



Corporate NO: R033

Report COUNCIL DATE: February 21, 2000

REGULAR COUNCIL

TO: Mayor & Council **DATE: February 10, 2000**

FROM: General Manager, Planning & Development **FILE: 7997-0242-00**

SUBJECT: Proposed Housing Agreement for Seniors' Housing Project 8987, 9055 & 9069 - 160 Street Elim Housing Society

RECOMMENDATION

The Planning & Development Department recommends that Council:

1. Approve the revised western building elevations as illustrated in Appendix II for inclusion in the related Development Permit;
2. Approve the proposed "Housing Agreement" as described in this Report and attached as Appendix IV; and
3. Instruct the City Clerk to introduce the necessary Housing Agreement By-law.

INTENT

The purpose of this Report is to provide an update on the status of the proposed seniors' housing development in Fleetwood by the Elim Housing Society, describe the terms and conditions of the proposed Housing Agreement and initiate the necessary by-law process.

BACKGROUND

On June 21, 1999, the by-laws to amend the Official Community Plan designation for three properties at 8987, 9055 and 9069 - 160 Street in Fleetwood from Urban to Multiple Residential and to rezone these properties from "One Acre Residential Zone (RA)" to "Comprehensive Development Zone (CD)" to allow development of a senior citizens' retirement housing and care facility project received third reading. Prior to Final Adoption, staff have been instructed to resolve a number of issues with the applicant including reviewing the western

edge of the development with representatives of the Fleetwood community and finalizing a Housing Agreement to ensure the project is occupied by senior citizens.

DISCUSSION

Resolution of Design

As a condition of final approval, Council directed the applicant to meet with the community and the Fleetwood Community Association to resolve the issues pertaining to the west interface (Resolution No. R99 - 1622).

The applicant has met with the Fleetwood Community Association and concerned residents to discuss the western interface of their project. Several changes have been made to the project design as a result of these discussions, including reducing the roof height of the three-storey building fronting 158 Street, setting the building further back from the west property line, enhancing the landscaping along the 158 Street frontage and reducing the prominence of the 158 Street building entrance by lowering the height of the roof over the entrance. Details of these changes as shown in Appendix II, require Council's approval in principle to enable incorporation of these changes in the Development Permit drawings which will then be forwarded to Council for final approval in conjunction with the OCP Amendment and Rezoning By-laws.

The Fleetwood Community Association has indicated that they are satisfied with the changes to the west interface and now support the proposed development (Appendix III). The applicant has committed to hold further meetings with the local community during the construction of the project.

Proposed Housing Agreement

One of the conditions for final approval is to enter into a "Housing Agreement" between the applicant and the City to ensure that the development will be occupied only by senior citizens. Section 905 of the *Municipal Act* permits a municipality, by by-law, to enter into a Housing Agreement with an owner in the form of a Restrictive Covenant, which sets forth the terms and conditions, including the availability of the housing units to certain classes of persons, such as senior citizens. A Public Hearing is not necessary prior to Final Adoption of a Housing Agreement By-law.

The proposed Housing Agreement will restrict, in perpetuity, the occupancy of the housing units in the proposed development to persons who are:

- 60 years of age and older; or
- certified by a qualified medical practitioner or Court to be in need of special care as a result of the onset of premature geriatric conditions; or
- spouses or care-givers of qualified occupants; or
- employees (and their families) who manage the housing units.

Enforcement of the above occupancy conditions rests with the owner/operator of the project. However, in order to ensure that the occupancy conditions are complied with, the applicant has agreed in the "Housing Agreement" that if any housing unit is occupied by persons other than as specified above, the owner of the project will pay to the City, upon request, a penalty equal to the average monthly fair market rental rate for equivalent dwelling units in the City.

The Housing Agreement has been reviewed by the Assistant City Solicitor and found satisfactory.

In order to implement the proposed Housing Agreement it is first necessary for Council to approve The Housing Agreement and instruct the City Clerk to introduce the Housing Agreement By-law (Appendix IV). Once this By-law is approved, it will be registered on the titles of the subject properties in the form of a Restrictive Covenant.

CONCLUSION

The western interface of the proposed development has been modified in consultation with the community, in accordance with Council's directive.

A Housing Agreement has been developed by the applicant and City staff, as directed by Council, that will restrict the occupancy of the housing units of Development Application No. 7997-0242-00 (Elim) to persons who are 60 years of age and older, those who are in need of special care due to the onset of premature geriatric conditions, their spouses and care-givers, and employees (and their families) necessary for the management of the housing units.

It is, therefore, recommended that Council approve in principle, the revised building elevations. It is further recommended that Council approve the proposed "Housing Agreement" and instruct the City Clerk to introduce the necessary by-law.

Murray D. Dinwoodie

General Manager

Planning & Development Department

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Appendices

I Map of Subject Site

II Site Plan, Previous and Revised West Elevations

III Letter from Fleetwood Community Association, January 18, 2000

IV Proposed Housing Agreement By-law

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