



## DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: May 28, 2024

From: Ron Mattiussi, Interim CAO

Subject: **TUP 21-03.01; Temporary Use Permit Extension; Municipal ROW adjacent to 2515 Bartley Rd**

Report Prepared By: Melissa Hunt-Anderson, Community & Social Development Coordinator

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### **RECOMMENDATION** to Consider and Resolve:

**THAT** Council authorize a 3-year extension of a Temporary Use Permit commencing July 13, 2024, to July 13, 2027 for the purpose of operating a temporary shelter and associated supportive services subject to the conditions outlined in the attached permit.

### **STRATEGIC AREA(S) OF FOCUS**

**Strengthen Our Community** – We will provide opportunities for the residents of West Kelowna to build connections, celebrate successes, embrace the community's strengths and diversity, address shared needs, and contribute to shaping the community's future.

**Foster Safety and Well-Being** – We will pursue through direct action, advocacy, and collaboration with local and regional service providers, investments in community health, needs-based housing, emergency preparedness, policing, and other services that foster safety and well-being in West Kelowna.

### **BACKGROUND**

This application proposes an extension to the existing Temporary Use Permit (TUP) to continue allow the placement of a modular shelter within Municipal Right of Way (ROW) and a portion of the adjacent property (2515 Bartley Road) which is the City's Public Works Yard (the 'shelter site area'). The lands are zoned I4 – Gravel Extraction Zone and I5 Gravel Extraction with Asphalt Zone. The current use of Temporary Shelter and Supportive Services is not a permitted use in either zone.

## PROPERTY DETAILS

|                                  |  |                        |               |
|----------------------------------|--|------------------------|---------------|
| <b>Address</b>                   | Municipal ROW adjacent to 2515 Bartley Road                            |                        |               |
| <b>PID</b>                       | n/a  |                        |               |
| <b>Folio</b>                     | n/a  |                        |               |
| <b>Lot Size</b>                  |  |                        |               |
| <b>Owner</b>                     | City of West Kelowna   | <b>Agent</b>           | BC Housing    |
| <b>Current Zoning</b>            | I4 – Gravel Extraction Zone and I5 Gravel Extraction with Asphalt Zone | <b>Proposed Zoning</b> |               |
| <b>Current OCP</b>               | INST - Institutional   | <b>Proposed OCP</b>    | n/a           |
| <b>Current Use</b>               | Road/Public Works Yard   | <b>Proposed Use</b>    | Temp. Shelter |
| <b>Development Permit Areas</b>  | None   |                        |               |
| <b>Hazards</b>                   | None   |                        |               |
| <b>Agricultural Land Reserve</b> | No   |                        |               |

## ADJACENT ZONING & LAND USES

|              |   |   |
|--------------|---|---|
| <b>North</b> | ^ | I4 - Gravel Extraction Zone<br>I5 - Gravel Extraction with Asphalt Zone |
| <b>East</b>  | > | I4 - Gravel Extraction Zone<br>A1 - Agricultural Zone                   |
| <b>West</b>  | < | RU4 - Rural Residential Large Parcel Zone                               |
| <b>South</b> | v | A1 - Agricultural Zone  |

## NEIGHBOURHOOD MAP



## PROPERTY MAP



### Legislative Requirements

#### Local Government Act

Section 493 of the *Local Government Act* gives Council the authority to issue a TUP to allow a use that is not permitted in the applicable zoning regulations. A TUP may allow a use on a property for up to three (3) years and may specify conditions under which the use may be carried out. A TUP may be extended once for a period of up to three (3) years at the discretion of Council.

#### Community Charter

##### *Notice of Intent to Provide Assistance*

In accordance with Sections 24, and 94 of the *Community Charter*, the City of West Kelowna provided mail out notice of its intention to enter into a License of Occupation for a ~600m<sup>2</sup> portion of Bartley Road Right-of-Way and 2515 Bartley Road commencing on July 13, 2024 and terminating on July 13, 2027 for the purpose of operating temporary shelter and supportive services at no cost. In accordance with Section 24 of the *Community Charter*, the City gives notice that it will be providing assistance to BC Housing by allowing the area to be used at no cost, which is less than its' market value.

### DISCUSSION

#### Temporary Use Permit Extension Proposal for Site Operations

The Temporary Use Permit (TUP) Extension will allow a Temporary Shelter and associated supportive services within the modular shelter facilities to remain on the City-owned 2515 Bartely Rd. and Road Right of Way (ROW) for another three-year period or until a permanent shelter location is found. The Temporary Shelter's operations will

remain unchanged and continue to be funded by BC Housing and operated by Turning Points Collaborative Society (Turning Points).

The shelter program will continue to support community members experiencing homelessness with a private room and frequent wellness checks, and as well, the site continues to have laundry, storage, and communal/ shared common spaces. The onsite kitchen continues to provide meals three times per day, as well as meeting and amenity spaces where guests privately meet with case workers, social service providers (i.e. mental health and addiction supports, Interior Health staff and community housing partners).

For the past eight months, BC Housing has been working with the City of West Kelowna to find a suitable, permanent location for the shelter to support the homeless population in West Kelowna/Westside community. Unfortunately to date, a suitable permanent location for the Shelter has not been found.

#### Addressing Initial Site Concerns:

With the initial selection of the Bartley Rd. site, the following concerns were identified:

- Safety and Security
- Transportation and proximity to bus stop
- Outdoor amenity space
- Investigating a permanent solution elsewhere
- Dust mitigation

As a result, the Temporary Use Permit included the following conditions of the permit included that BC Housing work with City of West Kelowna to:

- a) Address security needs in the neighbourhood and work with neighbouring business operators.
- b) Find permanent housing solutions; and
- c) Investigate and apply mitigation measures that limit the impact of the adjacent city-owned gravel operations.

Since the original TUP 21-03 adoption, the following actions have been taken to address Council's concerns, permit conditions and housing challenges in the community:

#### *Addressing Safety and Security Concerns*

To address safety and security the Community Advisory Committee (CAC) with representatives from Turning Points, BC Housing, community organizations and community members was created to provide the project team and a broad cross-section of the community with a mechanism to:

- Build and maintain positive relationships amongst the community, the building operators and the program partners
- Facilitate information sharing and dialogue
- Identify and resolve any opportunities and concerns related to the building

Fencing was built around the property to increase safety and security, and limit impacts to adjacent city-owned lands. Security guards were originally hired to monitor the front

gate. Currently, security monitoring is via security cameras, which are monitored by a peer worker employed by Turning Points. As well, to improve vehicle and pedestrian safety, the City built a roundabout at the intersection of Shannon Lake Road, Bartley Road and Stevens Road.

#### *Addressing the Need for a Permanent Location*

Currently, City staff and BC Housing representatives have bi-monthly meetings to discuss the alternative sites for the permanent shelter location.

#### *Addressing Impacts of Gravel Operations*

Turning Points provided an impact report for the shelter since its establishment in 2021 and notes that there have not been any concerns regarding the silica or asphalt dust (see Attachment 1).

#### *Shelter Resident Engagement*

Shelter residents who are former or current guests of the Bartley Rd. Temporary Shelter have been engaged in a survey about the location of the shelter. Of the 21 participants who responded to the survey, 76% of participants rated the location as a 4.5 out of a 5-point rating scale. Their qualitative comments were also positive and indicated that the residents of the shelter felt safe, secure and appreciated the location and proximity of the Shelter to transit. This information will be used to guide future discussions regarding a permanent shelter location.

### History

#### *Homelessness in West Kelowna*

The City of West Kelowna is invested in pursuing through direct action, advocacy and collaboration with local and regional service providers investments in needs-based housing that will foster safety and well-being in the community. In 2018, the Westside Point-in-Time Count (PiT) Report identified 72 people experiencing homelessness in West Kelowna.

The City Conducted a Unique Identifier Count (UIC) in 2021. This project aimed not solely to identify the scope of homelessness and housing instability on the Westside, but also to better understand the support services potentially required to address these issues. This project also tracked the progress that has taken place in reducing and preventing homelessness since the 2018 Westside PiT Count Report. The UIC Report indicated that there were 198 individuals experiencing housing instability and 62 individuals experiencing homelessness. This number correlates to the weekly, unofficial PiT Count that the City's Bylaw Community Support Officer (CSO) reports which is currently at 60-65 unhoused individuals in West Kelowna.



## *West Kelowna's Shelter History*

From 2018 to 2020, West Kelowna's shelter program operated from leased space within the United Church at 3672 Brown Road in Westbank Centre. This shelter space was funded by BC Housing and operated by Turning Points Collaborative Society and houses up to 38 guests.

In the summer of 2020, 3672 Brown Road was listed for sale providing uncertainty for the future of the shelter operations. During that time, BC Housing and the City of West Kelowna worked closely together to identify a new site to provide temporary shelter services for residents experiencing homelessness. A suitable permanent site has still not yet been located or secured, however during this time, a temporary site was identified to provide necessary shelter services for the community: 2515 Bartley Rd.

Since the identification of the shelter site area in early 2021, BC Housing, the City and community partners worked to develop a proposal for installing a modular shelter. In May of 2021, BC Housing received confirmation that 3672 Brown Road had sold, and a notice to vacate was provided. By August 1, 2023, the shelter operations were required to cease, and the property was vacated.

As an interim solution to provide an alternative, temporary shelter option for the displaced residences, BC Housing leased 2545 Churchill Rd. This duplex was zoned to allow for temporary emergency shelter, and the facility sufficiently housed 15-20 people safely. As well, the building provided washrooms and showers, onsite laundry, three meals a day (prepared offsite), and provided harm reduction and overdose prevention services.

At the July 13, 2021, Regular Council Meeting, Council authorized the issuance of a Temporary Use Permit (TUP), and to enter a License of Occupation for a ~600m<sup>2</sup> portion of Bartley Road Right of Way and 2515 Bartley Road for the purpose of operating a temporary shelter and associated supportive services subject to the conditions outlined in the permit. By late Oct./Nov. 2021, relocation of the interim housing guests at the Churchill Rd. duplex began.

Since the fall of 2021, the [2515 Bartley Rd. Temporary Shelter](#) and associated supportive services have been funded by BC Housing and operated by [Turning Points Collaborative Society \(Turning Points\)](#). The modular facility was relocated onto the Bartley Road shelter site area and supports 40 shelter residential units providing shelter for up to 40 residents experiencing homelessness, as well as a recreation space, a laundry room, and storage spaces for residents. This site also has a kitchen to provide meals three times per day, as well as meeting and amenity spaces where guests could privately meet with case workers, Interior Health staff and community housing partners. (see Attachment 1) According to BC Housing and the Shelter operator, Turning Points, it is anticipated the TUP permit will be required for another three-year period, or until a permanent location is found. As temporary shelter is modular, the buildings can be removed, and the site returned to its previous condition.

BC Housing also funded a temporary emergency housing response to COVID-19, the Rapid Rehousing Program, at the Super 8 Motel in West Kelowna, also operated by Turning Points. This program had space for 40 individuals, and program was consistently at full capacity, supporting rapidly rehousing community members who found themselves recently unhoused. The program's funding ended on March 31, 2024, and the remaining guests in the program were provided with housing in either Turning Points' Scattered Sites housing program or the newly Trailside modular shelter project in Kelowna.

### Rationale, Community Need & Program Success

This temporary shelter has been operating successfully for the past three years, West Kelowna RCMP, City West Kelowna Bylaw and Westbank First Nation Law Enforcement note the Shelter has been a positive partner in the community, making positive contributions to the Shelter residents. A Community Advisory Committee (CAC) was formed shortly after the Shelter opened to support any community and neighbouring businesses concerns about the Shelter and residences of the Shelter. After a year and a half of Shelter operations, the CAC decided to meet on an as-needed basis, as no issues or concerns were arising to support a consistent meeting schedule.

The need for temporary and permanent social housing in West Kelowna remains high and will continue to increase with continued growth in West Kelowna and across the Westside. As of May 2024, the City's Bylaw Community Support Officer (CSO), reports over 60 individuals experiencing homelessness in the community. The Bartley Road Temporary Shelter will continue provide a safe and secure residence for 40 people experiencing homelessness in West Kelowna. Without other funded shelter options for these West Kelowna residents, these individuals will have to seek shelter outdoors and go without seeing their daily supports and care team members.

Since 2021, the Shelter has supported 305 unique individuals with a warm, dry and safe place to live. As well, in the past three years, the Shelter provider has supported 39 clients find permanent housing. Through its Bartley Road Temporary Shelter Program, Turning Points has referred 45 clients to treatment, detox or transitional housing programs, with the remaining number of clients either continuing to be supported, having left community, or are being supported at other shelters in the Kelowna or wider Okanagan community. (Attachment 1)

### Internal Referral Responses

*West Kelowna Bylaw Services:* No concerns

*Development Engineering:* No concerns for servicing, all servicing requirements have been addressed in previous permits and applications. If any changes to the services are to be made, please inform Development Engineering for review.

*Public Works:* Ensure that Public Works Department is engaged appropriately when the de-commissioning of the facility occurs, and that, (with the pending build-out of the Operations Center) ensure that the applicant is not using anymore footprint then what is included in the referral.

*Building Department:* No comments

*RCMP:* Have not observed any negative issues; found them to be a positive partner in community and made positive contributions to wellbeing of those experiencing homelessness. Recommend Shelter staff to seek out Sgt. Woodcox's opinion on occasion for suitability of potential clients as he's very familiar with the unhoused population.

Public Notification:

The newspaper notifications were used to meet the requirements for the Temporary Use Permit under the *Local Government Act* as well as the *Community Charter* Notification for the License of Occupation.

### FINANCIAL IMPLICATIONS

BC Housing will continue to fund the project and the shelter will continue to be operated by Turning Points Collaborative Society. It is not anticipated that the City will be required to fund any aspects of the Bartley Road Temporary Shelter project.

### COUNCIL REPORT / RESOLUTION HISTORY

| Date          | Report Topic / Resolution   | Resolution No. |
|---------------|---|----------------|
| July 13, 2021 | <b>THAT</b> Council authorize the issuance of a Temporary Use Permit and to enter into a License of Occupation for a ~600m <sup>2</sup> portion of Bartley Road Right of Way and 2515 Bartley Road for the purpose of operating a temporary shelter and associated supportive services subject to the conditions outlined in the attached permit. | C230/21        |

### CONCLUSION

The extension of the Temporary Use Permit for the Bartley Road Shelter program is a temporary solution to a broader issue of housing instability and unaffordability that the City, the Central Okanagan and Province of BC is facing. Our West Kelowna residents who are experiencing homelessness and housing instability have an immediate and identified need for housing in our community, and the Bartley Road Temporary Shelter and wrap around support services is providing these community members with a housing and overnight shelter solution. The City has taken steps to advance our position of meeting the needs of all our residents in recent years, and we will continue to work with our community partners, BC Housing, and Westbank First Nation to find long-term solutions.



**Alternate Recommendation** to Consider and Resolve:

**THAT** Council postpone consideration for the Extension of Temporary Use Permit (TUP 21-03.01) application at 2515 Bartley Road.

Should Council postpone consideration of the temporary use permit application, direction to staff is required.

**REVIEWED BY**

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

**APPROVED FOR THE AGENDA BY**

Warren Everton, Acting CAO

PowerPoint: Yes  No

**Attachments:**

Attachment 1 – Turning Points Bartely Shelter Report