



Committee of the Whole Report For the Meeting of November 8, 2018

To: Committee of the Whole **Date:** October 25, 2018
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Development Permit Application No. 000535 for 2906 Cook Street

RECOMMENDATION

That Council authorize issuance of a Development Permit for 2906 Cook Street to amend the Land Use Contract to permit placement of an emergency storage container, in accordance with plans date stamped September 12, 2018, and subject to the following conditions:

1. Development meeting all Zoning Regulation Bylaw requirements.
2. Development Permit lapsing two years from the date of this resolution, if the holder of the permit does not substantially start construction under this permit.

LEGISLATIVE AUTHORITY

In accordance with Section 546 of the *Local Government Act*, Council may issue a Development Permit to amend a land use contract that is registered in a land title office, but may not affect the permitted use or density of the land from that specified in the land use contract.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application to amend a land use contract for the property located at 2906 Cook Street. The proposal is to install a storage container that would store emergency supplies to be used in the event of a natural disaster.

The following points were considered in assessing this Application:

- the proposal is consistent with the *Official Community Plan (2012)* in enhancing emergency preparedness in residences
- the existing rock wall and new landscaping will be used to soften the effect of the container from the street.

BACKGROUND

Land Use Contracts

Land Use Contracts (LUCs) were legislated as a regulatory tool in place of zoning in the 1970s. The LUCs addressed development issues that zoning could not and in these cases Zoning was

rendered inapplicable. LUCs are registered on land titles and can be amended or discharged by agreement between both the Municipality and land owner. The legislation authorizing the use of Land Use Contracts was repealed in 1978; however, LUCs entered into prior to these legislative changes remain in force.

Description of Proposal

The proposal is to install a storage container for emergency supplies to be used in the event of a natural disaster. There is a land use contract currently in effect on-site and as such the property owners have applied to amend the land use contract to permit the proposed container. The container would be located 5.4m from the western property line and 0.6m from the south property line; which, although not directly applicable due to the land use contract, is consistent with Schedule F - Accessory Building Regulations. The container would be painted black, and blue arrow junipers, elderberry bushes, and curly-leaf privets would be planted along the western façade to minimize the visibility of the container from Topaz Avenue.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this proposal.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site is presently regulated with a land use contract, which restricts the buildings to those already found on site. The building on site, also known as Spencer Castle, is heritage registered. The property is shared and used by the three surrounding multi-unit residential properties for operational purposes, such as events and housing guests.

ANALYSIS

Official Community Plan

The Application is consistent with the Emergency Management objectives found in the *Official Community Plan, 2012 (OCP)*. Specifically, the installation of an emergency supplies storage container would encourage and support the efforts of individuals to strengthen the resiliency to a major seismic event and aid in enhancing the emergency preparedness in residences.

Development Permit Area and Design Guidelines

The *Official Community Plan* identifies this property within DPA 16 – General Form and Character. The *Design Guidelines for Multi-Family Residential, Commercial, and Industrial Development* are applicable. The guidelines encourage landscaping open space to soften the

impact of buildings. The applicant has proposed landscaping along the western façade. While additional landscaping along the southern façade would be ideal, the location of the container adjacent the existing rock wall is not able to support landscaping due to space and lack of sunlight. The sloping nature of the site makes it difficult to locate the container elsewhere on the property.

Local Area Plans

The *Hillside-Quadra Neighbourhood Plan* does not have any applicable policies with regard to this Application, beyond recognizing Spencer Castle as an historic landmark.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts nor impacts to public trees associated with this Application.

CONCLUSIONS

The *Official Community Plan* supports the installation of emergency supplies storage containers in order to strengthen community resiliency. The container would have minimal impact as it meets the setbacks of an accessory building and would be partially screened. Therefore, staff recommend that Council consider supporting this Application.

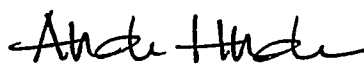
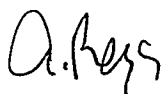
ALTERNATE MOTION

That Council decline Development Permit Application No. 000535 for the property located at 2906 Cook Street.

Respectfully submitted,



Michael Angrove
Planner
Development Services



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

Nov 2, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped September 12, 2018
- Attachment D: Letter from applicant to Mayor and Council received September 12, 2018.