



Committee of the Whole Report For the Meeting of November 9, 2017

To: Committee of the Whole **Date:** October 26, 2017
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Development Variance Permit No. 00197 for 501-503 Government Street

RECOMMENDATION

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00197 for 501-503 Government Street, in accordance with:

1. Plans date stamped August 25, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the maximum commercial floor area from 45m² to 95m².
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 498 of the *Local Government Act*, council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 501-503 Government Street. The proposal is to renovate the interior of an existing building to create a commercial kitchen space. The variance is related to increasing the maximum permitted commercial floor space from 45m² to 95m².

The following points were considered in assessing this Application:

- the proposal is generally consistent with Multi-Unit Residential, Commercial and Industrial Design Guidelines
- the variance to increase the permitted commercial floor space is recommended for Council's consideration as supportable based on meeting the intent of the home occupation bylaw.

BACKGROUND

Description of Proposal

The proposal is to increase the permitted commercial floor area, from 45m² to 95m² within an existing building in order to construct a commercial kitchen.

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 Application.

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 occupied by both a triplex and a corner store in two separate buildings.

Community Consultation

This Application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

There are no exterior changes associated with this Application and, as such, the applicable design guidelines have little relevance to the analysis. Instead, the unique aspects of the site have resulted in this Application, particularly with regard to the existing corner store on site. The Bird Cage Confectionary occupies the site alongside an existing triplex. The zoning was crafted so that both uses could persist, but also permitted home occupation uses. With a home occupation use, the existing triplex could convert a portion of a dwelling unit for the purposes of a commercial kitchen as is proposed. However, the zone restricts the amount of commercial space permitted to what is currently occupied by the corner store. If the corner store did not use up the permitted commercial floor area, the proposal would be permitted within the current regulations. Under this unique situation, staff suggest that the Application is meeting the intent of the home occupation bylaw.

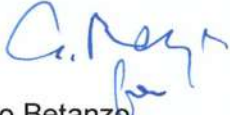
CONCLUSIONS

The proposal to increase the maximum permitted commercial floor space in order to renovate the interior of an existing building to create kitchen space meets the intent of the home occupation bylaw. Staff recommend for Council's consideration that the Application be supported.

ALTERNATE MOTION

That Council decline DVP Application No. 00197 for the property located at 501-503 Government Street.

Respectfully submitted,



Miko Betanzo
Senior Planner - Urban Design
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

Nov 1, 2017

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped August 25, 2017
- Attachment D: Letter from applicant to Mayor and Council dated July 27, 2017.