

COUNCIL REPORT

Date: 7 February 2019
 File: 7.5.3.140
 To: Warren Waycheshen, CAO - for Mayor and Council
 From: Gwendolyn Sewell, Director of Community Planning & Development
 Re: Technical Issues Update for Bylaw 1934, Zoning and OCP
 Amendment for 461 Quatsino Boulevard



This report provides an update with respect to outstanding technical issues regarding "R3-C Mixed Use Social Housing Zone and Official Community Plan Amendment Bylaw 1934, 2018". Bylaw 1934 is under consideration for District-owned property at 461 Quatsino Boulevard, including but not limited to, the proposed Tamitik Status of Women (TSW) mixed-use commercial and social housing building. Recommendations regarding Council decisions are provided in the table attached and repeated for convenience in Section 1 below. This report is presented for information of Council; final recommendations will be placed on the agenda of 19 February 2019.

1. Recommendation

THAT report titled Technical Issues Update for Bylaw 1934, Zoning and OCP Amendment for 461 Quatsino Boulevard, dated 7 February 2019 be received for information, and the contents contained therein be considered on 19 February 2019:

- A. THAT TSW and Boni Maddison Architects be confirmed as having "agent authorization" for OCP and Zoning Amendment proposal (and other subdivision and development approvals) for land at 461 Quatsino Boulevard on behalf of DOK;
- B. THAT a statement be issued confirming that:
 - i. land at 461 Quatsino Boulevard is owned by DOK;
 - ii. Council's previous Resolutions regarding land gift to Tamitik Status of Women (TSW) and support for TSW were, "in-principle", and understood as providing staff with instructions to negotiate terms and prepare documents for Council consideration;
 - iii. staff are directed to issue statutory notice under the *Community Charter* once potential gifting documents have been negotiated and drafted, and prior to Council's final determination on the disposition of property to TSW; and
 - iv. staff are advised the previous direction (B)(iii) is not necessary if Bylaw 1934 is defeated;
- C. AND FURTHER, report titled "Technical Issues Update for Bylaw 1934, Zoning and OCP Amendment for 461 Quatsino Boulevard " dated 7 February 2019 and providing comment on proposed OCP amendments in relation to Five-Year Financial Plan and Waste Management Plan be received and considered by Council in satisfaction of statutory requirements under section 477 of the *Local Government Act*.

2. Background

On 14 January 2019, Kitimat Council closed a Public Hearing and requested staff report back with options to consider Bylaw 1934, and a location and time for a new public hearing to accommodate the expected number of speakers. Due to an error, there was a discrepancy between Bylaw 1934 and the Notice of Public Hearing as to whether the Bylaw was to apply to the entire parcel or the portion presently proposed for TSW project.

On 21 January 2019, Kitimat Council confirmed this bylaw is intended to apply to the whole of an existing parcel owned by the District of Kitimat at 461 Quatsino Boulevard (Lot 13, DL 6025 Range 5 Coast District Plan PRP 45517). Staff consider this supportable, including on the basis that such an approach provides additional flexibility to address TSW's proposal; provides an additional site for social and seniors housing; and, by deleting other institutional uses, reduces the possibility these lands may be used for certain uses to which the neighbourhood has objected.

Council also considered additional public consultation would include further referrals, an Open House on 11 February 2019 and a Public Hearing on 4 March 2019. Notice of the Open House has been given and Notice of the second/new Public Hearing will be given in accordance with statutory requirements.

Information and public comment continue to be inserted into the Public Handbook. A hard copy of the Public Handbook is available at the DOK Reception Desk, 270 City Centre for viewing during regular office hours (8:30-noon; 1-4:30pm. Monday to Friday, excluding statutory holidays) until 5 March 2019. The hard copy will be the most current and complete document. For convenience of the public, most handbook information is also available at www.kitimat.ca/pn (the Public Notice page of the municipal website).

New material—to be added the week of 3 February—includes site selection information provided to Tamitik Status of Women (TSW) by DOK staff, and a pending subdivision application (TSW is seeking portion fronting Quatsino, proposed Lot 1, Plan EPP78740).

Staff received an incomplete development permit application and has advised TSW of deficiencies. It is expected this application will be made available prior to the further public hearing. It is important to note, however, that this application represents one interpretation of the proposed new zone, and may not represent final project if Bylaw 1934 is adopted.

It is important to note that Council's in-principle support of the TSW Project and disposition of all or part of 461 Quatsino has several outstanding steps. The current decision process relates only to land use, including:

Is 461 Quatsino an appropriate location for mixed-use commercial and social housing (and the other uses identified in Bylaw 1934); whether for TSW's project, another project or more than one project?

Is proposed Official Community Plan change of designation to "Neighbourhood" acceptable?

Distinct from the land use issue, Council must also go on to confirm if land is to be granted to TSW, and—if so—to determine how much land and under what terms; this decision would be made following Notice in accordance with sections 24 and 26 of the *Community Charter*. Council's June 2018 Resolution directs staff to include conditions related to a Housing Agreement and return of the property if the TSW project does not proceed in a timely manner. Given DOK ownership, covenants to address such matters as landscape screens between this property and abutting residential use remain possible.

3. Budget and Five-Year Financial Plan Implications

Amendment procedures under S. 477 of *BC Local Government Act* require consideration of proposed OCP amendment in conjunction with a local government Financial Plan. Previous reports on this bylaw have advised that there were no implications on annual budget. This report includes discussion of the Five-Year Financial Plan.

Kitimat Council approves a Five-Year Financial Plan each May. The annual financial plan is a one-page forecast of anticipated major expenses and revenue changes over each of the next five years. The OCP amendment proposed by Bylaw 1934 applies to a single parcel of land under municipal ownership; no property tax revenue is currently received from 461 Quatsino Boulevard. Land use change may create opportunities to build mixed use commercial and social housing on this site; ownership would determine if land and improvements would be taxable by DOK, however, amount of potential tax from a building valued at \$20M is too small to be included in the five-year financial plan. Incremental density increases tend to lower costs to maintain infrastructure and services in the long term and beyond five-year plan horizon.


Dir. of Finance

4. Waste Management Plan

Amendment procedures under S. 477 of *BC Local Government Act* require consideration of proposed OCP amendment in conjunction with a local government Waste Management Plan. Neither DOK nor the Regional District of Kitimat-Stikine has an applicable Waste Management Plan, *per se*. DOK has completed a waste management study and a budget request is under consideration to complete a plan in 2019.

Staff have reviewed relevant policies from the OCP and *Kitimat Municipal Code* regulations and notes OCP Policies 4.6.1 to 4.6.3 directly support recycling, 4.6.4 deals with municipal landfill operations.

- 4.6.1 Support education and promotion related to recycling.
- 1.6.2 Consider continuing financial support to KUTE to support the local Recycling Depot.
- 4.6.3 Examine the feasibility of providing recycling pick-up service to residents, either as a District program or in cooperation with other groups.
- 4.6.4 Continue to follow appropriate management practices at the landfill site and look toward expanding recycling and diverting from the waste stream.

There will be no appreciable waste management impacts from the change in OCP designation at 461 Quatsino. Institutional land use, like social housing or commercial use does not qualify for residential refuse pick-up. A commercial contractor will likely be engaged to pick-up refuse; waste may be deposited at the municipal landfill; commercial rates would apply. New programs for waste diversion and composting—should they be implemented—are likely to be available to this and other Kitimat properties.

5. Summary

A zoning and OCP amendment bylaw to permit social housing and accessory commercial uses in a mixed-use zone at 461 Quatsino Blvd is under consideration. At this point, the key decision for Council is whether the proposed land use designation (Neighbourhood) and zoning regulations are appropriate for the property. The current TSW proposal illustrates how part of the land may be developed for such uses. Parking layout, greenspace and play areas, and other requirements may be addressed at this time, at time of development permit, with future variances (e.g. parking, if the deficiency in the current plan continues) and/or, given DOK's ownership of the property, as part of the disposition of land process.

Separate notice is to be provided in accordance with the *Community Charter* before a final decision is made on the gifting or other disposition of all or part of the property to TSW. It is expected that such a decision would be confirmed after draft documents are available for review and consideration; these documents are expected to include a gifting agreement, conditions on transfer to allow return of land if the TSW project does not proceed, and possibly other covenants; however, such documents are not necessary unless the property is properly zoned to permit the intended land use. If Council does not adopt Bylaw 1934, then gifting documents and Notice of Disposition are unlikely to be necessary for this property at this time.

6. Alternative Motions

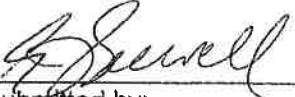
- A. Motion based on Council debate

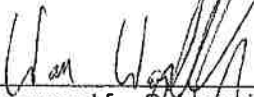
7. Council Initiative / Other Relevant Plans

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|----|--------------------------------|----------------|--|
| A. | Strategic Plan | Expired | 4. Community Planning must be disciplined with a long-term view: <ul style="list-style-type: none"> • Diversity in housing is important to our community |
| B. | Official Community Plan | 4.3.3 | <p>Housing Diversity</p> <p>Preserve the diversity of housing types (e.g. single houses and multi-unit housing such as duplexes, row houses, apartments, and condominiums), lot sizes and price ranges by ensuring that infill and new development supports housing choice. As Kitimat currently has a significant inventory of both vacant, rental and affordable housing, there is no requirement for municipal programs to increase the availability of housing in these categories in the next five years. Kitimat should monitor this over time and adopt policies should the need arise in the future for affordable, rental and special needs housing.</p> |

Council Initiative / Other Relevant Plans, cont'd

		4.3.10	Affordable & Special Needs Housing
			Encourage senior levels of government, other agencies including BC Housing, and private groups to increase the supply of affordable and special needs housing, giving consideration to options to renew vacant multi-unit housing
C.	Housing Action Plan	2	Acquire and renovate building(s) for Secondary Stage Housing (implementation assigned to TSW and BC Housing)
		TSW	Appendix B, page 9
			There is a need for second stage housing. Currently, a number of women and their children rotate between Prince Rupert and Terrace, as they are unable to find safe, suitable, affordable housing in Kitimat
			Second stage housing was identified as a gap in the housing market and is needed regardless of Kitimat's growth rate.


 Submitted by:
 Gwendolyn Sewell, MCIP, RPP
 Community Planning & Development


 Approved for Submission:
 Warren Waycheshen, Chief
 Administrative Officer

File: 7.5.3.140 Bylaw 1934, 461 Quatsino
7 February 2019

Item	Status	Recommendation
1	Public Hearing #1 Closed	No further action.
2	Public Hearing #2 8:30pm on 4 March at LUSO Hall, 159 Konigus Street	Per statutory requirements.
3	Public Hearing Notice Draft sent for Legal Review	Newspaper Notification per statutory requirements. Mail Notice and FAQ to parties within 90 metres of subject property and those registered to receive project updates
4	Public Handbook Updates Ongoing Clarification Subject Property of Zoning and OCP Amendment Application is: Lot 13 DL 6025 Range 5 Coast District Plan PRP 45571 PID 024-825-344 (461 Quatsino Blvd) land owned by DOK. Matter before Kitimat Council is appropriateness of Lot 13 for OCP designation of Neighbourhood, and zone providing for Mixed Use Commercial and Social Housing and other uses and regulations noted in Bylaw. Bonl Maddison on behalf of Tamitik Status of Women (TSW) has advanced a proposal for part of lot 13, based on a proposed subdivision plan. Pending steps for any building include Notice of Disposition--following determination of what land DOK may gift or sell, and terms of any land transfer--possible subdivision, and a Development Permit (for any multi-family building). Council has to-date approved a gift of land to TSW <u>in-principle</u> , and staff have been working with TSW and others to advance the various considerations necessary before a final decision is made by Council, following statutory notice on gifting the land.	A. THAT TSW and Bonl Maddison Architects be confirmed as having "agent authorization" for OCP and Zoning Amendment proposal (and other subdivision and development approvals) for land at 461 Quatsino Boulevard on behalf of DOK; B. THAT a statement be issued confirming that: i. Land at 461 Quatsino Boulevard is owned by DOK; ii. Council's previous Resolutions regarding land gift to Tamitik Status of Women (TSW) and support for TSW were, "in-principle", and understood as providing staff with instructions to negotiate terms and prepare documents for Council consideration; iii. Staff are directed to issue statutory notice under the <i>Community Charter</i> once potential gifting documents have been negotiated and drafted, and prior to Council's final determination on the disposition of property to TSW; and iv. Staff are advised the previous direction (B)(iii) is not necessary if Bylaw 1934 is defeated
5	Further Public Consultation Open House (2-Part Event) To be Held 11 February 2019 at LUSO Hall, 159 Konigus Street A. 3:30-7pm View Material, Q&A B. 7-8pm Facilitated Discussion (all welcome)	
6	Referral to School District No. 82 Coast Mountains per S. 476 of <i>BC Local Government Act</i> Letter of referral included in Board Agenda of 30 January 2019. SD No. 82 staff have confirmed response will be forthcoming	
7	Agency Referrals under S. 475 of <i>BC Local Government Act</i> Completed to satisfaction of Kitimat Council, Motion adopted 21 January 2019	
8	Adoption Procedures under S. 477 of <i>BC Local Government Act</i> Consider OCP Amendment in conjunction with (Five-Year) Financial Plan Included in report dated 7 February 2019 Consider OCP Amendment in conjunction with Waste Management Plan Included in report dated 7 February 2019	