bylaw, so the changes are described in this report by topic or housing type. The proposed amendments are also shown as tracked changes to the existing Zoning Bylaw in Appendix B.

### **Second Stage Housing**

As second stage housing is a residential use in a multi-unit dwelling building, with support services, staff recommend considering it a *multi-unit dwelling* use, and adding the accessory use of ‘support offices for women fleeing or at risk of violence’ to the High Density Residential Zone. The Zoning Map is attached (Appendix C) to show the parcels already zoned High Density Residential, mostly in the Jubilee Street area north of downtown, and portions of areas surrounding Coronation Avenue just east of downtown and west of the Trans Canada Highway.

This minor change to the Zoning Bylaw will allow a second stage housing development proceed without the need to apply for a Rezoning or site-specific Zoning Bylaw Amendment, which would require advertising the site to the public. BC Housing and the operator would prefer the site to remain undisclosed for safety and security reasons for the program operation.

### **Transition Houses**

Transition houses are described in the Background section of this report. They are typically located in a single unit dwelling with shared cooking and living facilities (and full-time support staff), but in the future BC Housing may wish to develop a project with a combination of short-term transition house units and longer-term second stage housing units, where the support services could be shared.

The amendment will remove the definition of Residential Shelter and add a definition for Transition House.

Residential Shelter is currently defined as:

*A single unit dwelling used for the purpose of a temporary residence providing emergency and support services for no more than 10 persons, but does not include the use of land for halfway house use in conjunction with the administration of justice for the purpose of shelter and support of persons serving or on any part of a sentence imposed by a court.*

The proposed definition of Transition House is:

*A temporary accommodation use providing sleeping units or dwelling units for the provision of emergency and support services for women and children who have experienced or are at risk of violence but does not include the use of land for halfway house use in conjunction with the administration of justice for the purpose of shelter and support of persons serving or on any part of a sentence imposed by a court.*

The amendment will remove ‘Residential Shelter’ from Uses Permitted in All Zones, and replace with ‘Transition House for no more than 10 persons’ in Section 3.1.1, thereby keeping the limitation of 10 persons.

However, removing the reference to single unit dwellings allows for all or a portion of multi-family buildings to be utilized for women’s Transition Housing for up to 10 of the units.

## Shelters

The proposed amendment will remove the term ‘Emergency Shelter’ from the definition and from Section 3.2.2 Uses Prohibited in All Zones and Definitions, but will add the prohibited use ‘*Temporary Accommodation*, except where expressly permitted as a *transition house, bed and breakfast or tourist accommodation*’.

Emergency Shelter was defined as:

*The use of a building for the purpose of a temporary residence providing emergency and support services, and includes extreme weather response shelters.*

Temporary Accommodation is defined as:

*Accommodation for a period not greater than six (6) weeks.*

Shelters will remain a prohibited use as they are not an expressly permitted use. The OCP allows for a shelter to be permitted through approval of a Temporary Use Permit. The Temporary Use Permit process allows staff and Council to analyse the suitability of a location being considered for a shelter, allows conditions to be set through a permit and requires a public hearing.

## Community Care Facilities and Assisted Living Residential Facilities

Community Care Facility is a permitted use in the Medium Density Residential, High Density Residential, Downtown Comprehensive, Neighbourhood Commercial and Community Service Zones. When the 2017 Zoning Bylaw was drafted, this use was intended to capture existing assisted living and independent facilities, however the definition states that facilities must be ‘operated in accordance with the *Community Care and Assisted Living Act* (the *Act*) and *Residential Care Regulation*’. Existing facilities such as the Duncan Manor, Sherwood House and Wedgwood House are not actually licensed through the *Community Care and Assisted Living Act* and technically would not meet this definition and are therefore currently non-conforming.

The current definition of Community Care Facility is:

*The use of land, buildings or structures for the provision of care to persons who require specialized care for any purpose, operated in accordance with the *Community Care and Assisting Living Act* and *Residential Care Regulation*, including assisted living, personal care, supportive housing and residential daycare.*

The proposed amendment will remove “*including assisted living, personal care, supportive housing and residential daycare*”, as “Community Care Facility” and “Care” are defined in the *Act*.

The proposed addition of Assisted Living Residential Facilities will allow existing uses and future facilities in these zones.

The proposed definition of Assisted Living Residential Facilities is:

*A residential use which provides sleeping units or dwelling units for persons aged 55 or older, or for persons of any age with physical or mental health challenges; within which may be provided meal preparation and common dining areas, housekeeping and other support services, and may contain accessory retail and personal service uses.*

In the Downtown Comprehensive and Neighbourhood Commercial Zones, dwelling units and/or sleeping units are proposed to only be permitted above the ground floor (as they currently are in Community Care Facilities). Community Care Facility is proposed to remain in the existing zones to permit potential or existing licensed facilities under the *Act*. Community Care licensed facilities may also include adult or child day cares, or group

homes. The *Community Care and Assisted Living Act* restricts local governments from regulating the type or number of persons in care, or restrict the type of building a community care facility may operate in (for a facility used to provide day care for no more than eight persons, or as a residence for no more than ten persons not more than six of whom are in care) as long as health and safety standards are met. The current bylaw acknowledges this by including “Community Care Facility for no more than ten persons” in Section 3.1.1 Uses Permitted in All Zones.

**Density Bonus for Rental or Affordable Housing**

The current Zoning Bylaw permits two levels of Density Bonus for additional floor area in the Medium Density Residential, High Density Residential, Downtown Comprehensive, and Neighbourhood Commercial Zones for development in which the developer enters a housing agreement with the City to either:

- a. *Require that a minimum of 30% of the dwelling units in the entire development are rental or affordable housing units for a period of at least five (5) years; or, for a higher level of density bonus*
- b. *The developer enters a housing agreement with the City to require that a minimum of 75% of the dwelling units in the entire development are rental units or affordable housing units for a period of at least ten (10) years.*

Staff are concerned about potential for the rental or affordable units to become market-sale units or market-priced rental after the required minimum period.

Staff recommend that the time frame be removed from the Density Bonus provision, which would require the units remain rental or affordable housing in perpetuity to qualify for a density bonus. A housing agreement must be passed by bylaw, so if a property owner wanted to make a change to the tenure of the development they would need to apply to the City for approval.

**Parking**

Two changes to off-street parking regulations are proposed; new amounts for the above-mentioned uses, and a change to the cash-in-lieu for parking provision.

The proposed changes to the Section 3.31.1 Minimum Off-Street Parking amounts are shown in the table below:

Permitted Use	Minimum Number of Off-street Parking Spaces
<i>Assisted Living Residential Facility</i>	0.35 per <i>dwelling unit or sleeping unit</i> , plus an additional 0.15 per <i>dwelling unit or sleeping unit</i> for staff and visitors
<i>Dwelling, Multi-Unit</i>	<u>For a development for women who have experienced or are at risk of violence:</u> 0.35 per <i>dwelling unit</i> , plus an additional 0.15 per dwelling unit for staff and visitors
<i>Transition House</i>	4
<i>Community Care</i>	0.35 per <i>sleeping unit</i> or person in care, plus an additional 0.15 per dwelling unit for staff and visitors

Residents of assisted living, second stage housing and transition houses typically have less than average car ownership, therefore proposed rates are below the required rate of 1 to 1.2 spaces per dwelling unit for typical residential dwelling units, while also accounting for staff and visitor parking.

The *Local Government Act* allows for a local government to permit an owner or occupier of land the option to submit payment to a reserve fund instead of supplying required parking spaces. Funds must be used by the local government for the construction of off-street parking spaces or active transportation (non-automotive) infrastructure improvements. Currently the bylaw permits cash-in-lieu payment of \$8,000 per parking space for

up to 25% of the required off-street parking, to be deposited in a reserve fund for the construction of off-street parking spaces.

Staff propose to remove the option for the developer to make this payment at their own discretion. Council can then determine when it is appropriate to provide a variance to the parking requirements for a particular development, and require cash-in-lieu payments of \$8,000 or more per parking space for any reduction granted by Council.

## Definitions

For clarification in interpretation of the Zoning Bylaw, the following additional changes to Part 7 Definitions are proposed:

- Residential Use – replace with *‘a use providing for the accommodation of one or more persons, where the minimum rental or occupancy period is 30 consecutive days’*
  - currently: *‘the occupancy or use of a building, or part thereof, as a dwelling unit or sleeping unit’*
- Tourist Accommodation – replace *‘transient’* with *‘traveling’*

## Policy

Since the proposed amendments are consistent with the OCP by supporting the creation of new ‘special needs’ housing and reducing development barriers, staff recommend that Council waive the public hearing requirement for the Zoning Bylaw amendment.

The OCP includes the following applicable policies for Affordable and Special Needs Housing:

- 5.2.4.1 *Support initiatives which help provide affordable and special needs housing in the community, including:*
  - *provision for housing mixed with commercial development to create lower-cost apartments;*
  - *recognition of secondary suites/ accessory dwelling units;*
  - *consideration of future small-house/ small-lot developments through amendments to the Zoning Bylaw;*
  - *provision of new multi-family housing;*
  - *support for innovative/ alternative housing types (e.g. life-lease, sweat equity, shell housing, co-housing, cooperative housing, limited equity, rent-to-own, and mixed market and non-market projects);*
  - *density bonusing for multi-family developments to create social and affordable housing and amenities through amendments to the Zoning Bylaw;*
  - *relaxation of parking requirements or other development variances; and,*
  - *reduction or waiving of DCCs for more affordable housing projects.*
- 5.2.4.2 *Remove development barriers and provide flexibility and incentives to encourage the creation of affordable and special needs housing (e.g. streamlining and fast-tracking the development approval process, alternative development standards, waiving or reducing development and building permit fees).*
- 5.2.4.4 *Support the provision of emergency shelters and support services for the homeless in the region.*
- 5.2.4.5 *Ensure that affordable housing units or complexes are integrated into the community and not segregated or concentrated in specific areas.*
- 5.2.4.6 *Work with community groups and developers to develop community responses to housing affordability and homelessness (e.g. task forces, forums, workshops).*

5.2.4.7 *Work with not-for-profit and development sectors to promote the re-development of older, inefficient non-profit housing projects and/or underutilized institutional and other lands.*

**IMPLICATIONS:**

- Financial:** The cost of a newspaper ad for notification of the bylaw.
- Policy/Legislation:** The OCP includes goals, objectives and policies to achieve diverse housing opportunities for individuals and families of varying income levels, age groups, lifestyles, and abilities; including the provision of affordable or special needs housing. The *Local Government Act* (S. 464.2) allows local governments to set provisions for residential uses and other development in Zoning Bylaws, including density bonusing, cash-in-lieu, zoning for specific uses, etc. The *Act* also permits a local government to waive a public hearing for an amendment to the Zoning Bylaw that is consistent with an OCP, but notice still needs to be given. As the amendment bylaw affects properties within 500 m of a controlled highway, the Ministry of Transportation and Infrastructure must approve the bylaw prior to third reading.
- Strategic Priority:** Initiative 2.4 Review Affordable Housing Opportunities:  
Action: Review initiatives and incentives to encourage creation of lower cost housing options
- Sustainability:** The Integrated Community Sustainability Plan supports the development of housing to meet the diverse needs of the community.
- Communication:** An ad will be placed in the Cowichan Valley Citizen.
- Staffing Implications:** Planning and Corporate Services will coordinate.

**ALTERNATE OPTION:**

1. **That Council not give first and second readings of Zoning Amendment Bylaw No. 3166.01, 2020 and direct staff to submit the bylaw for approval by the Ministry of Transportation and Infrastructure; OR**
2. **That Council refer Zoning Amendment Bylaw No. 3166.01, 2020 to the Committee of the Whole Meeting for further discussion.**

**APPENDICES:**

- Appendix A: Zoning Bylaw Amendment Bylaw No. 3166.01  
Appendix B: Zoning Bylaw No. 3166 with changes  
Appendix C: Zoning Map (to show current High Density Residential Zones)