



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Details (With Text)

File #: 21-222 **Version:** 1 **Name:**
Type: Staff Report **Status:** Passed
File created: 4/19/2021 **In control:** Council
On agenda: 4/26/2021 **Final action:** 4/26/2021
Title: Housing Agreement Bylaw No. 2993 - 874 Fleming Street, Staff Report No. DEV-21-027
Sponsors:
Indexes:
Code sections:

Attachments: 1. Appendix A - Bylaw No. 2993 - Housing Agreement (874 Fleming Street) Bylaw, 2. Appendix B - Architectural Drawings, Landscape Plan, and Surveyor's Site Plan

Date	Ver.	Action By	Action	Result
4/26/2021	1	Council	approved	Pass

REQUEST FOR DECISION

DATE: April 19, 2021

Report No. DEV-21-027

TO: Laurie Hurst, Chief Administrative Officer

FROM: Trevor Parkes, Senior Planner and Bill Brown, Director of Development Services

SUBJECT:

Housing Agreement (*874 Fleming Street*) Bylaw, 2020, No. 2993.

RECOMMENDATION:

1. That Council resolves that Housing Agreement (*874 Fleming Street*) Bylaw, 2020, No. 2993, attached as Appendix A of Staff Report DEV-21-027, be adopted; and
2. That staff be directed to execute the Housing Agreement and register the Notice of Housing Agreement on the title of 874 Fleming Street [PID 002-900-246, Lot B, Section 10, Esquimalt District, Plan 25267].

RELEVANT POLICY:

Local Government Act

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050

STRATEGIC RELEVANCE:

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

BACKGROUND:

Appendices

Appendix A: Housing Agreement (874 Fleming Street) Bylaw, 2020, No. 2993

Appendix B: 874 Fleming Street - Drawings, BCLS Site Plan, Concept Landscape Plan

Purpose of the Application

The applicant is requesting a change in zoning from the current zone of Multiple Family Residential [RM-4], to create a new Comprehensive Development District [CD-130]. This change is required to accommodate the proposed 6-storey, 137-unit, affordable rental multiple family residential building including a 60 space underground parking garage and 7 surface parking stalls.

Under Section 483 of the *Local Government Act* the Township may, by bylaw, enter into a Housing Agreement including terms and conditions agreed to by the local government and the owner regarding the occupancy of the housing units identified in the agreement.

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

The Owner covenants and agrees that the building it constructs upon the lands will contain rental residential dwelling units which must only be used and occupied for residential purposes and must not be restricted as to their availability for rent by non-owners.

The Owner further covenants and agrees that:

- (a) All of the 137 dwelling units on the Lands must be Affordable Units;
- (b) the Affordable Units must be of the following types:
 - (1) 35 Studio Units;
 - (2) 67 One-bedroom Units;
 - (3) 24 Two-bedroom Units;
 - (4) 5 Three-bedroom Units;
 - (5) 6 Four-bedroom Units; and
- (c) each of the Affordable Units must have an occupancy consistent with the Occupancy Standard.
- (d) Approximately 30% of Affordable Units shall be designated as Affordable Market Rent Units for Moderate Income renters;
- (e) Approximately 50% of Affordable Units shall be designated as Rent Geared to Income Units for Low Income renters;
- (f) Approximately 20% of Affordable Units shall be designated as Deep Subsidy Units for Deep Subsidy Income renters.

For greater certainty, the parties acknowledge and agree:

- (a) The parties may agree, in writing but with or without modification of this Agreement, to adjust the unit type allocation;
- (b) The Affordable Rents may change on an annual basis subject to compliance with provincial residential tenancy legislation.

The parties acknowledge and agree the aforementioned provisions are only intended to be operative for twenty (20) years from the date that the building in which the Affordable Units are located, are granted an Occupancy Certificate.

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.

Council read Housing Agreement (874 Fleming Street) Bylaw, 2020, No. 2993 a first, second and third time on November 2, 2020.

ISSUES:

1. Rationale for Selected Option
Registration of the Housing Agreement would ensure that 137 units would be rented as affordable housing units for not less than 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
Increasing residential density in existing neighbourhoods is believed to make a community more sustainable. The applicant has confirmed their willingness to construct the building to at least Step 3 of the BC Energy Step Code, provide Level 1 electric car charging for 7 spaces as well as charging opportunities for mobility scooters and electric bikes, implement tree protection for the significant Arbutus tree located on the southeast portion of the site and provide amenity spaces as detailed in the architectural plans attached as Appendix B of Staff Report DEV-21-027.
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 adopt Housing Agreement (874 Fleming Street) Bylaw, 2020, No. 2993 attached as Appendix A of Staff Report DEV-21-027 and staff be directed to execute the Housing Agreement and register the Notice of Housing Agreement on the title of 874 Fleming Street [PID 002-900-246, Lot B, Section 10, Esquimalt District, Plan 25267], shown on Schedule 'A' of Bylaw No. 2993.
2. That Council defeat Housing Agreement (874 Fleming Street) Bylaw, 2020, No. 2993 attached as Appendix A of Staff Report DEV-20-027.