



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
1229 Esquimalt Road  
Esquimalt, B.C. V9A 3P1

## Legislation Details (With Text)

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**On agenda:** 7/12/2021      **Final action:**

**Title:** Housing Agreement Bylaw Amendment and Covenant Modification – 669 Constance Avenue, Staff Report No. DEV-21-055

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Appendix A - Housing Agreement Bylaw, 2021, No. 3032, 2. Appendix B - S.219 Covenant, 3. Appendix C - Applicant's Presentation

Date	Ver.	Action By	Action	Result
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## REQUEST FOR DECISION

**DATE:** June 29, 2021      Report No. DEV-21-055

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Alex Tang, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Housing Agreement Bylaw Amendment and Covenant Modification - 669 Constance Avenue

**RECOMMENDATION:**

1. That Council resolves that Housing Agreement Bylaw, 2018, No. 2937, Amendment Bylaw [No. 1], 2021, No. 3032, for 669 Constance Avenue, attached to Staff Report No. DEV-21-055 as Appendix A, be given third reading and adoption; and,
2. That Council approves the amendments to Section 219 Covenant CA6919940, attached as Appendix B to Staff Report No. DEV-21-055, and authorizes the Mayor and Chief Administrative Officer to execute the necessary documents and the Corporate Officer to register a Notice of the Housing Agreement and Covenant Modifications document on the title of Lot 1 Suburban Lots 43 and 44 Esquimalt District Plan EPP76107.

**RELEVANT POLICY:**

Official Community Plan Bylaw, 2018, No. 2922  
 Local Government Act  
 Housing Agreement Bylaw, 2018, No. 2937

## **STRATEGIC RELEVANCE:**

Healthy, Livable and Diverse Community: Support community growth, housing and development consistent with our Official Community Plan

## **BACKGROUND:**

Appendix A: Housing Agreement Bylaw, 2021, No. 3032

Appendix B: S.219 Covenant

Appendix C: Applicant's Presentation

## **PURPOSE:**

The owners of the subject property have revised their proposed development. The proposed development conforms to Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2018, No. 2915, as adopted by Council on July 16, 2018. However, as the amendment to the Zoning Bylaw was adopted in connection with conditions within a Section 219 Covenant, a public hearing is required to modify this covenant.

The proposed development has 83 residential units, which is the same number of units in the previously proposed development; however, this building is now a 6-storey purpose built rental building. The proposed building is no longer prefabricated nor a passive house; instead, it will be constructed to BC Energy Step Code 4. The applicant has proposed 6 affordable housing units in addition to the 10 special needs housing units.

This necessitates an amendment to the Housing Agreement Bylaw, 2018, No. 2937 that Council adopted on July 16, 2018. The property owners and the Township wish to enter into a Housing Agreement that would include the same provisions as detailed in Housing Agreement Bylaw, 2018, No. 2937 but with an additional 6 units of affordable housing. The schedules would also be updated to reflect the amended floor plans.

To summarize, the Section 219 Covenant and Housing Agreement would be modified as follows:

- Amend the name from 'Corvette Landing' to 'Constance House'
- Modify the height from 12 storeys to 6 storeys
- Modify the proposed development from stratified to purpose built rentals
- Remove references to prefabrication
- Remove references to mass-timber construction
- Removal of Passive House Certification and bond
- Additional requirement of BC Energy Step Code 4
- Provision of additional affordable housing component, consisting of 6 affordable units
- Modify planting location of trees along Constance Avenue
- Remove requirement of an upgrade of the existing fence on the western side of Constance Avenue as the Chief Base of Staff at CFB Esquimalt has written that a removal or upgrade of the fence would be a violation of DND security policy.

A new development permit application for the revised building design will be presented to Council at a future date.

## **ISSUES:**

1. Rationale for Selected Option

Registration of the Housing Agreement and S.219 Covenant would ensure that a minimum of 6 units would be rented as affordable units and a minimum of 10 units would be rented as special needs units.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

This Request for Decision has no financial implications.

4. Sustainability & Environmental Implications

This Request for Decision has no sustainability or environmental implications.

5. Communication & Engagement

Notices were mailed to tenants and owners of properties within 100m (328ft) of the subject property. Moreover, signage with the date, time, and location of the public hearing was installed on the subject property indicating that the property is under consideration for an amendment to the registered S. 219 Covenant. The Local Government Act does not require that notification be provided when a municipality is considering approval of a Housing Agreement Bylaw.

**ALTERNATIVES:**

1. That Council:

(1) resolves that Housing Agreement Bylaw, 2018, No. 2937, Amendment Bylaw [No.1], 2021, No. 3032 for 669 Constance Avenue be given third reading and adoption; and,

(2) approves the proposed amendments to Section 219 Covenant CA6919940, attached as Appendix B of Staff Report No. DEV-21-055 and authorizes the Mayor and Chief Administrative Officer to execute the necessary documents and the Corporate Officer to register a Notice of the Housing Agreement and Covenant Modifications document on the title of Lot 1 Suburban Lots 43 and 44 Esquimalt District Plan EPP76107.

2. That Council request additional information from staff before deciding.

3. That Council defeat Housing Agreement Bylaw, 2021, No. 3032 and pass a resolution not to support the proposed modifications to Section 219 Covenant CA6919940.