

City of Quesnel

ADMINISTRATION REPORT

For Meeting Date(s): Oct. 22/07 (COWCOM)
Oct. 29/07 (Regular)

TO: Quesnel City Council
FROM: Charles A. Hamilton, City Manager
DATE: September 20, 2007 (updated on October 2, 2007)
SUBJECT: Shelter and Support Society Proposal

RECOMMENDATION

- A. *THAT City Council notifies the Quesnel Shelter and Support Society that it supports in principle the acquisition of the property located at 146 Carson Avenue to permit the establishment of a 32 bed shelter facility, subject to the following conditions:*
- *THAT it be recommended to the Quesnel Shelter and Support Society (the "Society") that it establishes a Community Advisory Committee involving regular meetings of representatives of the Society, the Northern Health Authority, neighbouring businesses, property owners and residents, and City staff when needed;*
 - *THAT it be recommended to the Society that it identifies a community liaison contact who will work with community to resolve day-to-day problems if they arise;*
 - *THAT it be recommended to the Society that it establishes 24 hour emergency contacts;*
 - *THAT it be recommended to the Society that it establishes a liaison with local community policing operations.*
- B. *AND THAT the Society be encouraged to continue its ongoing work with BC Housing to satisfy the terms of their Preliminary Project Approval (PPA) letter, with the ultimate goal being receipt of final approval (i.e., Project Commitment) from BC Housing.*

- C. *AND THAT a copy of this staff report is forwarded to BC Housing for their reference.*

COUNCIL POLICY

As part of the 2007 strategic planning session, Council identified “community safety” as a strategic priority and, more specifically, approved the following action item: Staff with the support of the Community Safety Committee will investigate and encourage the province to establish a detoxification/shelter facility in Quesnel.

PURPOSE

The purpose of this report is to assess the proposal submitted by the Quesnel Shelter and Support Society to acquire the property located at 146 Carson Avenue for the purpose of establishing a thirty-two (32) bed shelter facility. The report is restricted to a review of the land use issues surrounding the proposed location and a discussion on the suitability of the site in light of the local opposition. The report also addresses the financial implications for the City if the initiative should proceed. It is beyond the scope of this report to comment on the social planning or social policy components of the project as Council and the relevant health and social service agencies have already acknowledged the need for such a facility.

BACKGROUND

The following background information is submitted for Council’s reference:

1. In November 2006, the Quesnel Shelter and Support Society was formed from a group of concerned community members and various social service agencies. The Society’s mission is to establish a shelter for homeless individuals in the community. The Society was formally incorporated on July 30, 2007.
2. The Society initially contacted BC Housing in January 2007 and subsequently made a submission to BC Housing on June 26, 2007. Several potential sites were identified by the Society to establish a Shelter facility. The Society first viewed the proposed Wheel Inn site, located at 146 Carson Avenue, on June 21, 2007 when it was discovered that the property had just been listed for sale. BC Housing was also notified of the listing because they were already providing funding for the shelter beds operating in the motel and was concerned the beds would be lost.
3. The Society made a submission to BC Housing on June 26, 2007, seeking support for the Quesnel Shelter initiative to be located at 146 Carson Avenue. BC Housing is the agency responsible for administering the Provincial

Homelessness Initiative (PHI). PHI provides a continuum of housing and support services to help people break the cycle of homelessness.

4. PHI was launched as a result of the Premier's Task Force on Homelessness, Mental Illness and Addictions in December 2004. The Task Force, which consisted of mayors from across the province, recommended PHI as a way to help people who are homeless or at risk of homelessness move beyond temporary shelter to more secure housing, gain greater self-reliance, and achieve appropriate employment.
5. The program is funded in part through the second phase of the *Canada-BC Affordable Housing Agreement*. The federal and provincial governments have contributed \$41.7 million each, for a total of almost \$84 million. BC Housing allocates funding to developments that integrate subsidized housing with support services for people who are homeless or at risk of homelessness, people with mental illnesses and physical disabilities, those with drug and alcohol addictions, aboriginal peoples, youth, and women with children fleeing abusive relationships.
6. BC Housing evaluated the Society's proposal and granted Provisional Project Approval (PPA) on September 5, 2007. The PPA sets out various conditions that must be satisfied before final approval can be granted. Typically, the PPA conditions will involve securing all municipal approvals, completing building or renovation plans, confirming capital costs, agreeing to an operating budget, and completing a service delivery plan. When all PPA conditions have been met, BC Housing makes the formal decision to commit funding to complete the project and enters into the necessary agreements with the Society.
7. BC Housing has made a conditional offer to purchase the property on behalf of the Society, and I understand that this offer has been accepted. One of the subject removals reads that "*the purchaser [BC Housing] has acquired and is satisfied with confirmation from the City of Quesnel as to the suitability and permissibility of the intended use under the current zoning and development bylaws.*" The municipal approvals required in the PPA letter are limited to appropriate zoning, permits and approvals, and, according to BC Housing officials -- not Council's support of the concept itself or the proposed location.
8. At the regular meeting on September 10, 2007, City Council considered the Society's request that Council resolve to support the proposed location at 146 Carson Avenue. Council's action was to refer the matter to staff to review the land use issues surrounding the proposed site, to seek a legal opinion on whether a support in principle resolution would prejudice a public hearing process should one be required, and to determine any financial implications for the City if the initiative should proceed.

DISCUSSION

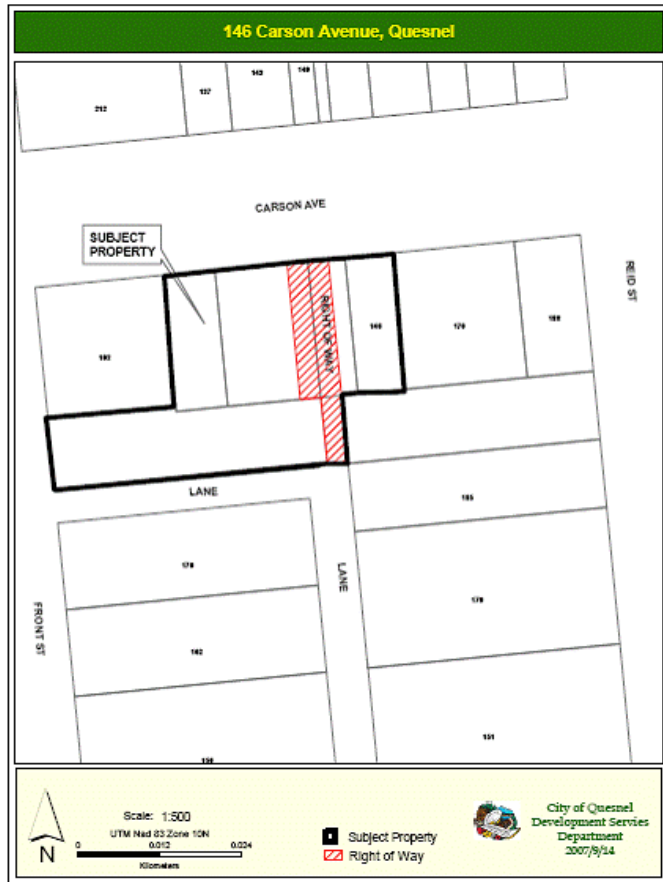
The Quesnel Downtown Association and other business owners in the downtown area are strongly opposed to the project, citing significant concerns with the location. The QDA argues that a homeless shelter located in the downtown core and within the existing business improvement area may negatively impact their ability to attract other businesses, as well as local and tourist traffic. The QDA and other opponents have indicated support for the project, provided that it is located in another area.

Project Description:

The Quesnel Shelter and Support Society in conjunction with BC Housing wish to acquire the Wheel Inn building, located at 146 Carson Avenue, for the purpose of providing temporary shelter and transitional housing. The proposal calls for the establishment of thirty-two (32) beds. At the site, clients will receive meals and case management. Recovery programs for adults and a program for children may also be part of the program.

The site is zoned C-3 (Central Business District Commercial) with a total area of 1,092 sq. meters (11,754 sq. ft.). The Society's development proposal for which a development permit will need to be applied for consists of a two storey building with 16 non self-contained sleeping units. The sleeping units are approximately 250 – 300 sq. ft.

Figure 1: Site Location



Project Analysis:

Official Community Plan: The OCP land use designation for the proposed site is Downtown Commercial. While there is no chapter in the OCP that deals specifically with housing issues, the proposed Shelter initiative is consistent with the objective and various policies contained in the Social Needs, Well-Being, and Development chapter of the Official Community Plan. Council’s attention is directed toward the following specific sections:

Objective 16.2.2 Work with other government agencies and groups in the community to help address social issues.

Policy 16.3.6 Work towards helping improve the level of personal safety felt by all community members regardless of age, gender, income, or ethnic background.

Policy 16.3.14 Investigate how the City could work with other agencies and organizations to minimize the impacts of poverty on the citizens of Quesnel.

Zoning Bylaw: As noted above, the proposed site at 146 Carson Avenue is zoned C-3 (Central Business District Commercial). While the zoning bylaw does not specifically define “homeless shelter” as a permitted use in any zone, the range of permitted uses in the C-3 zone is sufficiently broad to encompass the uses associated with the Shelter proposal. In my view, the use of the land for shelter purposes is permitted to the extent that this use falls within one if not more than one of the following broad categories: emergency and protective services, government services, and health services. Arguably, the Shelter may also be permitted under the “group home” category.

Despite the foregoing, there might in some circumstances be an issue as to whether the zoning bylaw is even applicable in this instance. A local government zoning bylaw cannot regulate the use of a property by a senior level of government. If BC Housing, which is a provincial crown agency, were to purchase and retain title to the building, then the applicability of the City’s zoning bylaw is called into question. Having said that, the fact that a condition of the PPA letter is to ensure that the intended uses of the proposed site are consistent with the current zoning and development bylaws suggests that BC Housing is sensitive to local land use concerns. In any event, the intent as staff understands it in this particular case would be for the Society to be the user pursuant to some form of agreement, and the Society would not be exempt from the Bylaw.

The municipal solicitor reviewed and agrees with the zoning analysis in this report. He notes that *“there is always some level of uncertainty when a use is not specifically permitted or defined and that makes this, as you noted, somewhat open to interpretation. However, in the absence of a definition of this use and the fact that it is not permitted or provided for in any other zone supports the conclusion that it is permitted in this zone.”*

Parking: ‘Homeless Shelters’ is not a defined use in City of Quesnel Zoning Bylaw No. 1530, 2002. As such, *Table 5.1 Required Off-Street Parking Spaces* does not list a formula by which to calculate the number required for this type of facility. After reviewing the uses listed in the table, staff would recommend that the Day Care Centre formula be used (1 space per 10 patrons, plus 1 per 2 employees, with a minimum of 4 spaces). The proposed Shelter facility would therefore require a minimum of four parking spaces for the program. The site meets this minimum requirement and actually provides substantially more parking than the required number.

Development Permit: The proposed site is located within the Downtown Core Development Permit Area, and, therefore, if the project is to proceed at this location the owner of the property will need to obtain a development permit before there is any construction, addition, or alteration to the existing building. The development permit will

address such items as: form and character of the building, landscaping/open space, traffic access and circulation, signage, and screening.

Public Process:

Until recently, there was little public involvement surrounding the site selection process. The Society hosted a public forum on September 6, 2007, attended by approximately 60 people. The Society made a further presentation to City Council, City staff and the public on September 10, 2007. Unfortunately, City Council and City staff has had very little involvement in the development of the Society's proposal and site selection. This is understandable because the driving force behind the proposal is the Shelter Society itself and not the City. However, local opposition to special needs residential housing programs is nothing new, and one could have predicted that the matter of location would be controversial in the community. With the benefit of hindsight, it would have been advisable if a broader public outreach or consultation program had been carried out earlier on in the process. Through the public consultation program, the Society would have been able to:

- Demonstrate the value of the project;
- Create a transparent process;
- Educate and inform the community; and
- Alleviate community concerns about the project.

Several letters and phone calls have been received by the City over the past few weeks. Much of the input received is opposed to the proposed site. A summary of concerns is as follows:

- Site Location
- Safety and security
- Vehicle traffic
- Lack of a public consultation
- Crime, loitering, and drug use
- Expectations of the City to provide ongoing operational funding.

A number of groups and individuals have also expressed support for the proposed location:

- The program is needed;
- The current site has provided temporary shelter for many years;
- Provincial funding is available to cover capital and operating costs.

ANALYSIS

At the November 2006 Strategic Planning Workshop, City Council identified the establishment of a detox/shelter facility as a strategic action item. Since then, the Community Safety Committee worked with the Quesnel Shelter and Support Society and BC Housing to develop an implementation plan for a shelter facility.

Opposition to the siting of a special needs housing facility is an ongoing challenge in virtually every jurisdiction. Unlike some other local government jurisdictions, the City of Quesnel does not have any guidelines regarding the location of a special needs residential type facility. While it is important to acknowledge community or neighbourhood opposition, it must also be recognized that, at the same time, the City Council is faced with the often difficult task of balancing competing interests for the betterment of the community as a whole. I suspect that if the proposed location was located within a residential area, the level of local opposition would be much greater.

In the City of Vancouver, for example, the City's guidelines for Special Needs Residential Facilities (SNRF) outline a number of considerations pertaining to location¹:

- In a predominantly residential area, a SNRF should be placed at least 200 m (656 feet) from another SNRF; and
- A SNRF serving a client type or providing a program which is considered to be potentially disruptive to neighbours will be encouraged to locate in commercial or mixed commercial residential areas.

From a planning perspective, the site at 146 Carson Avenue is an appropriate site for the following reasons:

- It is contained within an existing commercially-zoned and developed area;
- The existing zoning accommodates the uses and provides the necessary floor space to accommodate the number of individuals participating in the program;
- The proposed use would not have an adverse effect on traffic and sufficient off street parking is provided;
- While the site is located in close proximity to the busy Carson Avenue/Front Street intersection, speed is restricted to 50 km/hr. Furthermore, traffic movement immediately in front of the site is limited to single lane traffic, with the curb lane being utilized for on street parking.

¹ City of Vancouver: Administrative Report, *DE408451: 5616 Fraser Street (Triage Special Needs Residential Facility)*, November 19, 2004.

- The proposed use would not have an adverse economic effect on nearby uses because the building is existing and the building has been operated previously as a temporary shelter, albeit on a smaller scale;
- The proposed use is compatible with existing development in the surrounding area because the Shelter facility will be located within the existing structure. There will be limited changes made to the structure to accommodate a shelter facility other than for conformance with the building and fire codes.

In the City of Vancouver, it is a standard requirement for facilities such as the proposed project for 146 Carson Avenue that an agreement defining neighbourhood contact and consultation be put in place before the project is undertaken. While experience indicates -- at least in the City of Vancouver -- that putting a formal consultation process in place is in the long run often unnecessary as problems in such facilities seldom arise; staff believes that identifying a liaison contact will provide assurances to the community that any concerns will be addressed, particularly at the start-up stage. When Vancouver City Council approved a controversial special needs residential facility for individuals with mental illness and in recovery from previous alcohol or drug addictions, it imposed the following additional requirements²:

- Establishment of a Community Advisory Committee involving regular meetings of representatives of the Care Society, the Health Authority, neighbouring businesses, property owners and residents, and City staff when needed;
- Identification by the Care Society of a community liaison contact who will work with community to resolve day-to-day problems if they arise;
- Establishment of 24 hour emergency contacts; and
- The Care Society establishing a liaison with local community policing operations.

If Council elects to support the proposed location, it is suggested that City Council recommend to the Society that it agree to abide by similar conditions to those approved by Vancouver City Council when it approved the special needs facility at 5616 Fraser Street.

FINANCIAL IMPLICATIONS

The capital costs to purchase the building and undertake the required building upgrades shall be borne by BC Housing. BC Housing will also be responsible for funding the core

² ibid

operating costs of the shelter facility. The Society has indicated that they have identified other potential funding partners to fund certain components of the program – notably, the Northern Health Authority and the Ministry of Children and Family.

Members of Council have raised concerns about an implied funding commitment by the City should Council endorse the program and support the proposed location. I raised this matter with the Society and was advised that the Society would likely request a permissive tax exemption on the property. The Wheel Inn is already subject to partial exemption based on the existing Provincial supported beds. Based on the 2006 assessment, the municipal portion of taxes after the exemption was \$1,750.00. If the Wheel Inn had not received a partial exemption, the gross municipal portion of taxes would have been \$2,948.00.

There has been some discussion about the City funding a portion of the costs associated with the non-medical detox beds. The rationale is that the City would realize a reduction in policing costs and these savings could be redirected to help defray the costs of the supported recovery bed component of the Shelter program.

While I understand the argument, I do not believe the City has the jurisdiction or the financial resources to directly fund mental health or addiction type services. Of all three levels of government, local government is the least able to pay for these types of programs because our primary source of revenue is limited to property taxes. Having said that, the City can still play an important role in addressing homelessness by collaborating with and supporting the work of other front-line agencies.

OPERATIONAL CONSIDERATIONS

Some have suggested that before Council can realistically provide support for the proposed location, City Council will need to review and presumably approve the capital costs, operating budget, and service delivery plan. I do not believe that the City is in a position to evaluate in a meaningful way the Society's proposal and service delivery plan. The proposed project is a provincially funded and mandated project, and it is the responsibility of BC Housing to carry out its own due diligence when evaluating the viability of the Society's proposal. Moreover, it is not envisaged that the City will become a direct funding partner in the project, other than perhaps through granting a permissive tax exemption, so the matter of financial accountability is not directly relevant.

I raised the matter of financial implications for the City with officials from BC Housing and was advised as follows. It is BC Housing's role to evaluate the Society's service plan, and it does not typically include the municipality in those discussions unless they are a funding partner for operations. As part of BC Housing's due diligence, they review the Society's operational plan, which includes such issues as staffing, protocols for

security, harm reduction, and confirmation of support from the relevant health and social service agencies.

LEGAL CONSIDERATIONS

When the proposed location was discussed at the regular meeting on September 10, 2007, staff was not entirely certain as to whether the existing zoning would permit all the uses contained in the project proposal. Staff has since reviewed the range of uses and as noted previously in this report we conclude that the proposed uses comply with the existing C-3 zone.

Some concern was raised that if a re-zoning were ultimately required would Council, by virtue of giving approval in principle for the proposed location, somehow impede or prejudice its ability to deal objectively with a subsequent rezoning and public hearing process. Given that rezoning the existing site is not a precondition for the project to proceed, this is no longer a relevant consideration. Nevertheless, I did seek legal advice on this question and was advised as follows:

In terms of Council's position on any re-zoning, the approval of the location in principle would not be a legal impediment to later consideration of a re-zoning bylaw. Members of Council are entitled to hold strong views on land use matters and may still participate in land use decisions so long as they go into the process and public hearing with an "open mind". What that means according to the legal test is a mind that is not completely closed or made up but rather "amenable to persuasion". In other words those attending a public hearing must be in a position that representations may affect the land use decision before Council.

OPTIONS

The following options are advanced for Council's consideration:

- A. Approve the staff recommendation as presented or with amendments.
- B. Deny the Society's request for a resolution supporting the proposed location and ask the Shelter Society to identify alternate locations to site a shelter facility.
- C. Any other course of action deemed appropriate by Council.

CONCLUSION

The Quesnel Downtown Association and other individuals do not support the proposed location to establish a Shelter facility in the downtown commercial core. Generally

speaking, reactions to the proposal include (1) concern about the impact of the project (i.e., safety, property values) and (2) a feeling of disconnectedness from the process itself (i.e., lack of opportunity for input, opinions not valued).

From a planning perspective, however, the proposed location conforms to the City's zoning bylaw, and the site has many advantages given its central location. It is recognized that locating a special needs housing facility in a community is often contentious and gaining community acceptance can be challenging.

In preparing this report, a review of how other jurisdictions have attempted to address and overcome local opposition was undertaken. Some of the techniques that – most notably -- the City of Vancouver has used to overcome neighbourhood concerns and gain community acceptance have been borrowed and have been incorporated into the staff recommendations as recommendations to the Society. These types of strategies are frequently referred to as “good neighbour” agreements.

Respectfully submitted,

Charles A. Hamilton
City Manager

Letters of Support are on file with Deputy Corporate Administrator

Post Script – dated October 2, 2007

With respect to the funding that BC Housing has provisionally approved for the proposed project, I am advised that the Hon. Rich Coleman, the Minister responsible for BC Housing, advised the City's delegation at last week's UBCM Convention that should the proposal not proceed at this time the funding will be withdrawn and reallocated to a project in another community. There was no commitment by the Minister on whether replacement funding would be available for the community should another location be identified in the future. The City's delegation was advised that the community will need to re-apply for funding as it becomes available.