



## **Committee of the Whole Report**

### **For the Meeting of September 27, 2018**

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**To:** Committee of the Whole **Date:** September 13, 2018

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Request to Remove Restrictive Covenant from 1007 Government Street

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### **RECOMMENDATION**

That Council authorize the Mayor and City Clerk to execute a legal agreement, in a form satisfactory to the City Solicitor, to discharge covenant number EX39978 from the property at 1007 Government Street.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations regarding the removal of a restrictive covenant from the property located at 1007 Government Street. The restrictive covenant was registered on title in association with a previous rezoning application to limit the sale of alcohol to wine only.

The following points were considered in assessing this request:

- the recent blanket downtown rezoning (Bylaw 2018) approved by Council, which added Retail Liquor Store as a permitted use for all properties in downtown without restrictions on type of alcohol, is contrary to the intent of the restrictive covenant.

### **BACKGROUND**

The request is to remove restrictive covenant number EX39978 from the property located at 1007 Government Street. The covenant was registered in 2005 in association with Rezoning Application No. 05-1 which sought to add Retail Liquor Store as a permitted use. Given that the recent Zoning Bylaw 2018 for Downtown does not place this restriction on properties, the applicant has requested that this covenant be discharged.

The removal of the restrictive covenant would have no effect on the property and would be consistent with the intention and direction of the new Zoning Regulation Bylaw that has been adopted for Downtown and applies to the subject site as well as the surrounding properties.

### **CONCLUSIONS**

This request to remove the restrictive covenant at 1007 Government Street is consistent with the intent of the recent Downtown rezoning and Staff recommend that Council consider supporting this request.

## ALTERNATE MOTION

That Council decline the request to remove the restrictive covenant EX39978 from the property at 1007 Government Street.

Respectfully submitted,



Miko Betanzo  
Senior Planner – Urban Design  
Development Services

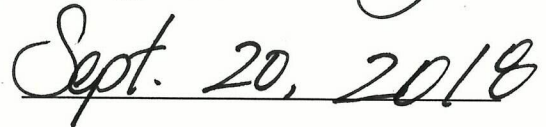


Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager.



Date:



### List of Attachments:

- Attachment A: Subject map
- Attachment B: Aerial map
- Attachment C: Restrictive Covenant EX39978.
- Attachment D: Email from applicant dated August 31, 2018 requesting removal of Covenant.