



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Details (With Text)

<b>File #:</b>	19-371	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Staff Report	<b>Status:</b>		Passed	
<b>File created:</b>	7/23/2019	<b>In control:</b>		Council	
<b>On agenda:</b>	8/19/2019	<b>Final action:</b>		8/19/2019	
<b>Title:</b>	Housing Agreement Bylaw - 638 and 640 Constance Avenue & 637 Nelson Street, Staff Report DEV-19-074				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Appendix A - Housing Agreement Bylaw No. 2954				

Date	Ver.	Action By	Action	Result
8/19/2019	1	Council	approved	Pass

## REQUEST FOR DECISION

**DATE:** July 23, 2019

Report No. DEV-19-074

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

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

### **SUBJECT:**

Housing Agreement Bylaw - 638 Constance Avenue, 640 Constance Avenue and 637 Nelson Street

### **RECOMMENDATION:**

That Council resolves that Housing Agreement Bylaw, 2019, No. 2954, attached to Staff Report DEV-19-074 as Appendix A, be adopted.

### **RELEVANT POLICY:**

Zoning Bylaw, 1992, No. 2050  
Local Government Act

### **STRATEGIC RELEVANCE:**

This Request for Decision does not directly relate to a specific strategic objective.

### **BACKGROUND:**

Appendix A: Housing Agreement Bylaw, 2019, No. 2954

### **Purpose of the Application**

The applicant is requesting a change in zoning from the current RM-1 [Multiple Family Residential]

zone to Comprehensive Development District No.110. This change is required to accommodate the proposed 6 storey, 71 unit, purpose-built rental, multiple family residential building including a 61 space parking garage.

The property owner and the Township wish to enter into a Housing Agreement that would include the following provisions:

- Other than restricting short-term rentals of less than 30 days, all of the dwelling units are available as rental housing rented under the terms of a residential tenancy agreement that complies with the provisions of the Residential Tenancy Act.
- As the proposed development is a purpose-built rental, the owner cannot stratify the building to ensure that the units remain as rental units.
- For a duration of 20 years, a minimum of 7 affordable dwelling units will be provided consisting of:
  - 3 Bachelor (Studio) units,
  - 2 One-bedroom units, and
  - 2 Two-bedroom units.
- Affordable dwelling units must have an occupancy standard of at least one person per bedroom, and at least one person per bachelor unit.
- Affordable dwelling units must be occupied by households with a gross annual income at or below the BC Housing Income Limits for the Victoria region.
- Affordable rent is defined as no more than 30% of the gross household annual income.
- Rental of a residential dwelling unit contains a parking space with the exception of:
  - Affordable dwelling units
  - Bachelor dwelling units

Should this Housing Agreement Bylaw be adopted, Township representatives will execute the document and register a Notice of the Housing Agreement on the title of the subject property.

#### **Amendment to the Housing Agreement since First Reading**

Housing Agreement Bylaw, 2019, No. 2954 was given First Reading by Council on February 4, 2019. Since First Reading, the Housing Agreement has been amended to be operative for 20 years instead of 15 years. This has been amended in Section 3, Section 3.3 and Section 5.2 of the Housing Agreement.

The Housing Agreement Bylaw, 2019, No. 2954 was given Second and Third Reading at Council on March 4, 2019.

#### **Amendment to the Housing Agreement since Second and Third Reading**

At the Second and Third Reading of the Housing Agreement Bylaw on March 4, 2019, Council had concerns in regards to the provision of market workforce housing. Consequently, the applicant has amended the Housing Agreement to include:

- a provision that the dwelling units be residential and not institutional in nature (Section 2.3)
- allocation of not more than 10 units in the proposed development to a single individual, governmental agency or corporation (Section 2.3)
- allowance for the management, operation or use of any number of dwelling units by the Department of National Defence and/or Seaspan for workforce housing (Section 2.3)

Council rescinded Third Reading of Housing Agreement Bylaw, 2019, No. 2954, amended, read anew at Second Reading and gave Third Reading at the Regular Council Meeting on April 15, 2019.

### **Amendment to the Housing Agreement since Second and Third Reading**

At the Regular Council meeting regarding the rezoning application of 638/640 Constance Avenue on May 6th, 2019, Council raised concerns regarding the possibility of the proposed development's residents parking on the street rather than in the off-street parking spaces provided in the case that parking incurs an added fee.

In response, the applicant has amended the Housing Agreement (Section 2.1(c)) to include a parking space as part of the rent of the residential dwellings with the exception of:

- Bachelor units; and
- Affordable units

As there are 4 market rate bachelor units, 3 affordable bachelor units, 2 affordable one-bedroom units and 2 affordable two-bedroom units, the remaining 59 residential dwelling units will include a parking space as part of their rent. In addition, there will be 2 dedicated visitor parking spaces.

Council rescinded Third Reading of Housing Agreement Bylaw, 2019, No. 2954, amended, read anew at Second Reading and gave Third reading at the Regular Council Meeting on June 10, 2019.

### **ISSUES:**

#### 1. Rationale for Selected Option

Registration of the Housing Agreement would ensure that this building remains as a purpose-built rental building as proposed. In addition, it would also ensure that a minimum of 7 units would be rented as affordable units for a duration of 20 years.

#### 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

A housing agreement to secure the rental and affordable housing units is required as part of this rezoning application. 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, 2019, No. 2954, be adopted.
2. That Council defeat Housing Agreement Bylaw, 2019, No. 2954.