



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
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## Legislation Details (With Text)

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**Title:** Housing Agreement Bylaw Amendment and Covenant Modification - 669 Constance Ave, Staff Report No. DEV-21-050

**Sponsors:**

**Indexes:**

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**Attachments:** 1. Appendix A - Housing Agreement Bylaw, 2021, No. 3032, 2. Appendix B - S.219 Covenant

Date	Ver.	Action By	Action	Result
6/28/2021	1	Council	approved	Pass

## REQUEST FOR DECISION

**DATE:** June 21, 2021

Report No. DEV-21-050

**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-21-050 as Appendix A, be given first and second reading; and,

2. That Council authorizes the Corporate Officer to schedule a Public Hearing for the proposed amendments to Section 219 Covenant CA6919940, attached as Appendix B of Staff Report No. DEV-21-050, mail notices and advertise for same in the local newspaper.

**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 (OCP)

## **BACKGROUND:**

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

Appendix B: S.219 Covenant

## **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
- Removed references to prefabrication
- Removed 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
- Modified planting location of trees along Constance Avenue
- Removed 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

Should Council authorize a Public Hearing, notices would be 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 would be 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 resolves that Housing Agreement Bylaw, 2018, No. 2937, Amendment Bylaw [No. 1], 2021, No. 3032, for 669 Constance Avenue be given first and second reading as attached to Staff Report No. DEV-21-050 as Appendix A; and authorizes the Corporate Officer to schedule a Public Hearing for the proposed amendments to Section 219 Covenant CA6919940, attached as Appendix B of Staff Report No. DEV-21-050, mail notices and advertise for same in the local newspaper.

2. Council postpones consideration of Amendment Bylaw No. 3023 pending receipt of additional information.

3. Council defeats Amendment Bylaw No. 3023.