



REPORT OF COUNCIL-IN-COMMITTEE

For City Council – September 26, 2022

From: Office of the City Clerk

Date: Tuesday, September 13, 2022

Title: Consent to Application for Temporary Use Variance - SCAC

Description:

Council-in-Committee, at its session held on September 12, 2022 considered an administrative report from the Manager of Real Estate which requested Council consider whether it should consent to any forthcoming application from Fredericton Homeless Shelter Inc. (FHSI) to the Planning Advisory Committee and Council for an additional temporary use variance and zoning amendment for a portion of the municipal property located at 63 Brunswick Street, the Small Craft Aquatic Centre (SCAC), for the sole purpose of permitting the operation of an Out of the Cold (OTC) shelter on the site in 2022/2023. The temporary shelter will be on the second floor of the building, accessed by its own stairwell and entrance.

Last winter a temporary use variance was granted so that FHSI could operate an OTC shelter at the SCAC to help protect those experiencing homelessness in Fredericton during the coldest months of the year. While there was a rush to get the OTC positioned to operate last winter, once established the OTC operated largely without issue from a Staff perspective. Aside from normal wear and tear, the facility operated smoothly and as expected from a City Staff perspective.

It operated between early January and mid-April 2022, following which the building was quickly returned to its regular usage for the spring season. Staff understand from the operator of the site, FHSI, that the OTC was well utilized by those experiencing homeless and for the entire period of operation was occupied at approximately 64% of total capacity, thus demonstrating a demand for these services. In operating the OTC in Year 1, FHSI also demonstrated their ability to operate this type of low barrier emergency shelter.

For those reasons and following recent conversations with Warren Maddox, it is therefore anticipated that FHSI will once again apply for a temporary use variance to operate an OTC at the SCAC for winter 2022/2023. Responsibility for funding the operations remains with the community, Social Development and/or the Federal government and has yet to be confirmed, however, to avoid another scramble to get approvals in place, Staff felt it was appropriate to be proactive with matter and are therefore bringing it to council for direction.

As with last year's application (for a variance), the property is zoned Environment and Open Space Zone (EOS), and the proposed use is not consistent with that designation. Staff from Planning have indicated that for an additional temporary use variance to be considered, an application to amend the zoning by-law is required to be submitted concurrently, to satisfy section 53.2.i of the Community Planning Act. The Community Planning Act permits consideration of a second temporary use, only where an application has been made to amend the zoning by-law and would not permit consideration of any additional temporary use variance for the use at this location.

Should it be required, City Staff shall review and update last year's lease, which will be presented to City Council for approval at future meeting if the FHSI application is successful at the PAC/City Council level.

The Committee directed that the following resolution be forwarded to City Council for consideration:

BE IT RESOLVED THAT Council of the City of Fredericton, as property owner, hereby provides consent to any 2022 Development Application made by Warren Maddox, Executive Director of Fredericton Homeless Shelters Inc., for the sole purpose of operating a seasonal "out of the cold shelter" at the City-owned property and building located at 63 Brunswick Street (SNB PID 75025445).