



Committee of the Whole Report

For the Meeting of August 5, 2021

To: Committee of the Whole **Date:** July 19, 2021

From: Philip Bellefontaine, Director, Engineering and Public Works

Subject: Encroachment Agreement for 247-271 Cook Street

RECOMMENDATION

That Council:

1. Approve the City entering into an encroachment agreement with the property owner of 247-271 Cook Street to allow for certain structural (non-decorative) encroachments as detailed in this report over a portion of Cook Street, on terms and in a form satisfactory to the Director of Engineering and Public Works and the City Solicitor.
2. Forward this recommendation to the daytime Council meeting of August 5, 2021.

EXECUTIVE SUMMARY

The new tenant of 247 Cook Street (Root Cellar Village Green Grocer) has recently applied to the City for a Delegated Development Permit (DDP) and two building permits for interior and exterior changes to the existing building (formerly Oxford Foods). The new tenant is currently carrying out renovations prior to opening, and during the review process for the DDP, staff noted the following existing encroachments over the public road along the Cook Street frontage:

1. A portion of the entrance / exit accessibility ramp for the building at 271 Cook Street, which is required to meet the BC Building Code;
2. A small portion of the exterior wall at the northwest corner of the building at 271 Cook Street; and
3. Two bay windows, located on the second floor of the adjacent building at 247 Cook Street, which is situated on the same land parcel.

Street images showing the general locations of the encroachment are included in Attachment A. Attachment B provides detailed survey information for each encroachment. The existing encroachments into the public road are minor and do not impact utility infrastructure or public realm accessibility. Staff recommend that Council approve the encroachments.

The City's encroachment agreement template contains language to protect the City's interests, such

as indemnity provisions and the requirement for acceptable liability insurance.

The property owner will be required to pay an initial application fee and annual fees in accordance with City bylaws.

This encroachment agreement must be executed prior to the issuance of the building permit for the exterior works on the building. The tenant is planning to open the store at the end of August 2021.

Respectfully submitted,

Philip Bellefontaine, Director
Engineering and Public Works

Report accepted and recommended by the City Manager.

List of Attachments

Appendix A: Street Images

Appendix B: Encroachment Reference Plan