



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 17-221, Version: 1

REQUEST FOR DECISION

DATE: June 5, 2017

Report No. DEV-17-034

TO: Laurie Hurst, Chief Administrative Officer

FROM: Trevor Parkes, Senior Planner

SUBJECT:

Housing Agreement Application, 101 Island Highway, PID 000-025-569, Lot A, Section 2, Esquimalt District, Plan 39273.

RECOMMENDATION:

That Council resolves that Housing Agreement (101 Island Highway) Bylaw, 2017, No. 2897 attached as Schedule "A" of staff report DEV-17-034 be **read a first, second and third time**.

RELEVANT POLICY:

Official Community Plan Bylaw, 2006, No. 2646

Zoning Bylaw, 1992, No 2050

Local Government Act [RSBC 2015] c.1

STRATEGIC RELEVANCE:

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

BACKGROUND:

Purpose of the Application

The property owner of 101 Island Highway has submitted an application to the Township to rezone the lands from C-5A [Tourist Commercial] to CD-102 [Comprehensive Development District No. 102] to accommodate changes to the uses permitted on the property and refine parking requirements associated with the proposed uses. The applicant proposes the site change to a commercial/residential mixed-use development, including retaining a 145 square metre restaurant/coffee shop on the site, to be run by an independent operator, retaining a modest 59 square metre office space for on-site management of the buildings and reducing the total number of units on the site from 121 to 96 units.

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 Housing Agreement that would include provisions:

- restricting the residential portion of the development to market rental,
- ensuring dwelling units are available to all classes of persons, except that units built as accessible units may be restricted to those persons with disabilities requiring such units, and
- relating to the administration and management of all the units that further any of the regulations of the CD-102 zone, including restrictions on leasing more than 10 units to an individual, governmental agency or corporation, and reporting requirements, including with respect to allocation of units and floor area amongst the uses.

Should this Housing Agreement Bylaw be adopted a Notice of this Housing Agreement shall be placed on the titles of the subject properties.

Schedules:

“A” Housing Agreement (101 Island Highway) Bylaw, 2017, No. 2897;

“B” Housing Agreement - Schedule A - Bylaw No. 2897.

ISSUES:

1. Rationale for Selected Option

Registration of this Housing Agreement would ensure that dwelling units would be offered as market, and not subsidized rental housing, would ensure that units built as accessible units may be restricted to those persons with disabilities requiring such units, and would prevent the institutionalization of the site by restricting the leasing of a group of units to a maximum of 10 units.

Should Council read Housing Agreement (101 Island Highway) Bylaw, 2017, No. 2897 a first, second and third time it would enable staff to return the Housing Agreement Bylaw and the associated Zoning Amendment Bylaw, back to Council for consideration of adoption at the same meeting provided that Bylaw No. 2893 receives third reading.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

There may be property tax implications given the change of use from commercial to commercial - residential mixed use.

4. Sustainability & Environmental Implications

The proposal represents the adaptive reuse of the existing buildings and secures public access to the Gorge Waterway in the future.

5. Communication & Engagement

The requirement for a housing agreement was identified as part of the rezoning application when it was first presented to Council, May 23, 2017. The *Local Government Act* does not require that notification be provided when a municipality is considering approval of a housing agreement

bylaw.

ALTERNATIVES:

1. Council read Housing Agreement (101 Island Highway) Bylaw, 2017, No. 2897 for a first, second and third time.
2. Council defeats Housing Agreement (101 Island Highway) Bylaw, 2017, No. 2897.