



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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### REQUEST FOR DECISION

**DATE:** October 26, 2020 **Report No.** DEV-20-074

**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:**

That Council resolves that Housing Agreement (*874 Fleming Street*) Bylaw, 2020, No. 2993, attached as Appendix A of Staff Report DEV-20-074, be given first, second, and third readings.

**RELEVANT POLICY:**

Declaration of a Climate Emergency  
*Local Government Act*  
Official Community Plan Bylaw, 2018, No. 2922  
Zoning Bylaw, 1992, No. 2050  
Parking Bylaw, 1992, No. 2011  
Development Application Procedures and Fees Bylaw, No. 2791, 2012

**STRATEGIC RELEVANCE:**

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

**BACKGROUND:**

**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, purpose built affordable rental and 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:

- (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;
  - (5) 5 Three-bedroom Units;
  - (6) 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.

### **Appendices**

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

Appendix B: Site Plan, Air Photo, OCP and Zoning Maps

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

### **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 indicated willingness to construct the building to Step 4 of the BC Energy Step Code, provide 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 C of Staff Report DEV-20-074.

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 give first, second and third readings to Housing Agreement (*874 Fleming Street*) Bylaw, 2020, No. 2993 attached as Appendix A of Staff Report DEV-20-074.
2. That Council defeat Housing Agreement (*874 Fleming Street*) Bylaw, 2020, No. 2993 attached as Appendix A of Staff Report DEV-20-074.