



Staff Report to Special Council

DATE: Monday, July 24, 2023

DEPARTMENT: Planning

APPLICATION NO.: TUP20-0003 (Renewal)

SUBJECT: Application to renew a Temporary Use Permit TUP20-0003 for Code Ninjas Westshore to operate a training and educational facility at 890 Goldstream Avenue for an additional three years.

PURPOSE:

Jesse Bowness of Code Ninjas Westshore has applied on behalf of the property owner, David Baird, to renew a Temporary Use Permit TUP20-0003 to permit a training and educational facility for children to learn computer coding on the lower floor of the front unit of 890 Goldstream Avenue.

BACKGROUND:

PREVIOUS APPLICATIONS

At their regular meeting held on October 5th, 2020, Council issued TUP20-0003 to allow for the operation of after-school computer coding and programming classes for children at the subject property. The permit will expire on October 5, 2023. The staff report for the original consideration is attached as Appendix A with additional background information.

Table 1: Site Data for 890 Goldstream Avenue

<i>Applicant</i>	Jesse Bowness
<i>Owner</i>	David Baird (Belmont Holdings Ltd.)
<i>Civic Address</i>	890 Goldstream Avenue
<i>Legal Description</i>	Lot 1, Section 5, Esquimalt District, Plan 7089, PID 005-814-626
<i>Size of Property</i>	2,379 m ²
<i>DP Areas</i>	Downtown Development Permit Area
<i>Zoning Designation</i>	CS3 (Commercial Industrial)
<i>OCP Designation</i>	City Centre

Figure 1: Subject Property



COMMENTARY:

As stated above, the owner of Code Ninjas Westshore, Jesse Bowness, wishes to renew TUP20-0003 issued in 2020 to allow an after-school program where children between the ages of 5 and 17 can learn computer coding and programming to continue for an additional term of three years. The proposed use falls under the *training and education facility* definition of the Zoning Bylaw 300, which is not a permitted use in the CS3 zone applicable to the subject property, therefore a Temporary Use Permit or rezoning is required for the operation.

The TUP20-0003 was issued with the following terms and conditions:

- a. The addressing for the three units be clarified and revised as required to the satisfaction of the Fire Chief prior to issuance of a Business Licence;

- b. That the applicant will retain an Architect to supply the appropriate code analysis for the building change of use and to ensure code compliant fire separation and B.C. Building Code 2018 code requirements are met for the unit prior to a Business Licence being issued, to the satisfaction of the Chief Building Inspector;
- c. That the Temporary Use Permit be issued only to Jesse Bowness, doing business as Code Ninjas Westshore and not to be transferred to any subsequent business or business owner should Code Ninjas Westshore cease to operate.

Since the issuance of the TUP20-0003, the applicant has obtained a Building Permit for tenant improvements at the subject property as well as a perpetual Business Licence for the business, indicating that all the conditions to be satisfied prior to Business Licence issuance were met. Staff sent out referrals for this Temporary Use Permit renewal to the Bylaw Enforcement Department, Fire Department, and the RCMP. The reviewers have noted that they have not received any complaints since the permit was issued three years ago and that they are not aware of any points of non-compliance with the conditions outlined in the issued permit.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this TUP renewal application.

LEGAL IMPLICATIONS:

Pursuant to S. 497 of the *Local Government Act*, the City may issue a TUP for a period of up to three years. The *Local Government Act* also allows a Temporary Use Permit to be extended for a maximum of an additional three years. If the holder of a TUP wishes to conduct the temporary use beyond six years period, they are required to make a new application to Council for a TUP or apply for rezoning to permit the use at the subject property on a permanent basis.

OPTIONS:

Option 1

THAT Council renew TUP20-0003 to allow for a computer programming training and educational facility for children at 890 Goldstream Avenue for a period of three years subject to the following conditions:

- a. That the Temporary Use Permit be issued only to Jesse Bowness, doing business as Code Ninjas Westshore and not be transferred to any subsequent business or business owner should Code Ninja Westshore cease to operate.

OR Option 2

THAT Council take no action with respect to renewing TUP20-0003 at 890 Goldstream Avenue until such time as the following items are addressed and reviewed by the Sustainable Development Advisory Committee:

- a. _____;
- b. _____;
- c. _____;

SUBMITTED BY: Anastasiya Mysak, Planning and Land Development Technician

Concurrence: Leah Stohmann, MCIP, RPP, Deputy Director of Planning and Subdivision

Concurrence: Donna Petrie, Senior Manager of Business Development and Events

Concurrence: Yari Nielsen, Director of Parks, Recreation and Facilities

Concurrence: Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

Concurrence: Katelyn Balzer, P.Eng., Director of Engineering and Public Works

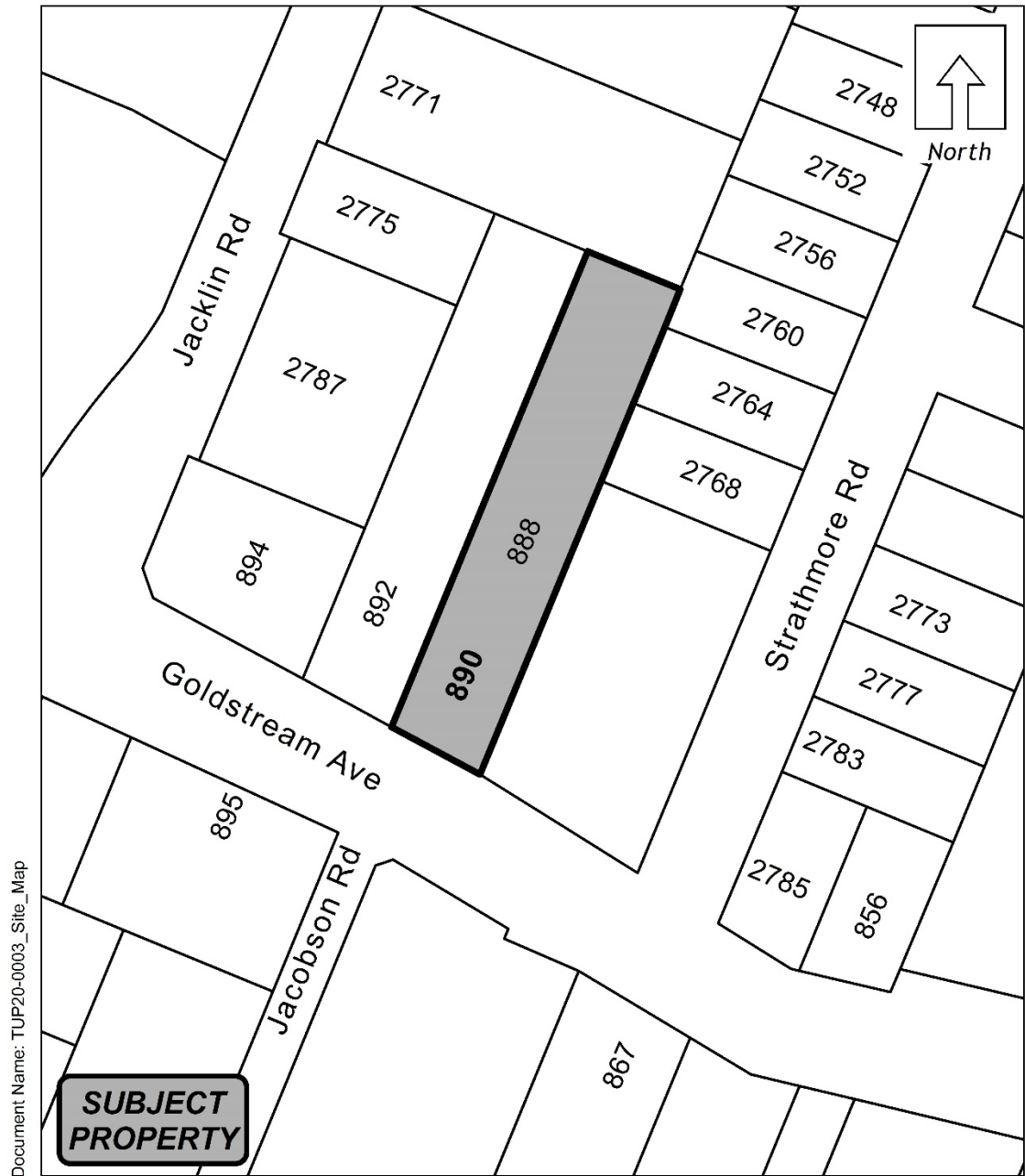
Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance

Concurrence: Marie Watmough, Deputy Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer

SUBJECT PROPERTY MAP

**TEMPORARY USE PERMIT
(TUP20-0003)
890 Goldstream Ave**

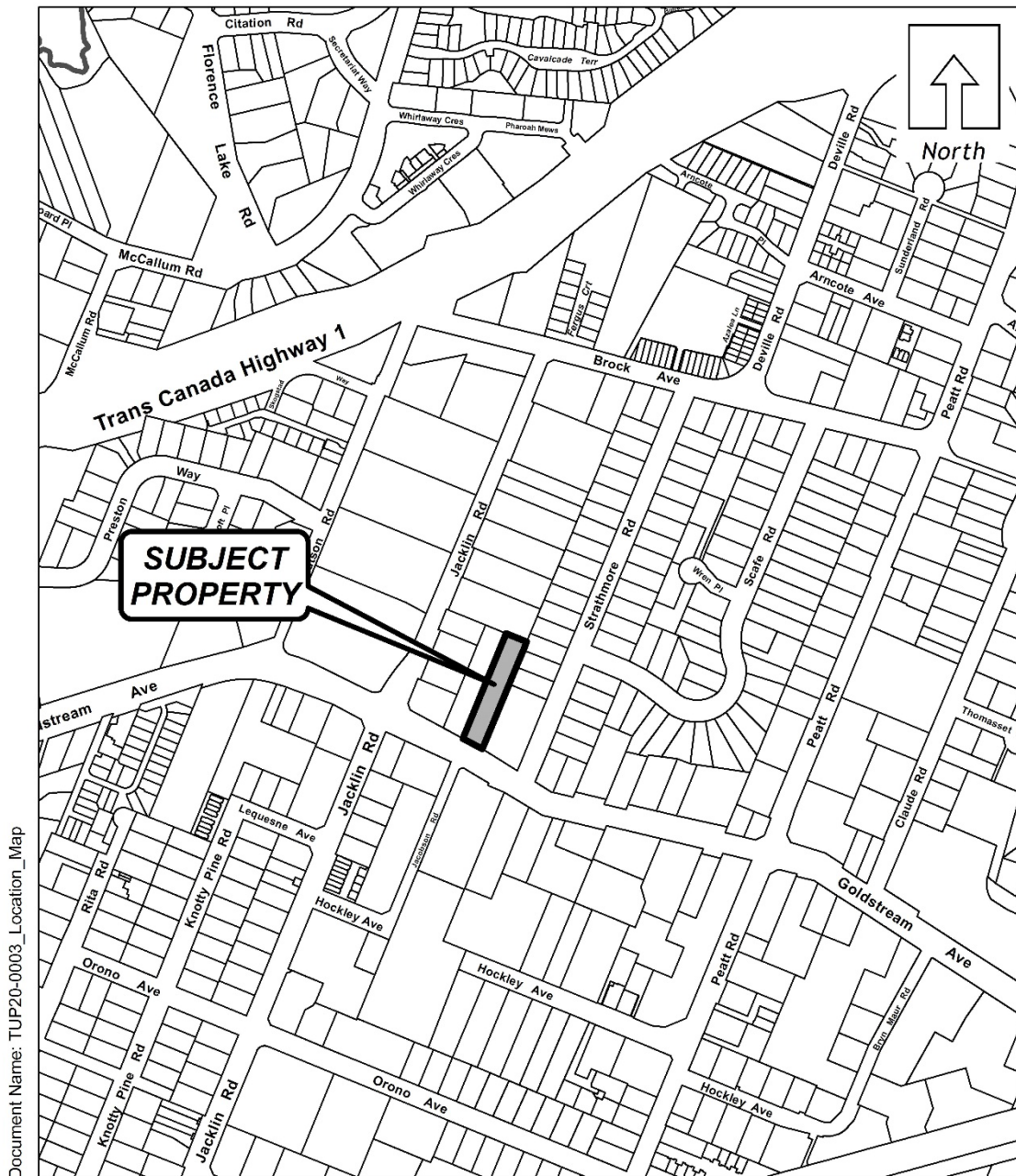


Scale: N.T.S.

Last Revised: 6/18/2020

LOCATION MAP

**TEMPORARY USE PERMIT
(TUP20-0003)
890 Goldstream Ave**



Document Name: TUP20-0003_Location_Map

Scale: N.T.S.

Last Revised: 6/18/2020