



To: Planning Committee **Date:** February 17, 2014
From: Cathryn Volkering Carlile **File:** 08-4057-01/2014
 General Manager, Community Services
Re: **Final Endorsement of the British Columbia Provincial Rental Housing Corporation's Alternative Legal Mechanism to Secure Additional Affordable Housing in the Remy Development, through Termination of Housing Agreement (9340 - 9400 Cambie Road) Bylaw No. 9059**

Staff Recommendation

That the Termination of Housing Agreement (9340-9400 Cambie Road) Bylaw No. 9059, to authorize the termination, release and discharge of Housing Agreement (9340-9400 Cambie Road) Bylaw No. 8406, be introduced and given first reading.

Cathryn Volkering Carlile
General Manager, Community Services
(604-276-4068)

Att. 1

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law Development Applications	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

The development project known as Remy at 9340-9400 Cambie Road was developed by Oris Development (Cambie) Corp. under a rezoning application (Rezoning 07-366342 and associated Bylaw No. 8395) that received adoption on November 26, 2008. In accordance with the Richmond Affordable Housing Strategy, 26 affordable housing units were secured at the Remy through the Housing Agreement (9340-9400 Cambie Road) Bylaw No. 8406, which was approved by Council on February 8, 2010.

Prior to the adoption of Housing Agreement (9340-9400 Cambie Road) Bylaw No. 8406, and independent of the City's requirements, Oris Development (Cambie) Corp. had been in discussions with BC Housing Management Commission (BCHMC) and SUCCESS regarding the purchase and operation of affordable housing units in the development. Those discussions concluded after the Housing Agreement (9340-9400 Cambie Road) Bylaw No. 8406 was adopted. They resulted in the provision of 81 affordable housing units at Remy through the Seniors Rental Housing Initiative, including:

- thirty-three units of affordable rental housing for low-income seniors and persons with disabilities that were to be purchased by British Columbia Provincial Rental Housing Corporation (PRHC) and operated by SUCCESS, under the Seniors Rental Housing Initiative (these units represent a reconfigured arrangement of the 26 units secured through the Housing Agreement); and
- forty-eight units for low and moderate income seniors, persons with disabilities, and families facing affordability challenges, that were to be owned and operated by SUCCESS, and financed through BCHMC, but not affiliated with a Provincial housing program (these units are independent of the City's Housing Agreement process or negotiations).

As a result, BCHMC requested that the City consider the use of an alternate legal mechanism to secure the affordable housing units in the Remy Development. BCHMC proposed that the City rely instead on the provisions of the Operator's Agreement executed by the BCHMC on behalf of the PRHC to secure the affordable housing units to be owned by PRHC.

In response, City staff brought forward a report, dated July 7, 2010, recommending that a process be initiated to do as BCHMC requested, because:

- 1) the proposed 33 units secured and to be owned by the PRHC align with the objectives of the Affordable Housing Strategy;
- 2) the BCHMC's Operator's Agreement is comparable in purpose and function to the City's Housing Agreement; and
- 3) the PRHC's mandate is to develop land and buildings for the provision of affordable housing, and therefore the commitment to maintain the units as affordable would be upheld.

Council approved staff's recommendation and process on July 26, 2010.

The initial step of the approved process involved Council's consideration of a zoning text amendment for the subject property to remove the requirement for a housing agreement with the City provided that 33 units were transferred to the PRHC (in addition to one other requirement). City Staff subsequently received confirmation that PRHC assumed ownership of these units. The zoning text amendment (Richmond Zoning Bylaw 8500, Amendment Bylaw 8664 (ZT 10-542950) 9388 Cambie Road) was adopted January 27th, 2014.

The purpose of this report is to complete the approval process by responding to its last requirement, that City staff bring forward a report to seek Council's adoption of a bylaw to authorize the termination, release and discharge of the Housing Agreement entered into pursuant to Housing Agreement (9340-9400 Cambie Road) Bylaw No. 8406, from the titles to the lands in the Remy development (which have been subdivided since the development was originally constructed).

This report supports the following Council term goal:

Development of a clearer definition of affordable housing priorities and subsequent utilization of affordable housing funding.

Analysis

The required 33 units were transferred to PRHC and the other pre-conditions to adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 8664 (ZT 10-542950) 9388 Cambie Road were satisfied.

With the adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 8664 (ZT 10-542950) 9388 Cambie Road, all requirements have been met in the Council-approved process for terminating, releasing and discharging the Housing Agreement from the titles to the lands in the Remy development. The notice of the Housing Agreement will be removed from the titles to the lands and the related Housing Covenant will be discharged from the titles to the lands.

Financial Impact

There is no financial impact for the City.

Conclusion

A key consideration in Council's decision to grant BCHMC's request for an alternative legal mechanism to secure the affordable housing units at the Remy development was the unique circumstances of the development, the most important of which was the provision of 81, rather than 26, units of affordable housing. The decision should not be viewed as setting a precedent. If similar requests are made in the future, they would need to be assessed on a case-by-case basis, evaluated on their own merits and in accordance with Affordable Housing Strategy objectives current at the time of the application.

Staff recommend that the Termination of Housing Agreement (9340-9400 Cambie Road) Bylaw 9059 be introduced and given first reading to authorize the termination, release and discharge of the Housing Agreement entered into pursuant to Housing Agreement (9340-9400 Cambie Road) Bylaw No. 8406.



Dena Kae Beno
Affordable Housing Coordinator
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DKB:jdb

Att. 1 – Termination of Housing Agreement (9340-9400 Cambie Road) Bylaw 9059



City of
Richmond

Bylaw No. 9059

**Termination of Housing Agreement (9340 - 9400 Cambie Road)
Bylaw No. 9059**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. The Mayor and City Clerk for the City of Richmond are authorized:
 - a) to execute agreements to terminate the housing agreement referred to in Housing Agreement (9340 - 9400 Cambie Road) Bylaw No. 8406 (the "Housing Agreement");
 - b) to cause Notices and other charges registered at the Land Title Office in respect to the Housing Agreement to be discharged from title; and
 - c) to execute such other documentation required to effect the termination of the Housing Agreement.

2. This Bylaw may be cited as **"Termination of Housing Agreement (9340 - 9400 Cambie Road) Bylaw No. 9059"**.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

ADOPTED

CITY OF RICHMOND
APPROVED by
<i>[Signature]</i>
APPROVED by Director or Solicitor
<i>[Signature]</i>

MAYOR

CORPORATE OFFICER